

S. M. I. L. E. GENERAL MEETING

WEDNESDAY, NOVEMBER 2, 2011; SMILE STATION

www.SellwoodMoreland.org

- as well as -

www.SMILErecords.org

Officers and Directors present: Vice President Seam Murray, Treasurer Pat Hainley, and Secretary Eric Norberg; and Directors Nate Maki, Tom Ramsay, Sarah Heath, Nancy Walsh, and Eric Miller.

Vice President Sean Murray called the monthly SMILE General Public Meeting to order at 7:30 pm, and began by inviting introductions around the room. A quorum was present, so the consideration of the minutes from September and October was invited. A motion to pass both sets of minutes as presented was made and seconded, and the motion passed without objection.

Murray announced that Southeast Uplift has suggested that their archives of SMILE, whatever they may consist of, be transferred to the city archives downtown. The Board is requested to consider this option. It would NOT require that the SMILE archives in our own possession be transferred anywhere, and at this point Uplift is unable to say with certainty what SMILE archives they may have, if any.

Erin Moreland of Resolutions Northwest was present to introduce her organization to SMILE -- it's useful in "neighbor to neighbor" disputes. SMILE was already aware of the organization and had already made use of its services. Its mediation services are confidential. It's nonprofit, with some city funding.

Jody Yates, of PDOT, was present, to review options at 6th/7th and Tacoma after completion of the new Sellwood Bridge -- and to seek neighborhood preferences. It developed that there was sentiment in the room for a full traffic signal at one of these two intersections -- but which? Much discussion; more time needed to discuss and consider. Jody will come back for more discussion at the December General Public Meeting.

Peter Finley Fry and St. Agatha's School's principal were present to alert SMILE that, in this year of its 100th anniversary, the school is seeking a conditional-use permit from the city to build a new lunchroom in the Parish Hall, where the kitchen is. It is not clear why the Parish Hall was ever off-limits to the schoolkids for eating lunch, or even for studying. The hearing is coming up downtown in December. The permit would mean that kids would be crossing the street to have lunch, which they already do to attend Mass, etc. The school protocol is to have teachers in the middle of the street to manage traffic and keep the kids safe. An attendee at the meeting suggested St. Agatha use the "Safety Patrol" protocol.

Gabe Needham was not present for the scheduled skatepark discussion centering on Westmoreland Park. Eric Norberg explained the issue and its current status. Mat Millenbach has determined that although a skatepark (at the tennis court location) in Westmoreland Park was part of the park's "Master Plan" in 2004, there is at present no money to build one, and consequently no current plans to do so.

Mike Pullen, from Multnomah County, was present for a Sellwood Bridge update. He recapped the decisions that have recently been made (referencing stories in THE BEE), and all are pretty much in accordance with neighborhood requests and preferences. The former Staff Jennings property has now been acquired. The County's contractors will use part of Diana Richardson's property northeast of the east end of the bridge to stage equipment, but her business on the property will stay open. Diana will further develop her properties at the east end of the bridge when construction is done, Mike said.

Piers for the Shoo-Fly detour bridge shift planned now for next June will be built starting in December, in a window allowed by the state for such work in the river. The county is still \$22 million short (8% of total funding) of what's needed to complete the bridge project as planned, but the county has just applied for a federal Tiger III grant -- if it is not forthcoming, the county will postpone some of the interchange construction at the west end of the bridge, but the rest of the project will proceed as planned. A federal response to the grant request is expected by February. There will be a bridge open house on Wednesday, November 16, at Llewellyn Elementary School, 5:30-7:30 pm. It will cover design features and early work on the bridge project.

The rest of the meeting was devoted to a discussion by SMILE representative Kevin Downing, and Eastmoreland Neighborhood Assn. representative (and current President) Robert McCulloch, on our joint lawsuit involving the Union Pacific Railroad. No privileged information was to be given, so no Executive Session was declared, and the SMILE membership stayed to hear the report.

The two had met, with 3 lawyers from our firm Miller-Nash, with the railroad, a month ago. We proposed that Union Pacific adopt California's EPA rules regarding railroads, to which U.P. has already agreed in California. The railroad was not very receptive. We have much evidence that the railroad has continuously violated the 2004 injunction, which was worded as it was by the railroad. We are asking for a \$19 million judgment for those violations, per the penalties outlined in the injunction, plus additional sanctions for the railroad's having lost 50,000 documents which we think would have provided further documentation of these violations. We also are asking Judge Hogan to specify that U.P. should adopt the California EPA rules

in Oregon and Washington, as they already have done in California. This particular matter has emerged as a major local concern -- as health issues to residents living near railroad yards, from diesel particulate emissions, have recently become alarmingly clear. Locomotive pollution is now a proven human health hazard.

Kevin Downing pointed out that when the lawsuit was begun back in the 1950's, environmental and livability objectives were the central concern from the beginning. The issue then was about hobos coming from the trainyard and noise from train switching; but the top concern today is the proven and accepted diesel pollution hazards, and we are now filing a motion to add those concerns to the concerns listed in the lawsuit.

An additional concern that is brand new, with the conversion of the Brooklyn Yard to containerized shipping, is that this particular health hazard is increasing quickly here due to diesel emissions from the "worn-out" diesel truck tractors being used to move the containers into and out of the Brooklyn Yard on a continuous basis. These particulate diesel emissions have turned out to be a significant carcinogen. In addition to those worn-out truck tractors in constant use, the U.P. policy of running its locomotives continuously, when idle, compounds the problem (and wastes fuel). The shift of container activity from the Albina Yard to the Brooklyn Yard is shifting the maximum diesel emissions in the city from there to here. 14,000 people live in the Brooklyn Yard "emission zone", where now ten tons of diesel emissions are released into the air each year.

Downing pointed out that the railroad has alternatives available to it which could not only mitigate the emissions, but save the railroad significant money. "They are doing it in California. They have chosen not to do it here. So our goal is to have Union Pacific apply those same standards to the Brooklyn Yard. Since we do have evidence of constant violations of the railroad-proposed and accepted Brooklyn Yard proposals in 2004, we think we have leverage." Downing and McCulloch said that neighbors signing a petition of support for the SMILE and ENA position in the lawsuit could be helpful in showing broad community support; most in the room signed the petition on the spot, and others took petition forms to circulate.

The topic having concluded, McCulloch took a moment to decry city rules allowing cellular telephone antennas in residential areas. This was with reference to the T-Mobile company proposing an antenna on an existing utility pole at S.E. 37th and Ogden. He said he hoped for SMILE support on the issue, but no action was taken at that time, and sentiment seemed mixed.

Nancy Walsh made a motion to adjourn; Diana Richardson seconded, and the motion evidently carried without objection at 9:16 pm.