



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF SEAN K. WILLIAMS

CASE NO. 1080293

DESCRIPTION OF VEHICLE: Ford Escort (OR YWS878)

DATE OF HEARING: October 7, 2008

APPEARANCES:

Mr. Sean K. Williams, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 7 into the record without objection, finds as follows:

The appellant stated that his friend, David L. Lowe, was driving the appellant's vehicle on the freeway when it ran out of gas. Mr. Lowe was the appellant's witness during the October 7, 2008 hearing. Mr. Lowe stated that he had parked the vehicle on the right shoulder, but a portion of the vehicle extended into the right travel lane. Mr. Lowe put on the hazard lights. After about 45 minutes a friend brought some gas to Mr. Lowe, but then the vehicle would not start because the hazard lights had drained the battery. Mr. Lowe and his friend left the vehicle's location to get jumper cables, and during this time the vehicle was towed by the Oregon Department of Transportation.

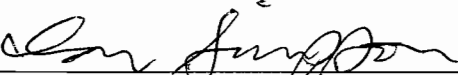
The officer's report (Exhibit 7) stated that the vehicle was parked blocking the right shoulder and partial right lane of the freeway. Although the report indicated that the vehicle was causing a low traffic impact, the officer had it towed as a hazard. Oregon Revised Statutes 819.120 authorizes an officer with the Oregon Department of Transportation to tow a vehicle if the vehicle is parked in a manner that creates a hazard on the freeway.

Given these circumstances, this was a valid tow.

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: October 10, 2008
IS: rs


Ian Simpson, Hearings Officer

Bureau: ODOT
Tow Number: 25524

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	WILLIAMS, SEAN K	Received
2	Tow Receipt	WILLIAMS, SEAN K	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Fax cover sheet	ODOT	Received
7	Incident Report	ODOT	Received