

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 09- 35

A RESOLUTION OF THE TIGARD CITY COUNCIL AUTHORIZING THE FILING OF AN OFFICIAL REQUEST, INCLUDING A STATEMENT OF WILLINGNESS TO ACCEPT FULL FINANCIAL RESPONSIBILITY, TO THE FEDERAL SURFACE TRANSPORTATION BOARD TO USE AN ABANDONED RAIL LINE FOR A TRAIL.

WHEREAS, Portland & Western Railroad holds a freight easement for the use of the loop rail segment extending between Tiedeman Street and Hall Boulevard; and

WHEREAS, under the Interstate Commerce Commission (ICC) Termination Act of 1995, a railroad may abandon service on a line only with the federal Surface Transportation Board's (STB's) permission; and

WHEREAS, the STB's authority pre-empts all state and local authority; and

WHEREAS, in accordance with federal law, Portland & Western Railroad intends to apply to the STB to formally abandon its freight easement on the loop corridor in question; and

WHEREAS, the ICC Termination Act and the National Rail to Trails Act, along with STB regulations, give interested parties the opportunity to negotiate voluntary agreements to use railroad right-of-way that otherwise would be abandoned for recreational trails or other public use; and

WHEREAS, this method of preserving a rail corridor is known as "rail banking," meaning the right-of-way is preserved for potential future use as a railroad; and

WHEREAS, rail corridor ownership will not change when and if the Portland & Western loop segment is officially abandoned and the underlying right-of-way will continue to be owned by the Oregon Department of Transportation (ODOT); and

WHEREAS, the STB can issue a trail use authority to allow and encourage ODOT and the City of Tigard to negotiate a trail use agreement; and

WHEREAS, to begin the trail use process, a trail proponent must file a trail use request in the STB proceeding initiated by the railroad to abandon rail use; and

WHEREAS, the trail use request to the STB must include a statement of willingness to accept financial responsibility, which indicates the proponent's willingness to manage the trail, pay property taxes on the trail, and accept responsibility for any liability arising from the use of the rail corridor as a trail; and

WHEREAS, by adoption of this resolution, Council authorizes the City Manager to sign on its behalf the required statement of willingness to accept full financial responsibility for management of the rail segment in question; and

WHEREAS, Council acknowledges that trail use of the loop corridor is subject to possible future restoration for railroad purposes; and

WHEREAS, interim trail use will provide a broad range of community benefits, including:

- providing children and seniors a safe, off-street alternative to the adjacent Tigard Street, which includes no sidewalks along eighty percent of its length and also includes a narrow, substandard bike lane on one side of the street only;
- providing a safe, traffic-free path for all walkers, joggers, cyclists, and others to exercise and enjoy the outdoors;
- giving the downtown an economic stimulus by providing a new off-street transportation route to downtown businesses of all kinds; and
- providing direct, non-motorized access to the bus and commuter rail transit station located in the center of the downtown area.

WHEREAS, in addition, conversion of the property to trail use is in accordance with numerous local plans, including the *Downtown Improvement Plan, City Center Urban Renewal Plan, Park System Master Plan, and Transportation System Plan*, all of which already, or soon will, incorporate identification and preservation of the rail corridor; and

WHEREAS, there is no known community opposition, organized or otherwise, to trail use of the corridor.


NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Trail use of the abandoned Tiedeman to Main rail loop is in support of City Council Goal #2 to "Implement Downtown Urban Renewal."

SECTION 2: The Tigard City Council hereby authorizes the filing of a request to the Surface Transportation Board to issue a trail use authority to allow the City of Tigard to negotiate a trail use agreement with ODOT Rail.

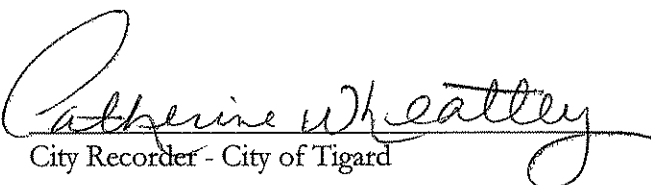
SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 9th day of June 2009.



 Mayor - City of Tigard

ATTEST:



 City Recorder - City of Tigard