

The Oregonian

Portland wants big hike in fees to pay for parks; businesses, homebuilders balk

*By Brad Schmidt
April 07, 2015*

Portlanders love their parks. Paying for them? That's the challenge.

City Commissioner Amanda Fritz wants to double and in some cases nearly quadruple the amount of parks-specific fees that developers pay to build new business space in Portland.

Fritz also wants to create a sliding scale for new homes, condos and apartments, with discounts for smaller units and increases for medium and larger units.

The parks-funding proposal, headed to the City Council on April 15, is drawing fire from homebuilders and business leaders. But Fritz, in charge of Portland Parks & Recreation, is defending the plan.

"New development needs to pay its way," she said. "No more, no less."

The storm is Portland's latest battle over rising government costs for basic services. Mayor Charlie Hales in January delayed action on a controversial plan to pay for street maintenance by creating a new tax or fee. Last year, Portland voters approved a \$68 million bond measure to tackle a long list of parks repairs.

Fritz's proposal isn't about fixing today's problems but instead about making sure Portland has enough money to meet the demands of tomorrow.

If city projections hold, the new fees would raise about \$552 million over 20 years to develop new parks and improve the city's existing 11,656-acre system. Of that, about \$512 million would come from new residential development and \$40 million would be tied to new businesses -- a higher share than businesses are used to.

Since 1998, Portland has charged fees -- called system development charges -- to developers to offset the cost of building parks and buying land. The fees applied only to residential development until 2008, when the City Council created a complicated model for charging businesses.

Portland's parks charges are already the highest among fees for water, sewer and transportation.

City officials have now proposed a different method for calculating fees. The sticker shock has homebuilders and business leaders crying foul.

For businesses outside the central city, fees would nearly quadruple. The fees on developing a warehouse, for instance, would jump from about 5 cents to 20 cents a square foot.

The big increase is largely because the businesses got a break under the 2008 methodology.

Central-city businesses would see parks fees more than double. Office costs would jump from about \$1.09 to \$2.37 a square foot, for example.

"We are very concerned with the amount of the increase," said Marion Haynes, lobbyist for the Portland Business Alliance. "We do have a concern about what those impacts are going to be."

Homebuilders are also frustrated by the proposed increases, which proportionally are much smaller than the business hikes.

Fritz's proposal would set fees based on the size a home -- the first time that's happened in Oregon. What had been a four-tier plan has already been revised to include five sizes.

Today, a developer building a single-family home of any size outside the central city would pay \$8,582. Under the changes, units smaller than 700 square feet would be nearly \$3,000 less while those up to 1,199 square feet would essentially pay the same.

But units larger than 1,200 square feet would pay more -- with fees hitting \$13,049 for homes 2,200 square feet or larger.

For comparison, homes built within the Tualatin Hills Park & Recreation District in Washington County pay \$6,450. Developers building in Clackamas County's Lake Oswego pay \$12,334.

Justin Wood, lobbyist for the Home Builders Association of Metropolitan Portland, said the sliding scale may not be legal.

He said Portland officials also erroneously assumed that larger homes generate more demand for parks. Wood argues that it's just the opposite -- someone living in a small Pearl District condo doesn't have a backyard where the kids can play or the dog can do its business.

"I would just prefer them to rerun the numbers," he said. "We don't think they calculated the numbers right."

So far, the changes have gained guarded support from the Portland Parks Board.

Board members want to make sure the city has enough money to pay for parks, but they've suggested that increases be phased in to soften the blow.

"It's obviously very complicated, and the ramifications are pretty big," said Kathy Fong Stevens, board chairwoman.

Fritz said she doubts the City Council will vote on the proposal this month but hopes the new fees take effect July 1.

"I'm anticipating there will be a robust discussion," she said.

How a dropped zero locked in \$226,000 jury verdict against Portland

By Brad Schmidt

April 07, 2015

Portland officials lost a chance to appeal a \$226,000 jury verdict because of a clerical error.

And that may be the least of their worries.

The city, after bungling paperwork, quietly conceded defeat last year after a disabled veteran successfully sued, claiming he was denied preferential treatment in hiring.

Now Michael Boyle is suing again on the same grounds. And his attorney continues tacking on new alleged violations.

Portland officials are in Salem lobbying the Legislature to rewrite the state law requiring public agencies to give hiring preference to military veterans. City leaders say the move is not in response to the Boyle judgment or their botched appeal.

They contend the wrangling underscores flaws in a well-meaning law that is unclear and impractical to apply. Portland has joined leaders from several other cities, counties and the Oregon Department of Veterans' Affairs to propose changes to provide "clarity and uniformity" about what's required.

"It's not that the changes are anti-veteran or anything like that," said Anna Kanwit, Portland's human resources director. "What we need is clarity on how we're supposed to function."

The law is supposed to ensure that veterans seeking government work or promotions get an interview if they meet minimum qualifications. They're also supposed to get bonus points when compared to non-veterans at every stage of the hiring process.

But ambiguities abound. The Oregon Bureau of Labor and Industries - which investigates workplace discrimination - posted a series of hypothetical questions on its website about how to comply with the law. Answers to some questions begin: "Not necessarily," "Probably" and "Maybe."

Under changes proposed in Senate Bill 87, government officials would need to interview only the veterans they deem qualified. And preference or bonus points would be awarded at three key intervals.

BOLI and the Oregon Coalition of Police and Sheriffs are opposed.

"Our fear is that the bill as written will weaken protections and make it more difficult for returning veterans to find work," Oregon Labor Commissioner Brad Avakian said in a statement.

BOLI instead supports an amended version of the bill. Avakian said state officials remain committed to working with government agencies "so that they can understand and fully comply with veteran hiring rules."

Portland officials said they believed they were following the law when Boyle sued in 2013. A disabled veteran, Boyle worked for Portland from 1982 until his position as a senior public works supervisor for the Bureau of Transportation was eliminated in 2012.

Boyle applied for a slew of city jobs and was eventually rehired as a parking meter security coordinator with the Bureau of Transportation.

Last September, a jury found that Portland didn't give Boyle the appropriate veteran's preference for seven jobs and awarded him \$226,000. In December, the City Council voted 5-0 to appeal the verdict. Attorneys hoped the appeal would provide "judicial guidance" on the law and limit the city's exposure.

But the appeal never moved forward because of a clerical error. Boyle's attorney, Daniel Snyder, argued in court that the city didn't serve him with the proper appeal notice by a Dec. 5 deadline.

City officials tried. But instead of sending it to Snyder's office, at 1000 S.W. Broadway, suite 2400, a city employee typed in the wrong address - suite 240.

Portland attorneys dropped their appeal. Tracy Reeve, Portland's top attorney, said officials regret the error.

Even so, city attorneys may still get their day in court.

Boyle filed a second lawsuit in October 2014 claiming that Portland didn't give him proper hiring preference for three other jobs.

City attorneys asked a judge to dismiss the case, arguing that Boyle "cannot recover damages twice for the same harm." A judge denied the request.

And on March 20, Boyle's attorney, Snyder, warned Portland about more alleged violations tied to a different city position. Snyder also claims that Portland has refused to tell Boyle why he didn't receive the jobs, as required by law. The charges have been added to Boyle's pending lawsuit.

Snyder declined to comment. Reeve wouldn't get into specifics, saying only: "We'll continue to vigorously defend the case."

Uber pays \$67,750 in Portland fines as taxi recommendations go to City Council

*By Joseph Rose
April 06, 2015*

With City Hall poised to consider new regulations to allow ride-hailing smartphone apps in Portland, Uber has paid off \$67,750 in fines levied by the city in December.

On Monday, city officials said the controversial San Francisco-based startup's decision to settle its outstanding tickets for operating an illegal taxi company is a sign that it's ready to play by a new set of proposed rules.

"We think that it shows an interest in operating with permits in the city of Portland," said Dylan Rivera, a Bureau of Transportation spokesman.

Rivera said Uber paid the fines in late March.

Of course, as The Oregonian noted last week, a proposed 120-day "Phase 1" pilot period for the new "for-hire" transportation regulations offers plenty to make Uber and Lyft smile.

Among other things, Uber would be allowed to implement "surge pricing," which jacks up fares when demand spikes.

However, traditional cab companies would still need to comply with current rules prohibiting taxis from charging more than \$2.60 per mile for each fare.

The Private For-Hire Transportation Innovation Task Force also wants to experiment with deregulating Portland's taxi industry for 120 days, eliminating longtime caps on the number of taxi companies and vehicles allowed to operate in the city.

What's more, new taxi companies would be allowed to start rolling without City Hall's normal approval process.

At a Monday news conference to officially release the recommendations, Mike Greenfield, Oregon's former director of Administrative Services and chair of the committee, said the group wants to gather information about demand and wait times during the trial period.

"We need to collect data rather than speculate about what might happen," Greenfield said.

The Phase 1 data, he said, will shape final recommendations about everything from pricing to re-establishing caps to permit polities to whether Uber should be required to dedicate vehicles to disabled riders.

At the same time, Greenfield said it has yet to have conversations with Uber and Lyft about sharing their tightly guarded data with city regulators.

Commissioner Steve Novick convened the task force in December to explore revamping city taxi regulations to possibly allow emerging for-hire transportation companies such as Uber and Lyft.

In turn, after two weeks of illegally picking up riders in Portland, Uber agreed to suspend its controversial UberX ride service.

UberX contracts with drivers who use their private vehicles as de facto taxis, which is illegal in Portland.

After issuing a cease-and-desist order against Uber, city transportation officials hit Uber with \$67,750 in fines.

In many cases, Bureau of Transportation code enforcers issued fines to Uber after simply ordering a ride from the company's smartphone app, which provide the license plates, photos and drivers' first names. No drivers were fined.

The startup has said it expects the task force to come up with a new regulatory framework to allow it to operate this month -- or it will start rolling again the city.

Portland taxi drivers not happy about Uber rules Darin Campbell discusses recommendations submitted by a citizen task force charged with tweaking Portland taxi rules to allow ride-hailing companies such as Uber to operate within the City Limits.

Darin Campbell, owner of Radio Cab and a lobbyist for the taxi industry, said the task force's recommended insurance minimums for ride-hailing companies continue to be a big problem.

Uber and Lyft drivers would carry up to \$1 million in liability insurance from the moment a ride is activated to the drop off. However, the required insurance minimum drops to \$100,000 during periods when drivers are cruising around, waiting to be hailed by a customer.

"Anybody in the taxi industry knows we're driving at our most dangerous when we're going to get our next customer," Campbell said.

At least one member of the transportation task force is also unhappy with the proposal headed to the City Council.

Sue Stahl, who represented the Portland Commission on Disability on the task force, said the group ignored her objections to permitting Uber and Lyft to ignore rules requiring cab companies to make at least 10 percent of vehicles wheelchair-accessible for disabled riders.

Instead, the companies' drivers would be required to redirect requests from disabled riders to a third party transportation service.

Taxis and ride-hailing companies, she said, should meet all requests for disabled accessible vehicles in the same average response time as other requests.

Companies that don't meet that standard should lose their permit for a year, she said.

"The current TF (task force) plan does not address civil rights," Stahl said in a Facebook post.

If the City Council decides to move forward with the current recommendations, Stahl said in a phone interview with The Oregonian, it could open itself up to litigation.

Williams/Dame to pay \$1.9 million more for city land: Portland City Hall Roundup

*By Brad Schmidt
April 06, 2015*

Portland developers Homer Williams and Dike Dame have agreed to pay \$7.4 million to buy city-owned land in the Pearl District -- \$1.9 million more than the price from a scuttled deal five months ago.

Williams/Dame & Associates Inc. plans a nine-story office building with ground-floor retail.

The developers originally approached the Portland Development Commission in June 2014 with an unsolicited offer to buy 0.8 of an acre at Northwest Ninth Avenue and Northrup Street.

Under terms of an October 2014 deal, city staff proposed selling the property for \$5.5 million -- \$1.46 million below its fair market value. Officials argued that the highest and best use for the property was market-rate housing, but the value would be lower if construction were restricted to office use.

The PDC board wouldn't sign off and staff hired a broker to market the property. Trammell Crow Co. submitted an offer, which Williams/Dame matched.

As a result, the taxpayer-owned property will fetch \$1.9 million more than under the original deal. The PDC board will vote on the deal Wednesday.

"This is exactly why these items are brought to the board for their review and recommendation," said Shawn Uhlman, a PDC spokesman. "This was a situation where the market was much more interested."

Williams/Dame originally proposed a building with about 170,000 square feet, but it's now listed at 204,000 square feet, according to documents. Because an affiliate of Williams/Dame developed the Marriott Residence Inn to the south, the developers can transfer rights to build an office building larger than otherwise allowed under complex floor-area-ratio regulations.

As part of the deal, the PDC will pay for environmental cleanup of the site -- next to Union Station -- which is expected to cost \$700,000. Williams/Dame will also be able to lease 99 parking stalls from a nearby city garage for at least 40 years, with lease rates equivalent to public pricing.

The Portland Tribune

Uber could get green light to operate here, if it meets basic standards

*By Steve Law
April 6, 2015*

Portland could embrace the arrival of Uber and similar cab services into the city's taxi market for a four-month trial period, under ground rules suggested Monday by a citizens task force.

Call it taxi deregulation, Portland style.

The Transportation Innovation Task Force, led by retired state administrator Mike Greenfield, proposed that Uber, Lyft and other "transportation network companies" be allowed to compete with traditional taxi services, if they meet some basic standards for insurance, driver background checks, vehicle safety and other terms. Greenfield said the task force sought to create conditions for a level playing field between taxi companies and Uber-style services, which let people turn their private cars into taxis that are "hailed" by customers on their smartphones.

However, taxi companies say it will still be difficult to compete fairly. For example, they've been required to outfit a share of their vehicles to accommodate passengers with wheelchairs, but Uber would be allowed to merely refer such customers to other companies — even traditional cab companies — rather than accommodate them.

Cab fares would continue to be capped by the city for traditional companies, while Uber would be free to charge what it wants, except during emergencies.

Greenfield said the task force had to work under a tight time frame after Portland Mayor Charlie Hales struck a deal with Uber that assured the company could enter the market by April. The task force proposed an initial set of terms for the 120-day demonstration project, during which time the city will gather information on cab response times, handicapped-service metrics and other data. Then the task force intends to propose more definitive rules after the four-month trial period.

The task force will deliver its initial recommendations to the Portland City Council on Thursday, April 9, starting at 2 p.m., followed by a public hearing. The council then may take a vote on the demonstration project on April 15.

Dylan Rivera, spokesman for the Portland Bureau of Transportation, said the city is confident Uber will cooperate with the demonstration project, noting that it paid \$67,750 in fines levied by the city for operating illegally here in December.

"We are receiving indications that the industry is interested in complying," he said.

The transportation bureau will see to it that Uber and other companies respect the new terms during the demonstration project, Rivera said. "We're going to monitor closely. We're going to hold the industry accountable."

Council to consider Uber-related taxi changes Thursday

*By Jim Redden
April 6, 2015*

The City Council is scheduled to take up a proposal to allow app-based ride programs like Uber and Lyft to operate in Portland on Thursday.

Although the details have not been officially released, representatives of traditional taxi companies in town are complaining that it will allow so called Transportation Network Companies to operate under a different set of rules and put them out of business.

The proposal was developed by a Private For-Hire Transportation Innovation Task Force appointed by Commissioner Steve Novick, who is in charge of the Portland Bureau of Transportation. His office says PBOT Director Leah Treat has the authority to issue 120-day permits to TNCs to operate pilot programs consistent with the proposal, if it is approved by the council.

The ordinance submitted by Novick can be read [here](#).

TNCs allow passengers to request rides in private cars through apps on their smart phones. Credit cards are required to pay for the rides. Companies like Uber and Lyft claim the drivers provide faster service. Taxi companies claim such drivers "cherry pick" the easiest and most profitable passengers, and are not required to pick up all passengers, including the disabled.

Uber is already operating in cities around Portland including Beaverton, Hillsboro and Vancouver, Wash.

Uber recently announced it will not provide service in Eugene after the City Council there passed new policies requiring their drivers to essentially meet the same requires at taxi drivers.

City may levy huge fee on propane exporter as carbon offset

*By Steve Law
April 3, 2015*

The Portland Planning and Sustainability Commission, concerned about promoting fossil fuel use if it approves a propane export terminal, may seek to charge the Canadian exporter \$6.2 million a year to offset its carbon emissions.

Alberta-based Pembina Pipeline Corp. wants to build a \$500 million propane export terminal at the Port of Portland, bringing the fuel here by train from Canada and then shipping it to Asia.

The Planning and Sustainability Commission plans to hold its final hearing on the controversial project Tuesday, April 7, and then vote whether to grant Pembina a required zone change. Pembina's proposal has raised the alarm bell among environmentalists concerned about its carbon footprint, and among North Portland residents who worry about potential explosions and other disasters.

Now the proposed carbon offset proposal — and its hefty price tag — could be another obstacle for Pembina.

Pembina has argued that much of its propane will be used in Asia to displace coal and oil, thus reducing carbon emissions, or to make plastics. When propane is used as an ingredient in plastics manufacturing, the carbon is embedded in the products and doesn't get emitted as a greenhouse gas that contributes to global warming.

A subcommittee of Planning and Sustainability Commission members, including Chairman Andre Baugh, devised the new carbon offset proposal. They presumed that half the propane would be used to make plastics, and another 30 percent would be used to displace coal and oil. But the emissions resulting from the remaining chunk of fuel would be sizable, the equivalent of 921,352 metric tons of carbon emissions a year. Using the 2014 price of carbon emissions from Europe's cap-and-trade system, \$6.77 a ton, that translates into more than \$6.2 million a year.

Commissioners proposed the city levy that amount over a 25-year period, using the funds to reduce carbon locally, such as by promoting wind and solar electricity, or planting trees.

It's not clear yet if the city will go for the \$6.2 million annual charge, or it's a deal-breaker for Pembina. Tom Armstrong, the city supervising planner who is coordinating the land use proceedings, says it's best to put that figure into perspective.

"That \$6.2 million works out to be about a penny a gallon for the 560 million gallons that they're looking to move through here each year," Armstrong said. The current wholesale price of propane is about 70 cents a gallon, he said, "and that's at a pretty low level right now."

Safety concerns have been the other major hurdle for Pembina, but the company recently submitted a revised report by consultant DNV GL, a Norwegian company that specializes in safety reviews for the world gas and oil industry.

"The net result of the modifications is an overall reduction in risk for the facility," reported Eric Dyck, Pembina's local project manager, in a new report to the Planning and Sustainability Commission.

DNV's updated review, called a Quantitative Risk Analysis, earlier calculated that the operation could result in one death in 38 years, and that would likely affect workers on site and not neighbors in North Portland.

The new review says that was overstated.

"The total potential loss of life is now equivalent to one statistical fatality every 180 years," Dyck reported.

Due to concerns about the safety of neighbors on Hayden Island and Marine Drive, Pembina asked DNV to separate out risks for its own work force and the nearby population. DNV projected one statistical fatality for every 240 years for onsite workers and one statistical fatality every 670 years for the offsite population.

Driving a car would be more dangerous than the propane terminal, at that rate.

A team of neighbors who authored a "white paper" on safety risks raised the specter of a Boiling Liquid Expanding Vapor Explosion, or BLEVE, in which an explosion in one rail car or refrigerated propane tank sends shrapnel at rapid speeds, setting off a domino-like series of explosions.

DNV supplied more data about that, saying "shrapnel" could travel as far as 0.7 miles from the site. That's about half as far as the nearest homes at Class Harbor, a floating home community off North Marine Drive.

The city hired an independent engineering consultant, Clackamas-based Akana, to review the Norwegian company's Quantitative Risk Analysis, or QRA.

Akana reviewed propane spills or releases over the last five years at nine comparable domestic propane terminals. There were no releases at seven of the terminals, and releases at the other two terminals did not seem to raise any cautionary red flags.

Overall, Akana said the Norwegian company's report was fair. "The Pembina Portland Propane Terminal QRA is generally a thorough and realistic evaluation of the potential risks and consequences that can be expected due to the operation of the proposed terminal," it concluded.

At a March public hearing when the first safety review was revealed, residents questioned why it didn't include the risk of injuries. In the revised analysis, DNV included a map showing the odds of injuries to neighbors.

DNV's conclusion: the odds of an injury to the nearest residents are about one in every 10 million years.

Some neighbors have praised Pembina's safety record and approach, and are now focusing on the hazards of shipping the propane by rail from Alberta, including through the Columbia River Gorge, and then shipping it over the Columbia River all the way to China and other Asian markets.

"The real issue is the trains with the propane in them; that's way, way up on the top of the list," said Chris Fountain, a Class Harbor resident.

Pembina has said it will use modern rail cars, but relies on rail carriers to assure the safety of its deliveries.

Fountain and other neighbors point out that Pembina will only have possession of the propane for a small percentage of the time.

Amid all the furor about Pembina's safety features and the carbon footprint of Portland serving as a transshipment point for fossil fuels, it's easy to forget that all Pembina requires at this point is a simple zone change, allowing it to transfer the propane over a short pipeline to get it from storage tanks at the Port of Portland's Terminal 6 onto a waiting ship moored in the slough south of West Hayden Island.

City planners have raised no objections to that idea, and Akana concurred. The QRA does not "provide a basis for rejection" of that zone change, Akana wrote, because it calculated the odds of leaks from the pipeline would be one every 1,923 years.

If the Planning and Sustainability Commission approves the project, the issue would go to the Portland City Council for final review.

However, John Talberth, president of the West Linn-based Center for Sustainable Economy, argues the city lacks the jurisdiction to approve the propane terminal, because that properly falls to the state Energy Facility Siting Council.

Armstrong said that's a separate issue, and the city is only considering a zone change right now.

But Talberth says if the City Council approves the project, he'll keep fighting, appealing it to the state Land Use Board of Appeals.

What's next?

The Portland Planning and Sustainability Commission will conduct a public hearing on the Pembina project starting at 3 p.m. Tuesday, April 7, and then render a decision. It has allowed five hours for the issue. The gathering is at 1900 S.W. Fourth Ave., on the second floor.

My View: Cab companies under siege

*By Rave Miles
April 7, 2015*

On April 9, the Private For Hire Transportation Innovation Task Force will present recommendations to Portland City Council for new regulations allowing Uber and Lyft to roll into Portland.

If city leaders approve the recommendations, the pursuant revisions to our city's code will have a deep and resonant impact that goes way beyond how you get from here to there.

Whatever your opinion about whether Portland should allow you to hail a ride with a stranger by using a smartphone, there's much more to this issue than just its subtle "Portlandia" comparisons.

In short, the task force suggests allowing an unlimited number of taxi and transportation network company (TNC) vehicles on the streets of Portland. The task force also suggests allowing Uber and Lyft to charge whatever they want for rides, while continuing to impose regulated meter rates on taxis. This skewed combination will most certainly turn what Commissioner Steve Novick has called “taxis gone wild” into “taxis gone bust.”

Let me say upfront that the Transportation Fairness Alliance, which represents Portland’s taxi companies, appreciates the task force’s attempt at creating a level playing field for taxis and TNCs, even as the resulting recommendations are anything but level.

However, this group of private citizens with varying (and sometimes blatantly biased) interests has been handcuffed by limited information given to them by the Portland Bureau of Transportation, spoon-fed information given to them by Uber’s favorite City Hall staffer ... and that restrictive April 9 timeline.

With the exception of one hour long opportunity in February, Portland’s taxi companies have been shut out of what reasonably should have been a communicative, give-and-take process. This occurred while the task force set out to make life-changing decisions for cab companies and drivers.

If you were a plumber, engineer or doctor and this was happening to your industry — in a city in which you’ve been vested for the better part of a century — you’d want your experienced voice to have a seat at the table, right? You’d at least want the opportunity to correct misinformation.

Here are a few highlights of what will happen if the current recommendations are put into effect:

The task force is calling for the immediate entry of an unlimited number of for-hire vehicles before a comprehensive solution is developed. Deregulation like this surely will put some of Portland’s smaller taxi companies out of business.

The task force also wants to remove all fare regulations for TNCs, meaning Uber and Lyft could charge anything at any time, except in a city emergency, and no one can say anything about it. Given Uber’s propensity for surge pricing, you can count on that short hop home after the bars close on a Saturday night costing significantly more than what you paid for in drinks that evening.

If the cab companies fold, citizens with disabilities, senior citizens and others with short-ride needs will suffer. If the task force had been open to taxi industry commentary, perhaps the group’s recommendations would have included real solutions for dealing with these citizens. As it stands now, these people will be marginalized.

If the cab companies fold, their wheelchair vans will disappear. This will put the onus back on the City of Portland — and, ultimately, the taxpayers — to provide reliable transportation to this vulnerable population.

An unlimited number of for-hire vehicles on Portland’s streets will irreparably harm Portland’s community of immigrant drivers who already have limited options for making a living wage. Supply will outweigh demand, pushing much of this population out of the industry.

Indeed, the wage potential for all drivers in the marketplace will be severely compromised, ultimately resulting in fallout of our industry’s most dedicated drivers. It won’t matter if they’re driving for a taxi company, or for Uber — they’ll no longer be able to make a living.

Take all of these certain outcomes, along with the seemingly impossible April 9 deadline, and you have all the makings for premature decisions that will have severe negative effects on all of our citizens, not just the tech-savvy ones. While the repercussions will not be as impactful to ambulatory individuals who own a smartphone, or the general community at large, it will be demoralizing to people with disabilities, the elderly, and lower-income citizens who are dependent upon taxi service.

Allowing Uber and Lyft to begin offering rides before all of these issues are carefully considered will prove problematic. And, trying to place regulations on Uber after the fact will be impossible. We believe solutions can be reached, and are committed to resolving them, but on a realistic timeframe and with all parties fully involved in the process.

Raye Miles, president of Broadway Cab & Sassy’s Cab Co., offers these comments on behalf of the Transportation Fairness Alliance. The Transportation Fairness Alliance represents Portland’s taxi industry and includes drivers and management from Broadway Cab, GreenTransportation, Portland Taxi Cab Company, Sassy’s Cab Co., Union CabPDX and Radio Cab.

Willamette Week

Portland Officials Finalize Plan for Uber; Data Questions Linger City also announces Uber's payment of a \$67,750 fine.

*By Anna Walters
April 6, 2015*

The city of Portland announced Monday that the ride-hailing service Uber has paid \$67,750 in fines accrued during the month of December, when the company picked up passengers without city approval.

The payment is another sign that Uber's conflict with the city, which flared late last year when Commissioner Steve Novick pledged a short-lived crackdown, is now in the rear-view mirror.

That was the biggest piece of news to come out of a press conference Monday called to address Portland's plan to regulate Uber. Uber and other ride-hailing services will be allowed back to town this month for a 120-day pilot program.

The recommendations from a city task force—to be voted on by the City Council on April 15—solidified rules officials previously presented in draft form, including Uber's use of controversial “surge pricing” and the taxi industry's ability to have limitless cabs during the pilot period.

As usual, the devil is in the details, or in this case, the data.

Mike Greenfield, the task force's chairman, said ride data collected during the pilot program would allow the Portland Bureau of Transportation to decide what to do with Uber in the long run. That includes rules around serving passengers with disabilities and the cost of “for-hire” vehicle permits.

But will cab and ride-hailing companies cough up the data? That's still unclear.

Greenfield said PBOT staff “will develop ways to ensure they are getting the data in an accurate way” from the various for-hire companies.

But no one knows quite yet whether Uber, Lyft and the cab companies will comply with any city-imposed reporting requirements.

PBOT spokesman Dylan Rivera is hopeful companies will cooperate.

“We are receiving indications,” Rivera said at the press conference, “that the industry is interested in complying.”

The Portland Mercury

Uber Ponies Up \$67K to Resume Portland Ride-Sharing Service

*By Shelby R. King
April 6, 2015*

Looks like Uber is prepping to play by Portland's rules—at least for now.

The ride-sharing company on March 26 paid \$67,750 in fines to the city, according to Dylan Rivera, a spokesman for the Bureau of Transportation. The city levied the fines in December, after Uber launched service without the city's permission.

“We believe the industry is interested in complying,” Rivera said today. “Uber recently provided payment to the city for all fines, and we think that shows the company has an interest in operating with permits in the city of Portland.”

Mike Greenfield and Joan Plank—both members of PBOT's Private for-Hire Transportation Innovation Task Force, the volunteer group that's been trying to come up with operational regulations for transportation network companies (TNCs) like Uber and Lyft—on Monday afternoon spoke at a briefing to explain the task force's recommended regulations for a 120-day pilot program (also referred to by organizers as “Phase One”) that will allow TNCs to operate legally within Portland.

"We believe this is an opportunity for us to compare two business systems, so that in Phase Two we can come up with a more detailed regulatory structure," Greenfield said. "We'll be able to learn more during this pilot program."

The task force will present their 20-page report to commissioners at a city council meeting Thursday. Among the more controversial recommendations the task force will make include allowing Uber drivers to operate under different (and traditional taxi drivers say unfair) insurance standards and placing no cap on what Uber drivers can charge while restricting taxi rates to less than \$2.60 per mile.

"The problem is that Uber can undercut our rates, too," said Darin Campbell, a driver for Radio Cab who is also the taxi driver representative on PBOT's Private for-Hire Transportation Board of Review. "Right now Uber is offering drivers a \$100 bonus if they can get their cars inspected by Wednesday. We can't do that."

Uber in December agreed to suspend business in Portland until April 9, giving the city time to put operational regulations in place.

Portland City Council on April 15 will vote to enact some, or all, of the task force's recommended regulations. A full version of the draft recommendations can be viewed [here](#).

Portland Business Journal

Portland sets aside 5 hours to debate \$500M propane export plant

*By Wendy Culverwell
April 7, 2015*

The Portland Bureau of Planning and Sustainability has set aside a whopping five hours for a third and final hearing on a controversial plan to construct a massive propane export terminal.

In a move that hints at the amount of public comment expected on the matter, the commission will meet from 3 p.m. to 8 p.m. Tuesday April 7 at 1900 S.W. Fourth Ave., Ste. 2500. The hearing will cover a request from Calgary-based Pembina Pipeline Corp. to amend rules overlay protecting the marine environment.

Pembina is seeking permission to construct a 160-foot pipeline from its storage plant to the marine berth. The project would be built at Terminal 6 on the Columbia River.

Current rules allow transport by rail or truck but not pipe.

Pembina plans to lease the site from the Port of Portland and intends to spend about \$500 million for the terminal. It would mark the largest private investment in Portland city history.

Pembina needs approval from the city as well as numerous state and federal agencies before it can proceed.

Critics who say Portland has no business encouraging fossil fuel export infrastructure have turned out in force to oppose it.

Pembina wants to transport liquid propane from Canada to Portland, where it would be stored and cooled in massive tanks before being piped to oceangoing ships that would ferry it to customers in Asia.

Pembina and the port call it a positive economic development that is both safe and good for the environment. Pembina's propane would replace coal and wood used to heat Asian homes and businesses.

Critics say the plant is an explosion risk and would increase Portland's carbon footprint at a time when it is trying to trim it down.

Both sides presented research to bolster their positions when the commission last met March 18.

Pembina released its mandatory quantitative risk assessment or QRA, which concludes even if the plant were to have an explosive event, the damage would not extend beyond the property line.

Pembina has upgraded its designs to reflect a magnitude 9 "subduction zone" earthquake and pledged to invest \$3 million in community projects over 10 years once the plant is operational.

But neighbors say the company is underplaying the risk of an explosion. A report prepared by the Northwest Citizen Science Initiative, consisting of neighbors, says QRA ignores terrorist and other threats, fails to consider the risk of railroad accidents and could leave Portland with a white elephant if the economics of the fossil fuel industry shift.

Uber, Lyft operations closer to reality in Portland

*By Malia Spencer
April 6, 2015*

The date for Uber's promised return to Portland is drawing near and now a city taskforce is outlining a 120-day pilot designed as the foundation for overhauling regulations governing for-hire transportation companies.

The Transportation Innovation Taskforce was convened following the contentious start of Uber's operations in Portland. Back in December the San Francisco-based company started operating in Portland in defiance of city regulators. It operated for two weeks before suspending service pending new regulations. This tactic of stopping service and demanding new regulations appears to be a new strategy for Uber. In recent weeks the company has made similar moves in Boise and Eugene.

The taskforce recommendations cover Uber as well as other "transportation network companies," which connect riders to drivers — many times in personal cars — through an app. Some of the recommendations also cover taxi companies and drivers, however, the group noted that other services such as limos and pedicabs will be addressed in a second phase of work.

Under the 120-day pilot, transportation network companies and new taxi companies can apply for permits to operate. The taskforce recommends lifting the cap on new permits issued.

The taskforce also noted that recommendations assume any past fines leveled are paid before any transportation network companies are granted authorization — a comment solidly aimed at Uber which racked up fines during its illegal operation in the city. According to published reports the company has paid all \$67,750 owed the city.

Some recommendation highlights include:

- Requiring transit network companies to provide disabled accessible service either through its own cars or by referring to a city-approved provider. Plus companies must report data on how long riders wait for service.
- Requiring transit network companies to pay an accessibility fee for data analysis during the pilot program.
- Allowing dynamic pricing of rides on transit network companies, but prohibiting "surge" pricing during emergencies. Taxis would keep current fare pricing.
- Collecting data from both transit network companies and taxis on a monthly basis during the pilot period to assess needs.
- Prohibiting transit network companies from accepting street hails or waiting at taxi stands.
- Requiring transit network companies to carry commercial business insurance equal to taxis and commercial vehicle insurance while the vehicle is in the system and available. Coverage can be a combination of the network company and the driver.
- Allowing third party background checks that meet code requirements as well as city certification and auditing standards.

The 23-pages of recommendations will be presented to the City Council on Thursday and are expected to be on the agenda next week.

GoLocal PDX

Portland's Urban Density Squeezes Out Backyards

*By Joanna Evoniuk
April 7, 2015*

Portland's backyards are getting smaller, and may even disappear, as public policy leans towards increasing housing density and new residents flock to the area.

"Backyards are being zoned out of existence," said John A. Charles, Jr., Cascade Policy Institute President and CEO. "It is taking away choice—crowding people in a state with 98 percent open space. Why are we acting as if we are in Singapore or Manhattan?"

Over the years, Portland metro-area lot sizes have been shrinking. In 1995, there were an average of five housing units per acre, according to a report from Cascade Policy Institute. Today, the average number of units per acre is 10.

The report found that what today is considered an "executive size" lot - 7,000 square feet per lot - was the average lot size during the late 1990s.

City Planning

Increasing housing density has been a goal for city and county governments, as the metro-area tries to deal with exploding growth. A 2040 Regional Plan encourages high-density development in designated city centers and along major transportation corridors.

The City of Portland has largely focused its efforts on increasing housing capacity, the norm for most downtown metros. Roughly 85 percent of new housing capacity is for multifamily developments, Tom Armstrong supervising planner for the Bureau of Planning and Sustainability for the City of Portland, said in the Cascade report.

Portland's surrounding suburbs also have policies that encourage high-density housing projects. In Hillsboro, one long-range planning project allows up to 11 units per acre, while another will commit 22 percent of the development to low-density projects. Tigard and Beaverton must reach an average density of 10 units per acre by 2040, part of a 50 year growth plan adopted by Metro.

The tri-county government Metro helps coordinate and assist planning and development in the cities and counties that make up the Portland metro area.

"Change is challenging to people in communities, but it's nothing new," said Ted Reid, Metro's principal regional manager. "You're dealing with a change in urban landscape, the question is how do you shape it to preserve quality of life."

Reid said Metro has a hands-off policy when it comes to established single-family neighborhoods, and wants to increase them by focusing growth in underdeveloped areas and near transit stations.

The Cost of Housing Density

Dr. Gerard Mildner is the director for Portland State University's Center for Real Estate, and researched the results of high-density housing projects in his paper, *Density At Any Cost*.

"Increasing high-density housing is creating monopoly-type conditions for landowners, and also creating significant burden in housing costs," Mildner said.

The higher apartment buildings grow, the more expensive rent becomes to cover the added cost of building, according to Mildner, which will be problematic for Portland's housing and rental prices if the city continues to focus on that kind of development.

In Metro's 2014 growth report, they expect high-density housing projects in the Portland area to accommodate the projected increase of new residents.

However, Mildner said he believes the trend of millennials choosing to live in apartments over houses will fade as they have families and the economy continues to recover from the recession.

“Once they form families and have children, the attraction of living in high density housing will lose its luster,” Mildner said.

Urban Growth Boundary

Both Mildner and Charles say the answer is expanding outwards, rather than upwards. Yet that is not always an option.

Portland's Urban Growth Boundary was created in 1979 under Oregon law, in order to control urban sprawl into forest and farmland, and regulate where new development takes place.

Last winter, a letter from 24 of the region's mayors to Metro voiced concerns of a plan to increase density, rather than expand the boundary.

“The result will be significant negative impacts in meeting the needs of residents, as well as the region's ability to meet its goals of reducing greenhouse gas emissions and creating great communities,” the letter said.

Even if space is crowded, it seems to be the area in which people want to live. Metro has expanded the Urban Growth Boundary close to 30 times to include 31,400 more acres. Yet between 1998 and 2012, 94 percent of new units were built inside the original boundary.

“People try to say it's not enough land, and it may be part of it, but it's really about land readiness,” said Jim Middaugh, communications director for Metro.

Areas with well-established and high-functioning infrastructures and public safety attract the most people, according to Middaugh.

Every five years, Metro considers expanding the Urban Growth Boundary. The council will make a decision at the end of 2015, or will ask the state for an extension, according to Reid.

Charles said a policy that encourages high-density housing is not necessarily a bad thing if that is the living conditions people desire. However, he questions if people are aware of how the area will look in 20 or 40 years.

“It's shocking to discover the poor choices you have—no yard, no parking, no place to toss a Frisbee with a kid,” Charles said. “I believe there's a lot of downsides the average citizen hasn't considered. They don't know it's happening, and that it's a dominant policy.”

4 West Coast Mayors Lift Ban on City-Funded Travel to Indiana

*By GoLocalPDX News Team
April 7, 2015*

Today, Portland Mayor Charlie Hales along with the mayors of Oakland, San Francisco and Seattle announced that, after consulting with each other and reviewing the changes to the Indiana law, they have decided to lift their cities' respective bans on city-funded travel to Indiana.

The issue came about after the Indiana Legislature and Governor Mike Pence passed a law that discriminated against LGBT people. Cities, counties, states and businesses around the nation condemned the passage of the law.

Late last week the governor and legislature clarified the intent of the Indiana law, stating that it may not be used by most private businesses to defend against discrimination claims. The clarification identifies that sexual orientation and gender identity are characteristics for which nondiscrimination protections may exist.

Mayor Hales said the changes in Indiana are a good first step, and that he will lift the travel ban today.

Read the full statements from Mayor Hales, Mayor Libby Schaaf of Oakland, Mayor Ed Lee of San Francisco, and Mayor Ed Murray of Seattle below:

Portland Mayor Charlie Hales:

“Indiana as a state should follow the leadership of the great city of Indianapolis, and of Mayor Greg Ballard,” Hales said this week. “In Indianapolis, protections for LGBT residents are clearly delineated. Indianapolis understands that which so many other cities and states know: that protecting all residents, regardless of sexual orientation or gender identity, is sane, smart, practical and ethical.”

Oakland Mayor Libby Schaaf:

“We have a duty to speak out and act against discrimination wherever and whenever it occurs because the erosion of anyone’s civil rights is a threat to us all. While there is much more to be done nationally and at the state and local levels to provide equal protection under the law for all, I am encouraged by Indiana’s decision to clarify its law so that it cannot be used to deny members of the gay, lesbian, bisexual and transgender communities access to services. After review of this change, I am directing the Oakland City Administrator to resume the normal review of requests for City-funded travel to Indiana.”

San Francisco Mayor Ed Lee:

“While not perfect, the changes made to Indiana’s Religious Freedom Restoration Act represent a step in the right direction. While I believe strongly that Indiana, like many states around the country, must still add more protections to prevent discrimination against its lesbian, gay, bisexual and transgender communities, I have decided to lift San Francisco’s restrictions on publicly funded City employee travel to the State of Indiana with the hope and expectation that progress on civil rights for all Americans will continue. I also applaud cities like Indianapolis, which have taken these steps at the local level, and Indianapolis Mayor Greg Ballard, who has been a consistent champion for equality during this whole debate.”

Seattle Mayor Ed Murray:

“After an unprecedented response from businesses, governments, faith organizations, non-profits, sports organizations and millions of people across America, Indiana’s legislature and governor amended their state’s Religious Freedom Restoration Act to include LGBT people in that state’s history.

“While the most egregious parts of the law were changed, LGBT people still face a tough reality in Indiana and in many other places throughout the country. Indiana needs a comprehensive civil rights law like Washington’s, which protects people from discrimination regardless of who they are or who they love.

“I recognize that it will not be easy to pass anti-discrimination legislation in Indiana or other states where these protections do not currently exist. In the state of Washington, it took 29 years before we finally succeeded in passing it in 2006. The people in Indiana and around the country who continue to fight for equity under the law need coordinated support and resources to fulfill the promise of an end to discrimination. I want to thank Indianapolis Mayor Greg Ballard for being a leader in his state and calling for a civil rights law that includes sexual orientation and gender identity as a protected class in Indiana. Seattle stands in solidarity with everyone who fights for recognition and equal protections under the law. I realize LGBT people in Indiana face a government whose mission was clear – they wanted to legalize discrimination in Indiana – and to some degree they have.

“Yet, rarely does wholesale change happen overnight. It is important that we celebrate these small victories as we advance toward our ultimate goal of full equity for all.”

Uber and Lyft Poised to Restart Operation in Portland

*By GoLocalPDX News Team
April 6, 2015*

Portland’s Private-for-Hire Transportation Task Force has released its temporary recommendations that will tentatively allow the controversial ride share company Uber to operate in the city.

Uber ceased operation in December to allow the city to come up with rules for how to accommodate "sharing economy" transportation companies.

Pending approval from city council Thursday, the company can restart operations, with a number of conditions.

A pilot program, outlined by the task force Monday, gives ride share companies 120 days to obtain liability insurance and ensure drivers have undergone back ground checks. Controversially, Uber will be able to maintain the rate hikes charged during peak times (think New Years' Eve or a Saturday night), but not in an emergency situation.

Persons with disabilities must be directed to city-approved services, if the carrier does not have the necessary equipment on board.

Additionally, neither Uber nor its competitor, Lyft, will be permitted to wait in traditional taxi lines, such as those at PDX or in entertainment districts, nor can a ride share be hailed from the street.