

## The Oregonian

### Portland Commissioner Nick Fish wanted to fire administrator Dean Marriott eight months ago, according to documents

By Brad Schmidt  
January 13, 2015

Portland Commissioner Nick Fish wanted to fire Dean Marriott, the city's now-ousted sewer administrator, as early as May 23 but couldn't immediately follow through because Marriott held unique job protections, according to newly released documents.

Marriott threatened to sue Portland after being placed on paid leave Oct. 21 but he ultimately resigned Jan. 7. In exchange for dropping his legal case, Marriott received one year's salary, or \$199,160, plus six months' health care and \$49,000 in legal fees.

The nearly \$200,000 salary payment is Portland's most expensive golden parachute in the history of its targeted severance program.

Fish's lengthy conflict with Marriott is illuminated in documents obtained by The Oregonian/OregonLive through the state's public records law.

While Marriott's November tort claim alleged that Fish wanted to get rid of Marriott for political reasons, the new documents provide additional insight about the tension between Fish, who took over the bureau in June 2013, and Marriott, a distinguished administrator who had a reputation for protecting his bureau and being dismissive of City Hall politics.

According to Marriott's Nov. 12 appeal to the city's Civil Service Board, Fish provided Marriott with "a kitchen sink of alleged unsatisfactory performance" issues in a May 23 written reprimand and also clearly stated his desire to fire Marriott.

Fish is quoted as telling Marriott, "were you an at-will employee (as are all other City bureau directors), I would be terminating your employment," according to Marriott's appeal.

Marriott served 20 years as the city's director of the Bureau of Environmental Services and, most notably, helped deliver the city's \$1.4 billion Big Pipe project on time and on budget. But Marriott also was the last bureau director with civil-service protections, which voters eliminated in 2001, making it difficult to fire him without cause.

In 2005, then-Mayor Tom Potter tried to force out Marriott, citing a "need for change." But Marriott refused to resign. Marriott later reported to Commissioner Dan Saltzman, who rated Marriott's performance "commendable," according to Marriott's most recent performance review, from 2012.

Marriott's departure is traced to the Columbia Building, an environmental services office project that tripled in price to more than \$11.5 million. Reports by KOIN and Willamette Week spotlighted the elaborate design and swelling budget amid a heated political campaign asking voters to strip water and sewer services from the City Council's oversight.

Voters overwhelmingly rejected the ballot measure on May 20. Three days after the election, Fish met with Marriott to lay out his concerns.

Marriott received a written reprimand May 23, with the Columbia Building at the top of a list of issues, according to the appeal filed by Marriott's attorney, Charese Rohny.

"Commissioner Fish highlights his ultimate goal to terminate Mr. Marriott and his implicit disdain for Mr. Marriott's due process rights," Rohny wrote in the Nov. 12 appeal. Fish also told Marriott he would terminate him, if he could, according to the appeal.

Fish in a June 2 letter went on to tell Marriott "you will wholeheartedly embrace my reform," according to Marriott's appeal.

The city declined to release the appeal until last week, after Marriott agreed to resign. The city now refuses to release the documents mentioned in Marriott's appeal, citing a public records exemption for disciplinary actions.

At a Civil Service Board hearing, Marriott's attorney planned to argue that Marriott did not receive due process when Fish placed him on paid administrative leave effective Oct. 21.

Marriott's leave corresponded with release of a city audit of the Columbia Building, which Fish and Mayor Charlie Hales requested. At the time, Fish also announced that he hired an outside law firm to determine "whether laws, rules, ethical guidelines have been violated."

Marriott's attorney contended that Fish placed Marriott on leave without providing any specific explanation, other than referencing vague "serious and troubling issues" with the Columbia project. Marriott's attorney also planned to argue that Marriott didn't receive due process and was being disciplined twice for the same issue.

"By suspending Mr. Marriott for an alleged offense for which he had previously received a written reprimand, the City has attempted to punish him twice for essentially the same offense," Rohny wrote.

Marriott had been scheduled to present his case to the Civil Service Board on Jan. 8. But the appeal was canceled because of Marriott's Jan. 7 settlement agreement.

Because Marriott agreed to resign, Fish shifted the scope of the outside investigation to a "lessons learned" report. Fish plans a national search to find Marriott's replacement.

As part of his settlement agreement, Marriott received a glowing letter signed by Hales.

"Dean, you have contributed over 20 years of outstanding public service to the City of Portland and the City is a better place for it," Hales wrote in the Jan. 7 letter. "I am grateful for your leadership of BES and your dedication to the public interest."

## **Portland fined \$9,600 for raw sewage overflow into Willamette River last fall**

*By Andrew Theen  
January 12, 2015*

State regulators fined the city of Portland \$9,600 for illegally dumping 1,500 gallons of raw sewage into the Willamette River last year.

The Oregon Department of Environmental Quality said debris in a sewage line in North Portland caused the overflow on Swan Island in late September.

The DEQ fine is the first specifically connected to raw sewage since 2011, according to state regulators. The \$1.4 billion Big Pipe project, the largest public works project in city history, finished that same year, limiting what was previously dozens of combined sewer overflow events into the Willamette River each year.

DEQ officials said this particular incident had nothing to do with storms or a combined sewer overflow event -- the September overflow was connected to a system malfunction and debris that caused a blockage in a North Portland pipeline.

"The City of Portland has previously violated similar water quality standards when raw sewage was discharged into state waters after debris in the sanitary sewer system caused equipment malfunctions," according to a DEQ statement released Monday.

Untreated sewage is a public health threat. "Raw sewage also is a significant water pollutant that can harm aquatic life and render public waters unfit for recreational, commercial and agricultural uses," regulators said.

City officials did get credit for "promptly stopping the release" of the sewage, which DEQ said occurred around Sept. 28.

Since the Big Pipe's completion, Portland experienced just a handful of CSO events. DEQ officials said the city's permit allows for overflows depending on the frequency, intensity and duration of a storm, as well as the time of year.

Last year, the DEQ fined the city's Water Bureau \$40,800 for lax monitoring of a contractor that led to the dumping of chlorinated water into Johnson Creek.

The state fined Portland more than three-quarters of a million dollars since 1998 for water quality related violations.

The deadline to appeal the fine is Jan. 25.

## **City Council schedules pair of steps on short-term rentals Wednesday**

*By Mike Francis  
January 12, 2015*

Portland's next official steps toward participating in what Mayor Charlie Hales calls "the sharing economy" are scheduled for Wednesday morning, when the city council will take up a pair of items triggered by Airbnb and other companies that promote short-term rentals.

The city will seek to improve compliance of people who haven't registered their short-term units -- typically a room in an occupied house -- and who don't report or remit required fees to the city. The proposed ordinance also will require Airbnb and other operators to provide addresses and contact information for units listed on their sites.

Mayor Hales and other city officials have noted that a majority of Portland units listed for rent have not yet complied with the requirement to register those units with the city. It has pushed Airbnb to provide the owners' contact information, a step that Airbnb has resisted.

Also Wednesday, the council will have a second reading of the ordinance that permits occupants of multiunit dwellings, such as apartment and condominium units, to offer short-term rentals.

Commissioner Nick Fish said Monday he would vote against permitting short-term rentals in multiunit buildings unless Airbnb agrees to require hosts to register with the city. He said the city has an interest in ensuring the health and safety of renters.

The short-term rental portion of the council meeting is scheduled for 10:30 a.m. in council chambers.

## **City Hall's refusal to show spending discipline: Editorial Agenda 2015**

*By The Oregonian Editorial Board  
January 12, 2015*

There probably is no moment in the history of Portland city government that so fully supports the claim: The tab has come due. There certainly isn't a more pressing question, however, than: Who pays?

The tab has come due not because the city's neglected streets are crumbling and in need of expensive repair, though they are; neither is it because a feared earthquake ruptured roads and collapsed bridges, requiring stratospheric reinvestment. No, it's something that happened as a political habit over decades as elected city councilors built the city's infrastructure by accretion and funded its programs and amenities as if money were free.

It isn't, of course. The City Council, to its credit, now faces up to the city's historic failure to adequately maintain its road system and struggles to find a way to repair and maintain a public asset valued in the billions of dollars. Trouble is, after years of deferring core maintenance to do other crowd-pleasing things with the public's dollar, the council faces an estimated tab -- more than \$70 million a year for a decade -- that far outstrips available resources. And it prompts the City Council to do what it always has done: Ask Portlanders for more money.

It could be that city councils are built to say yes, promising so much to so many to get elected and, in effect, becoming stewards of prosperity. But at no time since America's post-World War II development boom has it become more apparent that funds generated by taxes and fees, whether federal or here in Portland, are finite and the cost of maintaining the built environment seemingly infinite. The federal Highway Trust Fund teeters on the edge of insolvency. Revenues from Oregon's gasoline tax, which supports road maintenance, flag as folks drive less and cars become more efficient. Assessable residences and businesses in Portland, while growing in number, already pay handsomely and more each year -- a near-advertisement for the suburbs. Overall, the same clamp on household budgets felt by families throughout Oregon and much of the country is felt at Portland City Hall: Money coming in the door can fall short of what's needed.

Or is it, entirely? What, by the way, is necessary?

The City Council last week held a public hearing on its plan to conduct an advisory vote on how to best raise money from households to fix streets and create public safety improvements. All options at the time of the hearing were designed to charge more money from Portlanders. But the hearing revealed the

council to be of the same spend-only predilections assigned by some council members, among them Mayor Charlie Hales, to predecessors.

Several folks testified. Hairdresser Ann Sanderson, an organizer against the street fee, told Hales directly that all the slipping and sliding by him and Commissioner Steve Novick to find a way to raise new revenue represented "no way to govern, no way to lead ... and no way to treat people." She had made previous assertions that the council should work harder to find existing revenue it could apply to street maintenance as it configured a better funding model to close the gap. At the hearing Sanderson made clear she was not anti-tax and simply wanted transparency from City Hall.

But Hales threw to her a chilly reply: "So you don't have a suggestion on how to raise the revenue?" It seemed his way of showing that Sanderson, who'd served over the summer months on an advisory committee to help Novick configure a street fee, had defied his opening directive: "We're looking for what's doable and can be explained to citizens in a few sentences."

It took more than a few sentences, but The Oregonian's Brad Schmidt on Sunday explained that the city's non-street spending priorities have included copious arts funding as well as its regressive arts tax. Significantly, he showed that city councils over the last 27 years, more than one of which counted Hales as a member, ignored their spending guidelines to redirect nearly \$200 million targeted for transportation projects to unrelated and more crowd-pleasing efforts.

The clamor over the street fee is a time-sap but justified, because at this point it's less about road maintenance than the council's divided entrenchment and unwillingness to show financial discipline. The fee's morphing configuration over the last year has disrespected Portlanders. And a non-binding advisory vote will cost just another estimated \$100,000 to \$300,000 of taxpayer money when, as a commenter at last week's hearing pointed out, an online poll could do the trick.

What no one disputes is this: The streets need fixing. A modestly proportioned, temporary new fee or tax could reasonably be assessed if the council first shows it has the capacity to police its own spending by going back into the city's budget in the coming weeks and asking two tough questions: What, really, is necessary? And: Who pays? City Hall must, as one resident at the hearing put it, find and put some skin in the game.

## **Portland taxi companies plan anti-Uber demonstration during Tuesday evening commute**

*By Joseph Rose  
January 12, 2015*

Portland's taxi companies plan to take over downtown's Pioneer Courthouse Square on Tuesday afternoon to protest City Hall's approach to revamping regulations to allow ridesharing companies such as Uber to operate within the city limits.

Prior to the 4 p.m. demonstration, which is being organized by a union of cab operators called the Transportation Fairness Alliance, Portland's "living room" will be filled with taxicabs.

The protest group includes Radio Cab, Green Cab, Portland Taxi Cab, Union Cab, Broadway Cab and Sassy's Cab.

"There's a concern that the ridesharing companies won't be required to play by the same rules as regulated cab drivers," said Noah Ernst, a superintendent at Radio Cab Co. and an alliance spokesman. "We also don't feel like the voice of the taxi industry is being heard in the discussion."

On Wednesday, Mayor Charlie Hales will convene the first of three meetings of a new task force to speed up the process of reviewing and updating city rules, which currently prohibit ridesharing services where drivers use their personal vehicles as taxis.

Ernst noted that the ridesharing task force doesn't include a single member from the local taxi industry. "We weren't notified that it was even being put together," he said.

Neither Commissioner Steve Novick, who oversees PBOT, nor Hales have said why the committee doesn't include representation from the local taxi industry.

In December, Uber agreed to hit the brakes on its controversial app-based ride service in Portland for three months to allow the task force to come up with what Hales called "a new regulatory framework" to address concerns about public safety and accessibility.

Hales said the City Council should be able to act on the task force's recommendations by April 9.

If new rules aren't adopted by then, both the mayor and Novick promise to push through a temporary agreement to allow Uber, Lyft and other ridesharing companies to operate within the city limits.

During the evening commute on Dec. 5, Uber suddenly launched UberX -- which allows residents to hail and pay for private rides with the push of a smartphone button -- without Portland's blessing. It argued that the city's taxi and for-hire ride regulations are "antiquated" and don't apply to the sharing economy.

Over the next two weeks, Uber said more than 10,000 rides had been delivered in Portland since it rolled into the city. Meanwhile, despite the threat of huge fines from city regulators, nearly 300 drivers signed up for training, the company said.

"More than 11,000 Portland residents and visitors have signed our petition, showing support for a safer way to get around their city," Uber said in an email to Portland customers when it suspended operations.

The move put the city's lawsuit against Uber and \$67,750 in fines against the company on hold.

But Ernst said regulated taxi operators are worried that the city will allow ridesharing companies to work under less-strict "special rules," putting them at an unfair advantage in the marketplace.

"Our primary concern," Ernst said, "is insuring things are done to protect public safety. That's why the rules were put into place in the first place."

Among other things, the task force will discuss whether the city should continue to limit the total number of taxi permits granted and whether it should regulate pricing.

Ernst said members of the alliance would oppose a relaxing of the permits. "The limits put on the number of taxis is a way to reduce congestion and pollution," he said. "If you put another 1,000 cars downtown every day, it's going to have an impact on livability."

Novick, however, is thinking about going even further.

In a Dec. 18 interview with The Oregonian/OregonLive, Novick said he plans to work quickly to come up with a temporary plan to suspend the existing cap on taxi permits and price regulations to "see how the market operates without those rules."

The task force's final recommendations should be based, in part, on that experience, he said.

The city could wind up eliminating those regulations altogether, or eventually retaining one or both in some form, Novick said. "What I am not interested in is a situation where we continue to impose caps and price regulations on some operators but not others," he said at the time.

## **The Portland Tribune**

### **New police chief hits the ground running**

*By Jim Redden  
January 13, 2015*

Larry O'Dea was sworn in as Portland's new police chief last Thursday during a time of unprecedented change within the bureau.

"The relationship between the community and the police is sound, but it could be better," Mayor Charlie Hales said at the swearing-in ceremony.

O'Dea replaced retiring Chief Mike Reese as the city is implementing the terms of a settlement agreement reached with the U.S. Department of Justice. The department conducted a civil rights investigation that found the police have a history of using excessive force against the mentally ill.

Mayor Charlie Hales and the City Council accepted the findings and approved the agreement, which requires 197 changes in Portland Police Bureau policies and practices, including the creation of a 20-member panel to oversee the implementation of the agreement and the hiring of experts to help manage the process.

“It’s really time for us to move forward building those trusting relationships that will help us,” O’Dea said after being sworn in, adding that he wants a diverse bureau “so anyone in the community can look inside and see someone that looks like them.”

But the agreement is not without controversy. Community organizations claim the changes do not go far enough, and they accuse the council of trying to wiggle out of the agreement by challenging the authority of the federal courts to enforce it. Hales says the council is only seeking certainty on the frequency and compliance requirements of future court reviews. The issue is set for mediation on Feb. 23.

And police statistics show that officers stopped African-Americans twice as often as their share of the city’s population in 2013, the most recent year for which such figures are available. According to a Portland Police Bureau report released last week, 12.8 percent of all traffic stops in 2013 involved African-Americans — double their 6.3 percent of the city’s population, according to 2010 U.S. Census statistics. All other races were stopped at a lower rate than their share of the city’s population, including whites, Hispanics and Asians.

African-Americans also were twice as likely as whites to be searched by police, the report says. While 14.9 percent of African-American motorists were searched when stopped by police, 7.4 percent of white motorists stopped were searched, according to bureau figures.

In the meantime, more than 80 people have applied to serve on the 20-member Community Oversight Advisory Board before the Jan. 16 deadline. Commissioner Nick Fish already has nominated Avel Gordly to it. She is a longtime civil rights activist and the first African-American woman elected to the state Senate. The first COAB meeting is scheduled for Feb. 9.

### **Already making his mark**

O’Dea has an associate’s degree in criminal justice from Portland Community College and a bachelor’s degree in social science from Portland State University. He worked for a short time as a reserve deputy for the Clackamas County Sheriff’s

Office before being hired by the Portland police in 1986. Early duties involved working a downtown walking beat, and serving on a street crimes unit, the bureau’s first gang enforcement team, and the Special Emergency Reaction Team. He has spent the last seven years as an assistant chief and an executive assistant in the chief’s office.

Although he was only sworn in as chief last week, O’Dea already has made his mark on the bureau. He announced organizational changes effective on Jan. 8 that created a new Community Services branch intended to improve relations with city residents. It will be headed by Assistant Chief Kevin Modica, an African-American who most recently served as commander of the transit division.

“It is vital that we increase our efforts in regard to community engagement. We must continue to build community relationships and trust. The value of these relationships is unmeasurable and critical as we move forward,” O’Dea said when he announced the change in December.

O’Dea also supports an ongoing staffing study to determine whether the bureau has too many supervisors, as a previous city auditor suggests. It is scheduled to be concluded early this year.

Modica and a number of other bureau employees also were sworn in to new positions at the ceremony. It was a standing-room-only event in the auditorium of the Portland Building that drew a large number of first responders, including police officers, Multnomah County Sheriff’s deputies, Portland Fire & Rescue officials, and even Portland Parks & Recreation rangers. Also in attendance were families of those being sworn in and students from Rosa Parks Elementary School in North Portland.

## **Street fee plan hits another pot hole**

*By Jim Redden  
January 13, 2015*

It could be months before the City Council takes a final vote on the proposed street fee, and the question of whether it will be referred to the ballot is still up in the air.

The confusion was clear during what had been billed as the final public hearing on the proposal by Mayor Charlie Hales and Commissioner Steve Novick last Thursday. Although Hales previously had declared

the council will put an advisory measure on the May 19 special election ballot, that decision was put off until Jan. 20, at the earliest. And Novick agreed to figure out whether the math behind the nonresidential portion is as flawed as critics claim.

All of which means that after eight months of increasingly contentious debate and endless revisions, the fee proposal is still not ready for prime time, and may never be. No other council member agreed to support an advisory ballot measure that will determine the final version of the residential portion, as Hales wants. And it is unclear whether the council can even vote on the measure next week. No measure can be referred to the ballot without a title written by the City Attorney's Office and approved by the council.

Beyond that, Multnomah County elections officials say they need to consult with the Oregon Secretary of State's Office about what form an advisory measure can take. According to county elections director Tim Scott, no one in his office has any experience with them.

Even if the council ultimately approves a proposal based on the advisory vote, it could be referred to the ballot, delaying the final decision yet again. The grassroots No Portland Street Fee group already has promised to refer whatever the council approves to the ballot. If it is a progressive income tax, the group is likely to be supported by business organizations.

### **Reversal of fortunes**

For Hales and Novick, Thursday's hearing represented an almost complete reversal in their approach to determining the fee. When they first unveiled it in May, both men thought Commissioner Amanda Fritz had agreed to support it, meaning they could pass it even if commissioners Nick Fish and Dan Saltzman did not go along. Because of that, Hales and Novick struck an arrogant tone at the news conference, saying voters could throw them out of office in 2016 if they didn't like the plan.

But last Thursday, Hales and Novick repeatedly urged the crowd that packed the council chambers to tell them what options they would like the advisory ballot measure to include. Ideas included a gas tax, a property tax levy, an income tax, a payroll tax, a vehicle registration fee, and some combination of them. Several witnesses said they wanted "none of the above" to be included. Some questioned the need for an advisory measure, however, with frequent critic Joe Walsh referring to it as "toilet paper."

Hales and Novick deferred when Southeast Uplift President Robert McCullough presented his critique of the calculations behind the nonresidential portion. The economic consultant said internal Portland Bureau of Transportation spreadsheets had so many errors that some small businesses would be charged too much while major transportation companies that damage the streets would pay almost nothing. Instead of questioning McCullough, Novick agreed to refer the nonresidential portion back to his office for further study. Hales promised the council will not enact it before approving the residential portion.

The original proposal would have raised around \$50 million a year for maintenance and safety projects. It included a monthly fee on households and a fee on nonresidential properties based on the motor vehicle trips they are estimated to generate.

The most recent proposal included a gasoline-user fee based on income and a sliding scale for businesses, governments and nonprofits based on such factors as gross revenue and number of employees. It was estimated to raise \$46 million a year. It is on hold as Hales and Novick see if they can get a third vote for an advisory ballot measure and whether McCullough is right about the nonresidential calculations, however.

### **Measure costly, potentially meaningless**

Even if the council agrees to place an advisory measure on the May 19 ballot, it could be expensive and not provide any reliable information about what option most Portlanders actually prefer. Hales admits the election could cost the city between \$100,000 and \$300,000. But relatively few Portland voters ever participate in such elections.

State election law already has set May 19 as a "special election," mostly for special district board members, but also for measures that any government wants to put on the ballot. For elections held in Multnomah County, it usually costs around \$400,000. The biggest factor is how many voters return their vote-by-mail ballots. The higher the return rate, the more temporary workers the county has to hire.

The final cost is split proportionally among those governments with candidates and measures on the ballot. Larger governments pay more, and costs also increase with the number of candidates and

measures each government places on the ballot. Although the positions up for election are set, no other government in the county has indicated it plans to place a measure on the ballot yet.

It is hard to predict how many Portlanders would even vote on the street fee measure. May elections in odd-numbered years do not generate as many votes as those held in even-numbered years, when national, state, regional, county and city candidates are on the May primary election ballot.

A good example is the May 2009 special election where LaVonne Griffin-Valade ran unopposed to replace City Auditor Gary Blackmer, who had resigned. County records show only about 14 percent of voters returned their ballots.

However, participation was much higher in the May 2013 special election because of a controversial measure on the ballot — fluoridating Portland's water supply. About 40 percent voted that time.

Although the street fee also is controversial, the proposed ballot measure would only be advisory. In contrast, in 2013, Portland voters actually repealed the fluoridation plan approved by the council. If participation is closer to 2009 levels, even the most popular option might be supported by less than 10 percent of all registered city voters — hardly a mandate for the council to pursue it.

## **Portland cab companies to protest Uber, city**

*By Jim Redden  
January 12, 2015*

A coalition of Portland taxicab companies will hold a rally in Pioneer Courthouse Square on Tuesday afternoon to demand a voice in the city's negotiations with Uber, the unregulated app-based paid ride service.

The rally is sponsored by the Transportation Fairness Alliance, which includes Broadway Cab, Green Transportation, Portland Taxi Cab Company, Sassy's Cab Co., Union Cab PDX, and Radio Cab.

The alliance was formed after Mayor Charlie Hales appointed a Private For Hire Transportation Innovation Task Force to develop new rules for taxis and other city-regulated private transportation companies, including limousines, pedicabs and shuttle services.

Hales appointed the task force as part of a negotiated settlement with Uber. It came after the city filed a lawsuit to keep the company from operating in Portland. Uber agreed to suspend service while the task force meets. Hales has promised the City Council will consider its recommendations at an April 9 hearing.

"We believe everyone should play by the same rules. But for now, we're just trying to get a seat at the table. We've contacted the city to find out more but no one's told us anything," says Radio Cab Superintendent Noah Ernst.

Ernst claims no one in the city has told the cab companies what the task force is going to do. The task force does not include a representative from any of the cab companies, even though its recommendations could affect their livelihoods.

According to a press release issued by Hales' office on Dec. 18, the task force is going to study and make recommendations on the broad range of issues. They include "whether to continue to limit the total number of permits granted, whether to have a regulated pricing system, mandated criteria (including insurance, inspections and background checks), and accessibility. In addition, the task force will explore how regulatory changes could improve driver earnings and working conditions."

Uber makes money by charging 20 percent of the fares that its drivers collect from passengers. It does not employ drivers directly and does not register as a private for-hire transportation company in any of the cities it operates. As a result, Uber drivers charge less for rides than regulated cab companies.

This has led to protests from taxi companies around the world. Some governments have also banned Uber from operating, including the State of Nevada, where a court ruled the company violates state laws regulating private for-hire transportation companies.

## The Portland Mercury

### Portland Cab Companies' New PR Blitz Now Includes a Website, Online Petition

*By Dirk VanderHart  
January 12, 2015*

Portland's cab companies swear they've gotten a bad rap.

Since the ride-share service Uber stormed the city gates last month—forcing a series of events (fines! a lawsuit!) that will culminate in a new task force meeting for the first time this week—Portland's cabbies say they've stood agog as news accounts painted them as a sinister, change-averse monolith, and politicians held backroom discussions about the future of their industry without even a courtesy call.

So sometime in December, most of the city's seven cab companies—some of them longtime and acrimonious rivals—decided to team up. And get a PR agent.

As of the last hour or so, that group—calling itself the Transportation Fairness Alliance (TFA)—has a new website, and an online petition you can sign if you're on board with its central premise: that Uber must play along with the rule cabs have labored under for decades. They're also planning a big rally tomorrow afternoon at Pioneer Courthouse Square

"This is unprecedented," says Wynde Dyer, a TFA representative who ferries Oregon Health Plan participants to medical appointments as a driver for Green Transportation. "What we want is to make sure our voices are being heard, and we don't feel they have been for a long time."

Dyer came to the Mercury offices this morning with Noah Ernst, a superintendent at Radio Cab, to push the idea cab companies aren't the influential, lockstep conglomeration that Uber has sought to portray. The rivalries run back decades for some local companies. And Ernst and Dyer insisted repeatedly that the city's cab drivers aren't against more competition, or even Uber. They just want everyone on the same page.

That means holding Uber to a long list of standards cab companies must meet to operate within the city of Portland—including cameras in every vehicle, a certain percentage of a company's fleet being able to accommodate handicapped customers, insurance requirements, price regulations, and on and on.

"We have tried to build a business under those over the decades," Ernst said. "We think they are often good regulations, but they weren't our regulations. We feel we've been blamed for the result of those regulations."

Their main point, repeated again and again this morning: The regulations make you safer, so they're a good thing.

Coming months are going to be crucial to the face of Portland's cab industry. After Uber, which allows customers to hail a private car with a touch of their smartphone, decided to flout city rules in early December, officials first fumed, then sued. Then an uneasy peace was reached in which Uber agreed to pull back for several months while Portland did serious soul-searching around its taxi market, often criticized for allowing too few vehicles on the road (and also for its treatment of drivers).

The Private For-Hire Transportation Innovation Task Force that will break down the city's rules around cabs and other conveyances will meet for the first time Wednesday.

You're not crazy to question the cabbies' sincerity in this. After all, it was only three years ago that the city's existing taxi companies screamed in outrage over the specter—and eventual creation—of a brand new cab outfit, Union Cab. At the time, cab companies swore Portland's market couldn't handle a fresh influx of cabbies. They launched visible protests against the move.

But today, Union Cab has been welcomed aboard, and is even part of the new "fairness alliance." Ernst says the Union Cab scenario was different than the threat posed by Uber.

"At least Union Cab followed the rules," he says. "They did exactly what you are supposed to when you enter the city of Portland."

And he downplays the hue and cry over more competition at the time. He says there are cab companies who haven't been awarded additional cab permits—the finite mini license plates affixed to legit taxis in Portland—for decades. They were incensed, then, to see a new outfit awarded the plates.

There are currently 460 taxi permits in play, though that number could go up shortly. Back in 2012, at the same time they were okaying the creation of Union Cab, city bureaucrats recommended expanded permits to three additional companies. Only a fraction of those permits were ever approved. An additional 55 were left hanging, though the city's private for-hire transportation manager, Frank Dufay, expects those might be taken up within weeks.

"There are times we're really, really short on cabs," Dufay says. "You've got to throw them out there; that's how you build a cab culture. People would use cabs more if they were more reliable."

The city's cabbies aren't willing to go that far. They agree with Dufay that there are times when the market is strained—Friday and Saturday nights around bar close, mostly—but say otherwise Portland is well served.

Here's the official TFA line, from the website:

## **But doesn't Uber fill a void in the market?**

We know there's a need for more taxis on the road, especially during peak demand times. Portland taxi companies are currently limited to a total of 460 permits issued by the City of Portland, which means that only 460 cars can be on the road at any given time serving the entire city. This means the taxi-to-customer ratio in Portland is among the highest in the country, and we are just as frustrated by this reality as the people seeking rides.

For many years, we've been asking the City of Portland to issue additional permits, but the City has been very slow to respond to our requests. Our hope is that in addition to creating uniform safety regulations, the City of Portland's newly founded Private-For-Hire Transportation Innovation Task Force will address the pressing need to make more rides available to Portland area residents and visitors, and specifically provide us with the permits we need to legally do so.

Cab companies acknowledge, though, that there is a demand for services like Uber.

"The court of public opinion is going to decide [Uber's] fate," says Dyer. "What I do want is to make sure that the playing field is legal and level."

New regulations are expected by April, at which point Uber plans its return to the Rose City.