

RESOLUTION NO. 5585-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR AN ORDER TO PERMIT THE CITY TO MAKE ALTERATIONS TO THE TUALATIN ROAD RAILROAD-HIGHWAY CROSSING AND ACCEPT AND IMPLEMENT ALL CONDITIONS IN THE ORDER.

WHEREAS, under TMC 8-3-030, the City Council shall exercise all municipal traffic authority for the City by resolution except those powers specifically and expressly delegated;

WHEREAS, the City wishes to construct a pedestrian and access improvement project along Tualatin Road from Sweek Drive to Community Park, which includes widening the sidewalk on the north side of Tualatin Road from the crosswalk across the rail crossing to the park (Project);

WHEREAS, the Project impacts an at-grade railroad crossing;

WHEREAS, under ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (ODOT) has authority over any construction, alteration, and protection enhancements of railroad-highway crossings in the State of Oregon;

WHEREAS, on October 1, 2021, the City of Tualatin made application under ORS 824.206 seeking approval to alter a railroad-highway grade impacting the Portland & Western Railroad (PNWR) and Tri County Metropolitan Transportation District of Oregon (TriMet);

WHEREAS, the ODOT Order requires the City to install additional signage and pavement markings, as well as to reimburse the railroad costs to install a pedestrian gate arm that would cross the sidewalk on the east side of the tracks, and extend the pedestrian gate arm on the west side of the tracks; and

WHEREAS, the Council wishes to authorize the City Manager to make application for, and accept the conditions imposed by ODOT Order to construct the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1.** The City Manager is delegated and authorized to apply to ODOT for the at grade crossing modification, and accept all conditions imposed by ODOT to construct the crossing alteration.

**Section 2.** The Council approves the conditions imposed by ODOT in Order RX 1954 and authorizes the City Manager to waive appeal of the Order.

**Section 3.** The City Manager is authorized to implement the requirements of the Order.

**Section 4.** This resolution is effective upon adoption.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder