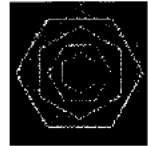




# GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

\* for damages to persons or property \*

File Number: 2025000854GL

A claim must be filed with City of Portland Risk Management within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

Please be sure your claim is against the City of Portland, not another public entity.

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5<sup>th</sup> Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. Claimant (Circle: Mr. Mrs. Ms. Miss) Francis J. McGowan Date of Birth [REDACTED]
- a. Address PO Box 34 City Fort Bragg State CA Zip 95437
- b. Home Phone 707-357-6195 Business Telephone 707-234-6950 Cell Phone 707-357-6195
- c. Occupation Attorney d. Marital Status: Single ( ) Married ( ) ☒ Divorced or Widowed ( )
- If married, name of spouse NA
- d. E-mail address [REDACTED]
2. If claim involves a vehicle: a. Year, make and model 2006 Volvo V70
- b. License Plate Number [REDACTED] Driver's License Number [REDACTED] State CA
- c. At time of accident, were you (check all that apply) Owner: ☒ Driver ☒ Passenger N/A
- d. Name and address of owner if different from claimant (1. Above) NA
3. Occurrence or event from which the claim arises:
- a. Date Dec. 27, 2024 Time 1:00 Circle AM / PM
- b. Place (exact and specific location) Median just south of intersection of SW 1st and Harrison.
- c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): See attached addendum
- d. State how the City of Portland or its employees were at fault: See attached addendum
- e. Were you on the job at the time of the accident? Yes    No ☒
- If yes, what is the name / phone number of employer

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. \_\_\_\_\_

*See attached addendum*

5. **\*We are required to report all claims for injuries to Medicare/Medicaid Services\***

If you were injured please provide the following: Social Security #: NA

Medicare/Medicaid Beneficiary? Yes \_\_\_ No \_\_\_

6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** \_\_\_\_\_

*Portland Bureau of Transportation (PBOT)*

7. **Name and address of any other person injured** \_\_\_\_\_

*NA*

8. **Name and address of the owner of any damaged property if different from claimant** \_\_\_\_\_

*NA*

9. **Damages claimed:**

a. Amount claimed as of this date: \$ 2,462.87

b. Estimated amount of future costs: \$ 486.91

c. Total amount claimed: \$ 2,949.78

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): \_\_\_\_\_

*See attached addendum*

10. **Names, addresses / phone #s of all witnesses** \_\_\_\_\_

*NA*

11. **Any additional information that might be helpful in considering your claim** \_\_\_\_\_

*see attached addendum*

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)**

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: May 22, 2025

Claimant's Signature

Francis J. McGowan  
Print Name

**Addendums to General Liability Claim Against the City Portland Oregon**

**Claimant:**

**Francis J. McGowan  
PO Box 34  
Fort Bragg, CA 95437  
(707) 357-6195**

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**Addendum to section 3(c):** On December 27<sup>th</sup> 2024, in the City of Portland Oregon, the intersection of SW 1<sup>st</sup> and SW Harrison was in an inherently unsafe condition.

On that day at approximately 1:00 am I was enroute to my hotel just south of Downtown Portland. It was dark and raining. I was driving south rather slowly (about 25 mph) because of the conditions. I was proceeding south on SW 1<sup>st</sup>. North of Harrison SW 1<sup>st</sup> is three lanes one-way south. South of Harrison SW 1<sup>st</sup> reverts to a two-way street with two lanes each way. As I approached the intersection with Harrison, based on the trees growing in the median strip south of Harrison, I could see that I needed to shift to the right. I proceeded south shifting into the lane nearest the median using the trees and the white lines separating the two southbound lanes south of Harrison as a guide. I thought I was well positioned in my lane when the left two wheels of my vehicle collided with the western most part of the median which oddly and inexplicably impinged into what I reasonably thought was my lane. The impact was jarring. My left two tires blew out immediately. I had no idea what I had hit until I got out of the car and looked at where I'd just been. At night – in the rain – the unmarked part of the median that extends west is pretty much impossible to see (I'll be sending photos I took shortly after the collision). I was able to move my vehicle to a legal parking space on the west side of SW 1<sup>st</sup>. Given the time I could not make arrangements to have my vehicle towed to a shop so I walked the last few blocks to my hotel. First thing in the morning I arranged to have the car towed to Les Schwab at 1210 NW 19<sup>th</sup>. The shop was able to mount two new tires but not fix my damaged suspension. I continued my trip to visit my mother at her nursing home in Burnaby British Columbia.

The repairs performed by Les Schwab got my car back on the road but just barely. It was not handling well. While I was waiting for Les Schwab to get my car back on the road (sort of) I sent an e-mail to [PDXroads@portlandoregon.gov](mailto:PDXroads@portlandoregon.gov) reporting the dangerous condition of the intersection. I will forward the e-mail and response.

The layout of the intersection the City designed/approved/built is unusual and inherently dangerous. The median separating north and south bound lanes of SW 1<sup>st</sup> just south of the intersection in question bends oddly, unusually, and substantially to the west. It is claimant's information and belief that this odd and unusual alignment created an unsafe condition in violation of applicable city, state, and federal standards. The danger is particularly acute for vehicles moving south in the center lane of SW 1<sup>st</sup> north of the intersection. Such vehicles must make a pronounced shift to the right to avoid hitting the median.

On or about December 27<sup>th</sup> the median at issue was not marked in any way. The concrete curb of the median was not painted with white or yellow reflective paint as the apex of medians often are. There were no white, yellow, or orange delineator poles as are often used to mark unusual intersections and/or hazards. There was also **no shift right sign** to inform southbound drivers that they must move to the right to avoid hitting the oddly intrusive median at issue. Interestingly many surrounding medians did/do have shift right signs at intersections despite their less dangerous more ordinary alignments.

When claimant examined the median at issue after his collision with it the remnants of a metal pole was observed in the center of the median a few feet south of the median's apex. This is where a shift right sign would have been anchored had there been one. A reasonable rational deduction is that there had previously been a shift right sign warning southbound drives but at some point prior to December 27<sup>th</sup> 2024 hit had been removed and not replaced (most likely it was snapped off by a vehicle hitting it).

It is plaintiff's information and belief that on the date at issues the traffic control at the intersection of SW 1st and SW Harrison was not compliance with applicable standards including but not limited to the USDOT's Manual on Uniform Traffic Control Devices.

**Addendum to section 3(d):** The City of Portland Oregon is at fault/liable under any or all of the following theories:

- 1) The City of Portland negligently created an inherently unsafe condition by designing/approving/building an odd, unusual, and unsafely configured median. The City's actions designing/approving/building the intersection (including the median) fell below the required standard.

- 2) The City of Portland breached the standard of care owed drivers in its city when it failed to mark or warn of the unsafe condition they created in any way. The absence of a shift right sign, the absence of any delineator poles, or even any reflective and/or contrasting paint to mark and warn of the danger are all evidence that the City failed to comply with applicable traffic control standards.
- 3) The City of Portland breached the standard of care owed drivers in its city when it failed to replace the shift right sign that (in all likelihood) had previously warned southbound drivers of the need to shift right to avoid hitting the odd and unusually aligned median at issue.

**Addendum to section 4:** While proceeding south on SW 1<sup>st</sup> my car (a 2006 Volvo V70) collided with the unmarked median separating southbound and northbound traffic just south of the intersection of SW 1<sup>st</sup> and Harrison in downtown Portland. The two drivers side tires/wheels hit the median going up and over it. Both tires sustained irreparable damage and had to be replaced. The stock aluminum wheels sustained damage but are still useable. The force of the collision cause substantial damage to the front suspension of my car. The left steering knuckle, left strut, left control arm, left ball joint, and left tie rod end were all damaged and had to be replaced.

The two destroyed tires where replaced later the day of the collision and the front end was realigned as best as possible given the many bent parts. This rendered the car marginally drivable. I returned to my home in Fort Bragg California. I took the car to an autobody shop to check for frame damage (non-detected) and ordered parts. Steering knuckles are not normal wear items, so they are not available on the aftermarket, so I had to source one from a wrecking yard in Illinois. The tie rod ends came from a local auto parts store. The remaining parts were sourced from IPD a Portland bases Volvo parts store whose products are significantly cheaper than parts purchased from Volvo dealers. I had a local shop (Lotten Brake and Wheel) install the new parts and align the wheels (again). Lotten told me that the two tires that weren't replaced the day of the collision will need to be replaced too as they wore unevenly as we waited for parts. The car drives well now but I haven't yet replaced the two remaining tires.

**Addendum to section 9(a): Damages to date.**

- 1) December 27, 2024; Two new tires and wheel alignment; Les Schwab, 1210 NW 19<sup>th</sup> Ave, Portland, OR 97209. **\$486.91**
- 2) February 12, 2015; struts, control arms, and ball joints; IPD 11744 NE Ainsworth Circle, Portland, OR 97220. **\$844.38**
- 3) February 28, 2025; Used front left steering knuckle; OEM Recycle Parts Now via ebay. **\$114.34**
- 4) March 31, 2025: Labor to install parts/rebuild damaged suspension, cost of tie rod ends, and wheel alignment. **\$1017.24**

Total damages to date = **\$2,462.87**

**Addendum to section 9(b): Estimated future damages.**

- 1) Two new tires and wheel alignment – same as first two December 27<sup>th</sup> 2024. **\$486.91**

**Addendum to section 9(c): Total damages.**

Total amount claimed = **\$2,949.78**

**Addendum to section 9(d): Basis.**

Total cost represents the cost of restoring claimant's vehicle to its pre-collision road worthy condition (i.e. a very well running very low mileage specimen). Claimant mitigated expenses by sourcing used and aftermarket parts and by having work performed at affordable independent garages. Copies of receipts are attached as exhibits hereto.