

RESOLUTION NO. 35566

Authorize the City Attorney to seek reconsideration of the Final Order issued by the Administrative Law Judge for the Oregon Department of Transportation relating to the proposed 3rd Avenue railroad crossing; authorize the City Attorney's Office to appeal said decision, if necessary. (Resolution)

WHEREAS, on April 14, 1996, the City of Portland filed with the Oregon Department Transportation (ODOT), an application to construct an at-grade railroad crossing at NW 3rd Avenue, and

WHEREAS, said application filed was fully consistent with adopted city plans and policies including the Central City Plan, the River District Development Plan, the River District Finance Plan, the River District Design Guidelines, the Union Station Housing Plan, the Central City Transportation Management Plan, the Central City 2000 Strategy, and others, and

WHEREAS, the proposed 3rd Avenue railroad crossing has also received widespread support from various groups and agencies, including the Central City 2000 Task Force, the River District Association, the River District Steering Committee, adjacent property owners, and others, and

WHEREAS, on October 9, 1996, the ODOT Administrative Law Judge issued a Final Order denying the City of Portland's application for an at-grade railroad crossing, and

WHEREAS, the City Council finds that the Final Order issued by ODOT failed to adequately consider the significant public benefits to the City's public safety, convenience and general welfare which would result from the proposed at-grade crossing, particularly in terms of its ability to help achieve the City's overall housing, land use and transportation goals, and

WHEREAS, the Final Order further dictates that, if a grade crossing is pursued, it must be a grade separated crossing which would require the construction of a structure costing between \$16,700,000 and \$37,200,000, and furthermore, said structure would have significant adverse impacts on the Chinatown neighborhood resulting from the necessary on-ramps and off-ramps to and from the structure, and

WHEREAS, the City Council believes that ODOT should reconsider the Administrative Law Judge's decision in light of the infeasibility of a grade separated crossing and furthermore, in light of the significant public benefits that will be realized by the City of Portland with an at-grade crossing, now therefore be it

RESOLVED by the City Council of the City of Portland, a municipal corporation of the State of Oregon, that

- 1 The City Council authorizes the City Attorney to seek reconsideration of the Final Order issued by the Administrative Law Judge for the proposed 3rd Avenue railroad crossing, and be it
- 2 Further resolved that the City Council authorizes the City Attorney to appeal the decision of the Administrative Law Judge or the Director of the Department of Transportation to the Oregon Court of Appeals, if necessary, to seek their review and reconsideration

ADOPTED by the Council,
Mayor Vera Katz/Commissioner Hales
November 6, 1996
PDC/PDOT SBA kbx

BARBARA CLARK
Auditor of the City of Portland
By *Barbara Olson* Deputy

1802

Agenda No

RESOLUTION NO. 35566

Title

Authorize the City Attorney to seek reconsideration of the Final Order issued by the Administrative Law Judge for the Oregon Department of Transportation relating to the proposed 3rd Avenue railroad crossing; authorize the City Attorney's Office to appeal said decision, if necessary. (Resolution)

INTRODUCED BY	DATE FILED
Mayor Katz Commissioner Hales	NOV 5 1996
NOTED BY COMMISSIONER	Barbara Clark Auditor of the City of Portland
Affairs <i>[Signature]</i>	By <u><i>Ray Kershner</i></u> Deputy
Finance and Administration	For Meeting of _____
Safety <i>[Signature]</i>	ACTION TAKEN:
Utilities <i>[Signature]</i>	
Works	
BUREAU APPROVAL	
Bureau.	
Prepared by _____ Date 10/29/96 Portland Development Commission, Office of Transp.	
Budget Impact Review	
___ Completed ___ <input checked="" type="checkbox"/> Not Required	
Bureau Head Janet S. Bureson Vic Rhodes <i>[Signature]</i>	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS		
Consent <input checked="" type="checkbox"/>	Regular			YEAS	NAYS
NOTED BY		Blumenauer			
City Attorney		Hales	Hales		
City Auditor		Kafoury	Kafoury		
City Engineer		Lindberg	Lindberg		
		Katz <i>[Signature]</i>	Katz		