1   BEFORE THE LAND USE BOARD OF APPEALS

2   OF THE STATE OF OREGON
3
4 HENRY KANE,   )
5   )
6   Petitioner,   )
7   )   LUBA No. 96-058
8   vs.   )
9   )   FINAL OPINION
10 TRI-COUNTY METROPOLITAN   )   AND ORDER
11 TRANSPORTATION DISTRICT OF OREGON,   )
12   )
13   Respondent.   )
14
15
16   Appeal from Tri-County Metropolitan Transportation
17 District of Oregon.
18
19   Henry Kane, Portland, represented himself.
20
21   Mark J. Greenfield, and Christopher P. Thomas,
22 Portland, represented respondent.
23
24   GUSTAFSON, Referee; LIVINGSTON, Chief Referee; HANNA,
25 Referee, participated in the decision.
26
27   DISMISSED   03/12/96
28
29   You are entitled to judicial review of this Order.
30 Judicial review is governed by the provisions of ORS
31 197.850.

1   Opinion by Gustafson.

2   On February 28, 1996, Tri-Met adopted a final order

3 amending its original decision on the Westside Corridor

4 Project. On March 6, 1996, petitioner appealed that final

5 order to this Board. Tri-Met moves to dismiss for lack of

6 jurisdiction.

7   This appeal is governed by Oregon Laws 1991, Chapter 3

8 ("Senate Bill 573"), which provides for expedited review of

9 decisions concerning the Westside Corridor Project. Senate

10 Bill 573 divides decisions on the Westside Corridor Project

11 into two components: the "project," for which appeal is

12 governed by Section 10 of Senate Bill 573, and the "project

13 extension," for which appeal is governed by Section 12 of

14 Senate Bill 573.[1] The challenged final order concerns only

15 the project.

16   Section 10 of Senate Bill 573 provides for jurisdiction

17 over appeals of decisions involving the project as follows:

18   "If a final order relating to the project is
19   adopted on or after April 15, 1991, then
20   notwithstanding any contrary provisions of this
21   Act:

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[1]Section 12 of Senate Bill 573 provides:

     "The requirements in sections 8 and 9 of this Act shall apply
     to a final order of the district on the project extension,
     except that the time lines set forth in ORS 197.805 to 197.835
     shall apply to review by the board."

  Sections 8 and 9 of Senate Bill 573 provide the expedited requirements
and procedures for review by this Board and apply to project decisions made
prior to April 15, 1991 and to decisions on project extensions.

1   "(1)   The   Supreme   Court   shall   have   exclusive
2   jurisdiction to review the final order and shall
3   directly determine the validity of the final order
4   under such rules of procedure as it may establish,
5   consistent with sections 1, 8 and 9 of this Act.
6   In   such   event,   the   board   shall   have   no
7   jurisdiction to review any proceedings under this
8   Act.

9   "* * * * *"

10   Pursuant to Section 10 of Senate Bill 573, this Board

11   has no jurisdiction over the challenged decision, and this

12   appeal is dismissed.