

The Oregonian

Portland taxi board prepares for Uber's return by approving 64 percent increase in cab permits

By Joseph Rose
February 12, 2015

Is the day coming when someone needing a ride can simply step to the curb in Portland and hail a cab (you know, like they do it in other large American cities)?

Maybe, if a city commission's Wednesday vote to allow nearly 300 more taxis on the streets actually leads to an anticipated wave of new drivers.

"That's been my hope," said Frank Dufay, who has been manager of the city's private for-hire transportation operations since last July. "I want to see Portland function like a real cab-friendly city."

For years, however, the city's taxi companies have complained repeatedly about how the Private For-Hire Transportation Board of Review has strictly metered out permits for years, creating a backlog of hundreds of cabbies in waiting.

On Wednesday, with Uber's promised return to Portland less than two months away, the board overwhelmingly approved 242 additional permits for the city's seven existing cab companies.

The panel also signed off on the creation of a new high-end taxi company called Eco-Cab, which would use a fleet of 51 Tesla electric cars.

If Eco-Cab is approved by the City Council, the number of taxis on the streets could jump from 460 to 753, a 64 percent increase.

But with the realities of the taxi business and competition from wildly popular ride-sharing companies such as Uber, there's no guarantee that all of the new permits will be used, Dufay said.

If it means they can make more money on fares by using their own cars as de facto taxis, many drivers who were waiting for a taxi tag to become available could decide to contract with Uber or Lyft instead.

"It's an uncertain environment," Dufay said. "We'll have to wait to see what happens."

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 Mayor Charlie 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 Novick and Mayor Charlie Hales promised 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.

Commissioner Steve Novick, who oversees PBOT, has convened a new task force to speed up the process of reviewing and updating city rules that currently prohibit ridesharing services where drivers use their personal vehicles as taxis.

On Thursday morning, Novick policy advisor Brian Hockaday said the task force has met twice and held a "listening session" with the city's taxi drivers.

"They're still gathering information," Hockaday said. "But the task force needs to submit its recommendations by Apr. 9."

Hockaday said the existing taxi companies can begin applying for additional permits immediately.

New taxi permits

Portland's taxi companies are about to see a significant boost in permits issued by the city. The number of new permits requested by each company and the total number it's allowed hold:

Broadway Cab 30 (166)

Radio Cab 26 (175)

Green Cab 82 (141)

New Rose City 30 (49)

Portland Taxi 24 (54)

Sassy's Cab 0 (17)

Union Cab 50 (100)

An analysis released by the city last fall confirmed what a lot of people already know: Taxi service in Portland stinks.

Complaints regarding the availability of and long wait times for taxis account for the majority received by the city's Private for Hire Transportation Division.

The PBOT analysis, using the taxi-calling app Curb, found that there is a definitive shortage of vehicles to meet demand during hours when they're needed most.

Meanwhile, a recent ECONorthwest study found that Portland has 7.5 cabs per 10,000 residents. That's fewer cabs per 10,000 residents than all but one of 11 comparable cities surveyed by the research firm. Only Charlotte has fewer cabs per capita. By comparison, Seattle has 9.9.

But Dufay said it could take months before average Portlanders start noticing more cabs on the street, largely because every taxi company is still trying to bring their fleets up to city code mandating that 20 percent of vehicles be wheelchair-accessible.

The only two votes against increasing the number of permits came from Radio Cab Co.'s chief lobbyist Darin Campbell and general manager Steve Entler.

Dufay said he was surprised by Entler's opposition. "I've heard from every cab company that they need new permits," he said. Entler was among those who "said he wasn't happy about the backlog." Of course, before Wednesday's meeting was over, Dufay said, Entler had requested additional permits for wheelchair-accessible vans at Radio Cab Co.

Entler could not be reached by The Oregonian/OregonLive. But The Portland Mercury, which had a reporter at the board meeting, wrote that that he wasn't sure if flooding the market with cabs was wise.

"I just hate overreacting to a situation," Entler reportedly said at the meeting. "The process before was to demonstrate there was need for actual permits. Has there been any documentation?"

The Portland Tribune

Water bureau told to restore and maintain reservoirs

*By Jim Redden
February 12, 2015*

When the city disconnects the three open reservoirs on Mt. Tabor, the Water Bureau must restore them and maintain their historical appearance — including keeping them at least half-filled with water.

At least that's what the Portland Historic Landmarks Commission said when it approved the Water Bureau's application to decommission the reservoirs on Monday. State land-use laws required the commission to approve the application because the reservoirs have been designated as historic landmarks.

Among other things, the commission approved conditions requiring the bureau to fully implement the recommendations in the 2009 Mount Tabor Reservoirs Historic Structures Report the bureau commissioned but did not implement.

But whether any of that will happen was anybody's guess after the vote. No one from the bureau told the commission it was willing to accept the conditions. Restoring and maintaining the appearance of the reservoirs could cost hundreds of millions of dollars the bureau has not yet included in its budget — and that has not yet been approved by the City Council.

"The Water Bureau is committed to being a responsible steward of the environment and of the city's drinking water infrastructure. We appreciate the Historic Landmark Commission's thorough and thoughtful analysis of our proposal. At this point, we will wait to receive the written decision," bureau administrator David Shaff said after the vote.

If the bureau is not willing to accept the conditions, it could appeal the approval to the council and ask that they be modified or repealed.

Mt. Tabor residents fighting the decommissioning of the reservoirs also could appeal the decision to the council as the first step towards appealing it to the state Land Use Board of Appeals and Oregon's appellate courts.

"We'll have to meet and talk about it," said Floy Jones, co-founder of the grassroots Friends of the Reservoir group, immediately after the vote.

Jones admitted that the group supports the conditions if the reservoirs are going to be disconnected. She said those fighting to save the reservoirs now have to decide how far to push their cause.

Council may choose to review

The commission's vote was greeted with jeers and shouts of "shame on you" by the standing-room-only crowd that attended the meeting. Most were opposed to disconnecting the reservoirs and felt approval of the application was a step in the wrong direction, even with the conditions.

The fate of the three reservoirs — and two others in Washington Park — has been controversial for many years. The U.S. Environmental Protection Agency has adopted rules to ban all open municipal reservoirs in the country. The rule was adopted after at least 69 people — mostly children, the elderly and AIDS patients — died during a 1993 cryptosporidium outbreak that went undetected for weeks and sickened more than 400,000 in Milwaukee, Wisc.

Many Portlanders pushed back against the idea of potentially spending hundreds of millions of ratepayer dollars to change the city's water distribution system, however. They note there has never been a documented case of anyone getting sick from drinking Bull Run water, even though it has only been lightly treated with chlorine at the dam in the watershed and stored in open reservoirs for more than 100 years at that point.

The council has approved replacing disconnecting the reservoirs by the end of the year, however. It has approved hundreds of millions of dollars for the construction of underground storage tanks to replace the lost capacity.

Several ideas have circulated about what to do with the land that currently holds the reservoirs once they are disconnected. Portland Parks & Recreation has explored demolishing them, reconfiguring the land, and building a more traditional park, perhaps with a water feature. The Historic Landmarks Commission vote would seem to preclude that option, which is another reason the council might want to review it.

Auditor not happy with city's budget process

*By Jim Redden
February 12, 2015*

City Auditor Mary Hull Caballero is criticizing the city's budgeting process just as work begins on the annual budget that will take effect on July 1.

Among other things, an audit released by Caballero's office on Wednesday says the city does not have a clear set of budget priorities to follow. As a result, council members who oversee individual bureaus fight for them without enough regard for larger issues.

"Without improvements, the city will continue to spend substantial time to produce some information that ultimately has limited use, and the value of bureau and public effort in the budget process will remain questionable," says the audit, which noted that two audits released in 2013 said the same thing.

The audit also said the budget process is too time-consuming, with some bureaus spending up to 10 months developing a budget that will be used for 12 months.

“Several bureau directors told us that developing the budget requires too many resources, with one saying that time spent on the budget takes away from providing services,” the audit says.

And the audit questioned the value of the extensive public involvement process that includes citizens serving on a variety of budget advisory committees. Although some committee members and bureau managers found their input helpful, others disagreed.

The audit includes several recommendations for improving the budget process, including:

- Establishing citywide priorities for use in budget and other strategic planning decisions.
- Providing priorities earlier in the budget process so the bureaus that start their budget work early — the larger bureaus — have the information as they begin the process.
- Adopting a two-year budget, which some local governments have done to reduce staff time spent on budget preparation and analysis. Budget law allows a two-year budget.

In a letter of response, Mayor Charlie Hales said he agreed with the recommendations and noted that he led a council discussion about city priorities in November 2013. Hales admitted the council did not reach consensus, however, prompting him to issue his own set of priorities for bureaus to follow.

After years of budget cuts caused by the Great Recession that reduced revenue, the city is projected to have more money to spend next year. Although the ending balance is not yet known, \$14.4 million in additional one-time monies have so far been identified. The council has passed a measure to spend half that money on infrastructure maintenance projects. Bureau requests submitted to date already exceed the remaining \$7.2 million.

The audit can be read at bit.ly/1DyzT7O.

Willamette Week

Portland Taxi Board Votes to Flood City Streets with 293 New Cabs

The city has just 460 cabs now

*By Aaron Mesh
February 11, 2015*

Portland City Hall is poised to increase the number of cabs on city streets by nearly two thirds—293 new taxis to compete with the incoming "ride-sharing" company Uber.

The board that control's the Portland taxi market this afternoon voted to grant 242 new licenses to existing cab companies, and another 51 licenses to a new cab company, EcoCab, which uses Tesla electric cars. The vote today by the city's Private For-Hire Transportation Board of Review signals a huge shift for the city's entrenched taxi market. Portland currently licenses only 460 cabs, far less than most similarly sized cities.

The final decision on the Ecocab permits now moves to City Council, where Mayor Charlie Hales and City Commissioner Steve Novick are advocating for new licenses to challenge Uber, the transportation app that invaded Portland last year and is expected to return in April.

The Portland Mercury first reported the taxi board's decision today—including the detail that the two votes against the new licenses came from representatives from Radio Cab.

WW reported in January that the city was mulling 377 new taxi licenses—a stark reversal from years of entrenched resistance to new cabs. Many taxi drivers remain opposed to new vehicles on the streets, fearing the new cabs will shrink their already low pay.

The Portland Mercury

Hall Monitor

Let's Keep Out of the JTTF

*By Denis C. Theriault
February 11, 2015*

PRETTY MUCH EVERYONE in Portland City Hall agrees that our cops' current casual relationship with the FBI's anti-terrorism agents hasn't worked out as officials hoped when they signed a case-by-case compromise with the feds back in 2011.

And as of last week, it seemed like a safe bet, among insiders, that Portland City Council would make the wrong choice when it comes to making things right. It looked like they were going to formally rejoin the region's Joint Terrorism Task Force (JTTF), instead of voting to definitively keep out like the city had (mostly) been doing since 2005.

You could understand why, at least under a certain line of thinking pushed by the feds and the Portland Business Alliance.

What if one day Portland joined Paris and Boston on a list of recent terror targets—and not with a fake attack, like the government-assisted Pioneer Courthouse Square bomb plot in 2010, but a real one? And what if not having cops embedded with the feds—sharing ground-level information—somehow allowed that to happen?

Thankfully, the odds in Portland City Hall might be shifting.

At a hearing last Thursday, February 5, the perils of FBI assistance (diminished trust in our cops because of religious, ethnic, and political profiling; questions about whether our cops would remain accountable to Oregon law) were painstakingly held up against the fear-flecked benefits listed by the feds (a grasping sense that our cops might actually influence FBI habits for the good, but notably no guarantees against attacks).

And some of those freshly aired risks might actually have resonated with the city commissioners whose votes matter most: Mayor Charlie Hales and Commissioner Steve Novick, both of whom loom as swing votes on a tightly divided council. (Commissioner Amanda Fritz has indicated she'd like to stay out; Commissioners Nick Fish and Dan Saltzman are both reportedly leaning toward getting back in the JTTF.)

Hales didn't return a request, left with his spokesperson, for comment on his presumably evolving thought process.

But Novick—in an interview in which he stressed he hadn't yet made up his mind—admitted he was troubled by something he'd learned: that the city's Arab and Muslim Police Advisory Council, a community-building gesture begun after September 11, had quietly faded away after 2011 thanks to creeping distrust.

He's right to be worried.

Advocates said signing back up with the feds—still unrelentingly feared in Arab and Muslim communities—would further increase that distance. Staying out of the JTTF, and taking steps to help Muslims feel more connected to the community, they argued, might actually make the city safer from homegrown terrorism.

But Novick also wouldn't dismiss the notion that Portland cops might sharpen local JTTF probes—based on their historically good relationships with Portland's Muslims. That's noble. But it assumes those ties, already fraying since 2011, would somehow keep from disintegrating. Which doesn't seem likely.

Attorney Thomas Nelson, speaking at the hearing, put a point on it. He asked why more Muslims weren't in the council chambers speaking out. Then he answered.

"They're not here because they're afraid," he said. "They need to trust the police, but they will not trust the police if the JTTF is involved."

Which is the best reason, among many, why Portland should stand strong and stay out.

"We Must Do Better Than That"

Portland's Camping Ban Is Legal, But No One Really Likes It

*By Dirk VanderHart
February 11, 2015*

PORTLAND POLICE harbor no illusions: Arresting and ticketing people for sleeping outside won't solve anything.

"To be very blunt, they're pointless," Portland Police Bureau spokesperson Sergeant Pete Simpson said recently of efforts to enforce the city's ban on camping. "What good is going to come from doing that to someone? What good are we doing by wasting paper on that?"

Still, the complaints come in from all over the city. Concerns about trash-strewn campsites off the Springwater Corridor Trail. Frantic Central Eastside business owners asking that encampments be pushed elsewhere.

"At some level you know the person is not going to do anything with the ticket," Simpson says. "But the person living nearby says, 'At least you wrote them a ticket.'"

Pointless or not—and despite hopes a court challenge might see it vanquished—Portland's camping ban is suddenly on its strongest footing in years.

On February 5, respected Multnomah County Circuit Judge Stephen Bushong issued a sweeping opinion rejecting arguments that the law is unconstitutional. And even though the judge also pointedly criticized the city's policies for dealing with the homeless, his 19-page ruling may infuse the ban with fresh legitimacy in Multnomah County courts.

"I would think this would be persuasive to other judges," says Jim Hayden, a deputy in the Multnomah County District Attorney's Office, which defended the law. "Why would they want to reinvent the wheel?"

The ruling comes in the case of a woman named Alexandra Barrett, who's been cited or arrested again and again for camping-related offenses, netting more than two-dozen charges since June.

As the Mercury's reported, Barrett is bent on fighting those charges. So her public defenders last year decided to use the case to mount an assault on the city's camping law, which has been used to heap increasingly serious charges on the homeless ["Having It Out," News, Dec 17, 2014].

Barrett's attorneys asked Bushong to toss many of her charges, arguing the ban criminalizes people simply for being homeless, since many have no choice but to sleep outside. If the judge agreed, it could have given the city serious pause about enforcing the law.

Bushong didn't agree, though.

Relying largely on past rulings in other jurisdictions, he found the ban passes muster.

"The ordinance, on its face, does not impermissibly punish someone for their homeless status," the judge wrote. "The ordinance punishes conduct—camping on public property—not the status of being homeless."

Similar laws in other cities, he noted, have been ruled legal. And a federal judge in Portland, taking up another recent challenge to the city's camping ban, found the city has "legitimate governmental interests of safety and sanitation," when it came to enforcement.

Bushong knocked each of Barrett's arguments down, one by one. Portland's ordinance, he said, does not amount to cruel and unusual punishment or hamper people's right to travel. And it's not overbroad. It's legal.

"We are, of course, disappointed," said Sara Mulroy, an attorney with Metropolitan Public Defender Services. "But we are ready to proceed to trial on these charges, which we think raise important constitutional issues."

Technically, Bushong's ruling needn't hold much sway. In 2000, Multnomah County Judge Stephen Gallagher came to the opposite conclusion, finding the camping ban unconstitutional and tossing charges against two men. That ruling was never appealed to a higher court, and the city continued enforcing the camping ban largely unheeded.

But Bushong's opinions have drastically shaped city policy in the past. His 2009 ruling against Portland's "sit-lie" law had immediate repercussions.

Hayden, the deputy district attorney, says this is the most thorough vetting the camping law's gotten in decades. He thinks Bushong's ruling gives new clarity to the debate over its enforcement.

"He issued this opinion, and that makes it easier for everyone," Hayden says. "This is the correct decision."

But, like Simpson, Bushong's under no illusions about the camping law. And he closed his ruling by saying so.

"The city's anti-camping ordinance is not the solution to this complex problem," Bushong wrote. "Arresting people who are struggling to survive in the streets just because they have no place else to go is not the answer. We must do better than that."

The Cab Wars Just Got Real: Portland Has Approved the Largest Taxi Deluge in its History

*By Dirk VanderHart
February 11, 2015*

Your cab is arriving now.

After years of sparingly licensing new cabs, the city commission that oversees Portland's taxi industry voted today to flood Portland streets with nearly 250 cabs in the near future. And the Private For-Hire Transportation Board of Review approved, with no controversy, the creation of an entirely new cab company—the Tesla-using Eco-Cab—that could add another 51 new cabs to the urban maelstrom in coming years (if Portland City Council says okay).

All told, the votes could amount to 293 new taxis—a 64 percent increase—in a city that's long trailed its peers in offering a vibrant, useful taxi market.

Here's the breakdown (new permits in left column, total permits after the new additions in the right):

Broadway Cab	30	166
Green Cab	82	141
New Rose City	30	49
Portland Taxi	24	54
Radio Cab	26	175
Sassy's	0	17
Union Cab	50	100
	242	702

This is a big deal, and it's by far the largest single increase to cabs Portland's ever seen. The last increase in permits, in 2012, put 78 new cabs on the street, most of them in the form of a then-controversial new company: Union Cab. Before today's vote, Portland had 460 cabs in circulation.

The decisions, then, show uncharacteristic agility in Portland's slow-changing cab industry as city officials, cabbies, and a new citizen board try to wrap their minds around what services like Uber might mean for the city if they're allowed to re-enter the market in April.

"There aren't enough cabs," Frank Dufay, the city's private for-hire transportation manager, told the board before suggesting the increase. "Maybe it's time to let them have the permits they asked for. It's a very uncertain economic environment right now for them."

In fact, the increase is in large part due to companies like Uber and Lyft, which connect users to private cars. There's a notion that Portland's cab companies need to be ready to compete when—and everybody is pretty sure it's a "when" and not an "if"—those services finally take root here.

Like seemingly every bit of change in Portland's cab industry, though, the new permits are causing heartburn. Particularly from Radio Cab. Affiliates of Portland's busiest cab company—lobbyist Darin

Campbell and General Manager Steve Entler—cast the only two votes against approving new permits for existing companies.

Both acknowledged Portland has a dearth of cabs during peak demand times, but say welcoming a glut of new drivers isn't wise. "I just hate overreacting to a situation," Entler said at the meeting. "The process before was to demonstrate there was need for actual permits. Has there been any documentation?"

"I think if you did this to the taxi industry, it would kill a lot of day drivers' incomes and ability to make a living," said Campbell. "At night you're going to see a lot of relief, but this is just complete overkill."

Neither men are accounting for the fact other cities license WAY more taxis than Portland. A recent study by the firm ECONorthwest found Portland has fewer cabs per 10,000 residents than all but one of 11 comparable cities surveyed. We tout 7.5 cabs per 10,000 residents. Cincinnati, the median city in the survey has 17.6. Even lowly, contemptible Seattle has 9.9.

In fact, maybe the brightest news to come from the board's decision today is that the new permits will push Portland well ahead of Seattle in terms of cab-per-resident. If that type of thing's important to you.

The new taxis won't roll out en masse, partly because of conditions the transportation board attached to them. The most important: Each company can only get tags for regular cabs once they add enough wheelchair-accessible vehicles to reach a city-code-mandated 20 percent of their fleet.

Right now—shocker—no Portland cab company meets that standard. Green Cab gets the closest, with 17 percent of its cabs wheelchair-ready. Sassy's Cab, the city's smallest company, has only 3 vehicles that can handle wheelchairs, a lowly 6 percent.

Entler, the Radio Cab manager, says giving accessible cabs the first permits gives unfair advantage to two companies—Green Cab and Broadway Cab—which already have excess wheelchair-ready vehicles they can put into service immediately.

There are legitimate concerns about the financial wellbeing of drivers with a vastly expanded market. There may be enough business to go around at bar close, but that's not the case in the middle of a weekday.

"You never talk about drivers' income," Ashenafe Arage, a driver for Broadway Cab, told board members at today's meeting. And Dufay, in response, acknowledged that concerns over how much drivers earn had made the board "cautious" with new permits in the past.

Most cab drivers work as contractors, and pay a daily fee—called a kitty—for the right to drive for a certain company and use its dispatch services. That kitty is paid whether a driver has 30 fares a shift or three. And since they're contractors, drivers don't legally have to make minimum wage.

Still there was some hope today's decisions might actually better drivers' situations. A Union Cab representative said he'd use the 50 new permits the company was granted to lower the company's already-low kitty.

And board member Kirk Foster said an influx of new permits might put drivers in the catbird seat.

"The drivers will be able to migrate to the companies that pay them better," Foster said. "It may seem counterintuitive, but my feeling is: It will be better in the long run."