



SW Trails PDX

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To the City Council and Interested Parties

Proposed Amendments by SWTrails

SW Trails strongly supports a Trails Policy. However, the proposed trails policy in no way supports the volunteer efforts of our SW volunteers, rather it makes achieving City Pedestrian Mobility goals much more difficult if not impossible in geographically challenged sections of the city. The City faces a choice: 1. Regress with this restrictive draft process that jeopardizes the creation of new trail connections and risks the loss over time of key trail links as they degrade and are encroached upon, or 2. Develop a straightforward and ‘user-friendly’ trails process that protects and improves the existing trail network and extends quality pedestrian improvements across the entire City of Portland.

And therefore we propose the following amendments:

1. Add following “Immunity to Certain Landowners” on page 2, a section called “Notice to Certain Landowners”: “With the adoption of the trails process, a letter will be sent to each property owner adjacent to an unbuilt right of way explaining the owners responsibility to keep the rights of ways accessible to the public and that they are liable for anything that happens along the ROW. In addition, the letter will explain ORS 105.668 and how they can reduce their liability by working with a nonprofit to improve the trails to city guidelines.” Add a separate paragraph “This Trails policy will be in effect for 6 months’ at which time it shall be reviewed by staff and stakeholders to recommend changes”.
2. Replace Steps 1, 2 and 3 in the Draft City-Wide Trails Policy with the following.
 - A. People interested in seeing a segment of right of way developed into a permitted trail will write up the request including a map showing where the trail would start and where it would end. Briefly describe why the trail should be created (if no trail currently exists) or improved (if a visible trail exists). The request would include what non-profit would be constructing and maintaining the trail and should include a statement of support from the non-profit.
 - B. City staff will review the request internally and with other affected bureaus and if 1. the non-profit organization is deemed capable of constructing and maintaining the trail, and 2. no compelling reason to reject the request is presented, send out a notification of the request and request comments from interested parties and comments from the affected neighborhood.
 - C. Urban trails previously constructed and that meet the current guidelines shall be granted a group permit. SW Trails requests that the new trails process adhere to past practices where City approval for trail work could allow grouping of projects
 - D. After review of the comments and no compelling reason to reject the request is apparent, the permit will be issued.
 - E. Provide an appeals process by well informed, objective and independent observers. (City Council)

After the permit is issued take the following steps:

3. In step 4 of PBOT's draft process change “standard” to “guidelines” as it is used in Parks documents.
4. In the draft process step 6, add the clause “accompanied by members of the construction non-profit”

when inspections are done.

5. Replace section “Mutual Respect” with “Mutual Respect and maintaining open rights of way”. The city code provision which imposes the duty on adjacent landowners to keep public rights of way clear is Title 29.20.010.K.3:
“29.20.010. It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

“K. * 3. Alleys and unimproved rights of way. All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.”** (Amended by Ordinance Nos. 176381, 180330, 183534, 184522, 185448 and 186053, effective January 1, 2015.) (All emphases added,)