



ORDINANCE NO. 3871

TITLE: An Ordinance granting to OREGON ELECTRIC RAILWAY COMPANY, a corporation, its successors and assigns, the right and privilege to lay down, construct, maintain, operate and use a railway track to operate cars and locomotives there-over in and through the City of Albany, and authorizing the erection and construction of all equipment and appliances necessary for the operation and maintenance thereof.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

That there be and hereby is granted to Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise, right and privilege to erect, maintain, equip and operate a single railroad or railway track with sidings, switches, turnouts, crossovers, curves and connections, and to run and operate locomotives, passenger, freight, mail, baggage and express cars along and upon the following named streets and places in the City of Albany, Oregon to wit:

Beginning at the Northeasterly boundary line of the City of Albany, said boundary line being the center line of Cox Creek; thence running Southwesterly to Water Street; thence Westerly along said Water Street to the west end thereof; thence in a Southwesterly direction to the West boundary of the City of Albany, said West boundary being the East line of Umatilla Street extended Northerly.

ALSO, beginning at the Northeasterly boundary line of the City of Albany, said boundary line being the centerline of Cox Creek; thence running Southwesterly parallel to and Northerly to the right-of-way of the Southern Pacific Company to Main Street.

All track or tracks to be constructed under the provisions of this Ordinance shall be laid flush with the grade of the streets, where said streets have an established grade, when track is laid upon a street where no grade has been established, the

track shall be brought to grade whenever such grade shall be established by the City, and when any established grade shall be changed by the City, the track shall be changed so as to conform with the grade as so established.

Section 2:

Said Oregon Electric Railway Company, its successors and assigns, may construct, operate, equip and maintain telegraph, telephone, power lines and underground communication systems over, along and under said streets for the purpose of transmitting messages or power over said lines and systems. For said purposes and for the practical enjoyment of said franchise, said Oregon Electric Company, its successors and assigns, is hereby authorized to erect poles and string wires or conductors upon poles or other fixtures above the ground or said wires and communications systems may be laid underground in pipes, conduits, or otherwise protected.

Section 3:

It shall be lawful for said Oregon Electric Railway Company, its successors and assigns, to make all needful and convenient excavations in any of said streets under the conditions hereinafter named for the purpose of establishing and maintaining said railway, telegraph, telephone, power lines; and underground communication systems; provided that if said excavation shall disturb any of said streets, the same shall be restored to good order and condition as soon as practicable and without unnecessary delay. Oregon Electric Railway Company, its successors, lessees and assigns, shall, during the term of this franchise, keep

the track portion of each street in as good condition and repair as the remainder of the street. In case such street shall be improved by the City, the cost of improving the track portion of such street shall be borne by the Oregon Electric Railway Company. For the purposes of this section, the term "track portion of the street" means the space between the rails and spaces eighteen (18) inches in width running parallel with and adjacent to the outside flange of each rail.

Section 4:

That there be and is hereby granted to said Oregon Electric Railway Company, its successors and assigns, the right to maintain and operate cars over all private tracks and private property now occupied by it. Oregon Electric Railway Company, its successors and assigns, does hereby agree that no car or locomotive shall be parked or stationed at the intersection of Lafayette Street on trackage owned by the Oregon Electric Railway Company so that railway cars or locomotives will in any way block passage over Water Avenue or impede use of Water Avenue for the use of automotive transportation.

Section 5:

Oregon Electric Railway Company, its successors and assigns, do further agree that in consideration of the grant of the franchise herein given, that should it become necessary at any time in the future to construct safeguards at any street crossing for the purpose of protecting automobile and motor vehicular traffic, including all signals, crossing gates and

like apparatus, then and in that event the railroad company agrees to bear any cost of the said crossing protection that might be assigned by the Public Utility Commissioner or any other like agency to the City of Albany. The railroad company agrees to hold the City of Albany free and harmless from any and all claims for costs of crossing protection.

Section 6:

Said Oregon Electric Railway Company, its successors and assigns, shall have the right to do all necessary excavating or grading for the repair and maintenance of said streets and all portions of said streets so excavated or graded must be replaced in as near the original condition as practicable, and said company, its successors and assigns, shall, during the term of this franchise, keep the portions of said streets upon which tracks are maintained, in as good condition and repair as the remainder of said street is maintained, for the whole width of said right-of-way between the rails of each track, and for the width of eighteen (18) inches on the outside of the rails of each track; and in case such street shall be improved by the said City, the cost of improving the portions of said streets last above described shall be borne by the Railway Company.

Section 7:

The motive power employed for operating cars and locomotives upon such tracks shall be of diesel or diesel electric.

Section 8:

The rate of speed of trains and yard engines shall not exceed twenty (20) miles per hour between grade crossings within

the area between railroad mileposts 93 and 97.6 and shall not exceed twelve (12) miles per hour between grade crossings within the area between railroad mileposts 97.6 and 99.5.

Section 9:

In the event the City of Albany is required by public necessity to lay any sewer pipe, water pipe, or other public utility service along or across any street or part thereof on which the Oregon Electric Railway Company is hereby granted the privilege to maintain the railroad tracks and appurtenances thereto, the said Oregon Electric Railway Company, its successors, lessees, and assigns will pay to the City of Albany the additional cost which the City may incur by reason of said railroad tracks being located in and upon said streets. Any expense incurred by Oregon Electric Railway Company in the maintenance of its railroad tracks and appurtenances thereto, which may be incurred during the time that the City of Albany is laying any public utility hereinbefore mentioned, shall be at the expense of the Oregon Electric Railway Company.

Section 10:

All the rights herein granted shall continue and be in force and effective five (5) years from and after the date of the final approval of this Ordinance.

Section 11:

All the rights, privileges and franchise herein set forth are granted upon the condition that the said Oregon Electric Railway Company, its successors or assigns, shall, within sixty (60) days from and after the date of the passage of this

Ordinance and its approval by the Mayor, file with the City Recorder its written acceptance of its provisions.

Section 12:

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: September 24, 1975

Approved by the Mayor: September 24, 1975

Effective Date: September 24, 1975

David C Hayes
Mayor

ATTEST:

Ernest W. Isham
Recorder

Monday, September 26, 1975, Albany, Oregon

Mayor won't sign garbage-rate hike

Albany Mayor David Hayes will let an increase in garbage-pickup rates take effect without his signature.

"The increase is inequitable and inflationary in general," Hayes said today.

Despite his criticism, Hayes said he will not veto the increase approved Wednesday

residential users — from \$2.35 per month to \$3 for a single can emptied weekly.

That increase is less than Albany Sanitation Co. requested. The firm wanted a hike \$5.10 per month.

However, the council granted the full increase requested for commercial pickup. For the most widely used 20-cubic-yard drop box, the rate will increase 50 per cent — from \$23 to \$35 per pickup.

"The increase is unfair to commercial users," Hayes said. "They are the minority of accounts, but they will have to reflect the increase in the cost of their products."

Hayes said he supported Councilman Richard Olsen's original proposal to cut the rate increases across the board. Olsen favored a cut of about three per cent.

However, Olsen's motion to cut the rates died for lack of a second.

"That compromise was close to what the company was asking," Hayes said. "It wasn't that much of a cut."

The mayor said he will not support another increase if it is requested very soon.

"I hope they don't come back for a while," he said.

Hayes said he has no conflict of interest in criticizing the higher increase for commercial rates. He said he has no commercial containers at his housing development in Albany.

DAVID
HAYES

Mayor considers
increase "inequitable
and inflationary in general"



night by the Albany City Council.

"I don't think it's fair to the company (Albany Sanitation Co.) to slow down the process now," Hayes said.

By city law Hayes has three days to sign or veto any ordinance. If he does not sign it, the ordinance takes effect at the end of the third day. In this case, the rate increase will become effective Sunday without his signature.

The rate will increase 27.7 per cent for