

Access roads cause funding dilemma

By **JADE MCDOWELL**
STAFF WRITER

Everyone agrees that the potholes on East McKinney Avenue are huge.

They don't agree on what to do about it.

The road — located in the county on the southern edge of Hermiston — is considered by the county a "local access road," meaning it's not a county, state, federal or city road but the public has the right to use it.

The question is what happens when it needs major maintenance.

Umatilla County says it's the neighboring property owners' responsibility to fund the filling of the potholes themselves. But property owners along the road say that law is meant for roads off the beaten path and accessed mostly by residents. East McKinney Avenue, which connects South-east Fourth Street with South First Street, sees significant traffic from Union Pacific Railroad employees and locals who are trying to skip past the high school traffic or take a shortcut home from Safeway. All of that creates wear and tear that nine property owners are expected to shoulder the bill for.

"It doesn't seem fair," said Roe Gardner, one of East McKinney Avenue's residents.



A truck drives around the potholes in the middle of East McKinney Avenue on Tuesday in Hermiston.

STAFF PHOTO BY E.J. HARRIS

He said property owners along the road have been "in limbo" for months as they have worked to determine the legal classification of the road and what can be done about it.

In December, several residents appeared before the Umatilla County Board of Commissioners to ask the county to assist in taking care of the potholes, which are so large cars frequently move into the oncoming lane or partway off the road to avoid them. Residents claimed that the county had

done minor maintenance on the road in years past and asked why this instance was different.

County counsel Doug Olsen told them the road wasn't a county road but rather a local access road.

Oregon State Statute 368.031 states that a local access road is open to the public and "subject to the exercise of jurisdiction by a county governing body in the same manner as a county road" and yet "a county and its officers, employees or agents are not liable

for failure to improve the local access road or keep it in repair." The county is also not legally allowed to spend money on the road except in cases of emergency or when "public use justifies" the project and the county passes a resolution.

Residents feel that the level of public use on the road justifies some sort of assistance from the government, even if property owners do need to shoulder some of the burden.

"It started as a little service road to two houses,"

Scott Purswell said. "Obviously things have changed."

Purswell said vehicles have left behind bumpers, headlights and other parts as they took the road too fast and hit the massive potholes. Other people swerve off the road, which Purswell said leads him to worry that a neighbor checking their mail will get clipped by a car.

"You can see tire tracks a foot from our fences now," he said.

Purswell said the nine neighbors have gotten a few bids, which have ranged from \$25,000 to just fill in the potholes to more than three times that for resurfacing work along the crumbling road.

County commissioner Larry Givens said after the December meeting the county did some further research and determined it was mostly a public access road with a very small private piece. He said the road department's survey crew has been working to determine how much frontage

each property possessed on the road in case neighbors decide to form a local improvement district.

While neighbors can handle improvements to local access roads and privately-owned roads all on their own if they choose, a local improvement district provides a way for them to pay over time instead of providing all the cash upfront. If more than 60 percent of the neighbors petition a county to form an LID, the county can handle design and construction on behalf of the property owners and then send them a bill with financing options after the work is complete.

Givens said an "emergency" on a local access road would be if it were determined that it wasn't passable for emergency vehicles. He said while the county understands the issue on East McKinney Avenue they have just under 1,800 miles of roads in the county and not enough money to do everything needed on them.

Judges ask minorities about court experiences

By **JAYATI RAMAKRISHNAN**
STAFF WRITER

Dealing with the court system can be challenging, especially for minorities.

Whether they are dealing with language barriers, unfamiliarity with the legal process or concerns about stereotyping from law enforcement, going to a courthouse can be daunting.

About 50 people packed a classroom at Blue Mountain Community College, Hermiston campus last week to talk about how to mitigate some of those issues. A group of citizens put together the first "Cafe with a Judge" event, inviting members of local minority communities to talk about their experiences in the court system.

All five circuit court judges were in attendance at the event on Feb. 27, as well as trial court administrator Roy Blaine, Umatilla County District Attorney Dan Primus, and Morrow County DA Justin Nelson.

The event was spearheaded by Judge Eva Temple, who said it was important for judges to hear what community members have to say.

"As judges, after court we can't hand out a satisfaction survey," she said. "But we want to listen. We want to hear from people who use the courts system — how it feels to come to court, what your experiences are."

The judges were not present for most of the discussion, and could not answer any specific questions about legal proceedings or give legal advice. They left the room while those in attendance discussed their experience with and perception of the local courts system.

Ultimately, the group came up with three categories



STAFF PHOTO BY JAYATI RAMAKRISHNAN

Circuit Court Judges Eva Temple (far left), Lynne Hampton, Christopher Brauer, Dan Hill and Jon Lieuallen, serve food to people participating in the "Cafe with a Judge" event on Feb. 27.

to present to the judges: What's available, what's lacking, and expectations. The judges then returned to the room to review the final lists.

Those in attendance said they had found that things like court-appointed attorneys and forms in Spanish were available, as well as interpreters and legal aid. But many said they found customer service, bilingual judges and attorneys, and immigration attorneys to be lacking in the area.

Some also said they'd like to see more free legal aid, courts that accommodate people who work during the day and aid for medical and mental health issues. Others said they would just like to see more empathy and better customer service at local courts.

The group came up with some expectations for judges: equitable outcomes, diversity in juries and clear language in proceedings.

After the event, Judge Jon Lieuallen said he got some useful information out of the event, but that he was aware of some of the concerns already.

"There aren't easy fixes to their concerns," he said. "Some of the things — they just may not understand how they work. There is court-appointed counseling, but it's not always perfect."

He said regarding comments about diverse juries, there are some existing challenges.

"A lot of times, juries are picked from voting rolls or driver licenses," he said. "If you're not voting, you're not going to be able to influence those things."

But he said the event was a good example of things moving forward, however slowly.

Primus said he wasn't surprised by most of the things he heard, and many of the victims he works with have similar concerns.

"If it's expressed more, we have more opportunities to make the changes necessary," he said.

The event was a partnership between Umatilla-Morrow Head Start and members of the Hermiston Cultural Awareness Club.

Alex Hobbs, who helped plan the event, said they reached out mainly to Latino

communities in the area.

Jose Garcia, the director for the New Horizons program, was one of the members of the planning group. He was helping interpret questions at the event for families who only spoke Spanish.

He said many Latinos are scared when it comes to the criminal justice system.

"They even miss court," he said, "They don't want to show up. Maybe we can resolve this mystery."

He said he hoped the event would help judges understand some of the community's fears, but also clear up misconceptions Latino community members who deal with the courts system may have.

But he said many have had negative experiences with law enforcement.

"One gentleman said that he pulled over to answer his cell phone. A lady who lived on that street called the cops on him, and said he was trying to get into her house," Garcia said.

Garcia said the man had police come to his house three days later for the same incident.

But others said their dealings with the law enforcement system have been positive.

One man said he was stopped by a police officer for a traffic violation, but he felt the officer was kind to him because he had his children in the car. Another said he was pleased with his encounter in court.

"He knew he was in the wrong, but he was still treated fairly," said Jesse Roa, translating for a man at the event.

After the event, organizer Mary Lou Gutierrez said the information would be compiled and distributed to judges.

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