



SW Trails PDX

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From: Don Baack, President SWTrails PDX

To: Members of the Pedestrian Advisory Committee

I am writing on behalf of the Board of SWTrails PDX, joining East Portland in requesting the Portland City Pedestrian Advisory Committee hold a fact finding hearing on the latest Draft Trails Policy and issue a report to the Portland City Council.

It is our view that we are at seminal point in the management of our City of Portland Urban Trail System. We face a choice of

1. Continuing as an independent full partner, including funding of PBOT in the effort to utilize, improve and maintain our existing rights of way for pedestrian and bicycle infrastructure, or
2. Wrapping our efforts in carefully crafted bureaucracy and red tape to the point all citizen efforts to improve the existing rights of ways effectively ceases. Under #2, the existing rights of way would continue to be the private untaxed reserve of the adjacent property owners and not improved to make them easily used by the public.

The policy suggests the City of Portland has no interest in funding or helping develop any additional Urban Trails or other rights of way throughout the city for public use as trails. This means nothing will happen unless it is bootlegged. OR a major city funded planning effort is undertaken. If non-profit organizations like SWTrails PDX (we became an independent non-profit in 2012) do not exist, the cost of any such development or planning will be huge compared with the cost of our organization doing it. In fact, under our understanding of the City of Portland's interpretation of ADA regulations, the city cannot even legally nor efficiently build trails under certain conditions in steep terrain without using a non-profit volunteer organization.

SWTrails has been leading the effort to develop trail on our public rights of way in SW Portland for about 20 years. Our efforts have been to both

1. lobby for the planning and development of our Urban Trail system and related connections on rights of way not specifically on the Urban Trail system and
2. physically manage the design and construction of the many connections that when linked together became the 40 plus miles of the SW Urban Trail network.

In this function, SWTrails, as a committee of SWNI, began operating with the support, funding and the full cooperation of key staff in PBOT a lot like an unpaid Bureau of Maintenance, partnering with the Bureau to accomplish the common goal of improving the lot of the pedestrian throughout SW Portland and helping solve many issues related to getting the system completed. In many cases, we were and still are asked by staff to figure out how to solve sticky issues. For example, Courtney Duke suggested the residents of Healey Heights to work with SWTrails to find an alternative route for walkers when a property owner adjacent to the KGON Tower closed his private property

to pedestrians and bicycles, eliminating the only link from the south end of the Fairmount Loop to Council Crest. Working with the concerned neighbors, the SWHRL and Hillsdale neighborhoods, we found a solution and built a popular trail that remains in place today.

The entire Urban Trail system was connected without once having to involve the City of Portland to mitigate a dispute. We were able to work things out. Some of our construction may have been inspected; we had e zone permits for several projects, but we were never contacted by inspectors. We gave inspection tours to the Director of PBOT and the Parks Trail person to seek their comments on our work. Both were favorable. Our Raz Baack crossing, which we designed and built without city supervision on the Nevada Court right of way in Stephens Creek Natural Area is featured as an example in current Parks Trail Guidelines. Parks obtained the ezone and building permits for the project. No PBOT permit was requested.

Over the years, SWTrails volunteers have taken pride in their quality workmanship. Until very recently, our treated wood and plastic stair construction far surpassed the quality of steps built by Parks trails staff.

Our recent budget request was denied because, we are told, our work was done without permits therefore PBOT had no responsibility for the SW Urban Trails system even though they funded the original costs of construction.

The Urban Trails Plan explicitly states that we can work in the right of way using hand tools. All of our work was done with hand tools. Operating under the general supervision of Bill Hoffman and then Courtney Duke we built most of the key connections between 2000 and 2008. Never once were we instructed to get a permit from PBOT for this work

In 2008, we were told we had to obtain permits for further construction. At that point we ceased maintenance on the Urban Trails due to the liability concerns. The City indicated that a process for permitting SWTrails was needed.

In 2011 we were supported the City of Portland in getting a new state law passed that under specific conditions waives the liability of property owners and the builders of trails when the proper permits are obtained. The passage of this law further showed the need for a trails policy for the City of Portland. PBOT has been working on it since that time.

SW Trails PDX is organized for the purpose of improving pedestrian connectivity in our city. Portland's priorities have not included the funding needed to build out a fully city-funded network of sidewalks or paths. To fill this gap, SW Trails PDX and predecessor organization has efficiently and effectively organized, mapped, developed, maintained, and signed a much-used community resource. We need to be able to give adjacent owners the liability protection that the law passed in 2011 provides them. We do not need an administrative process that is for the most part cumbersome at its best, and project-killing at its worst.

Our work depends on supplies of tools, materials, equipment and other support to carry out this mission. We accomplish this very visible and easily inspected work with an efficiency that only comes from well trained and willing volunteers. A flow of funding from PBOT is essential to pay for these items.

Safe routes to schools. 4T Trail. Red Electric Trail. Each of these initiatives have flourished under a community-focused trails system. A great deal of community building has resulted from these efforts. We need your objective review of the issues raised by the proposed policy. We strongly desire to keep a trails system in our part of Portland. The new rules in their present form will not allow that.

Respectfully,

Don Baack