

The Oregonian

Portland's Thomas Cully Park nets \$500,000 grant, still millions of dollars short

*By Andrew Theen
April 21, 2015*

Portland officials and nonprofit leaders celebrated securing a \$500,000 federal grant Tuesday as a "huge boost" to developing long-sought Thomas Cully Park, but it appears organizers remain millions of dollars short of their fundraising goal.

Nonprofit Verde and the "Let Us Build Cully Park" coalition raised \$4.85 million to develop the first phase of what's envisioned to be a two-stage development in the long-underserved Cully neighborhood of Northeast Portland. But the project cost for the first phase of construction alone is an estimated \$6.7 million, according to City Council records from 2014.

Thomas Cully Park, a 25-acre city-owned property south of Northeast Columbia Boulevard and bordered by Northeast 72nd Avenue and surrounding neighborhoods, is a former brownfield site once home to a sand and gravel mine and construction landfill.

The Parks Bureau bought the land in 2002 and started working with Verde in 2011 to raise money for the project. Officials estimate the park would serve 405 families now lacking a park within a half-mile of their home. Nearly half of Cully households have an annual income of \$40,000 or less, according to parks officials.

On Tuesday, the coalition announced the \$500,000 federal grant, via a new U.S. Department of Interior program for outdoor recreation. Portland was one of eight recipients nationwide.

Verde officials did not respond to requests for comment regarding the project timeline and funding gap. Through a parks spokesman, the nonprofit said the \$6.7 million estimate could change depending on construction costs, permitting work on Northeast Killingsworth Street and other factors.

In a statement, Alan Hipólito, executive director of Verde, said he was "tremendously excited and honored" that the coalition's efforts are being recognized. "When Cully Park opens, it is going to make a real difference in the lives of the many diverse people and organizations that call Cully their home," Hipólito said.

According to a previous parks press release, phase one of the project is expected to include walking paths, an off-leash dog area, restrooms, playgrounds, picnic areas, a tribal gathering area and a soccer field and basketball court.

The \$500,000 grant will help offset costs to restore wildlife habitat, construct a walking trail, the soccer field and "scenic outlooks," according to the release.

"This grant is a huge boost for Thomas Cully Park, and to the community partners who are so deeply engaged with making the park a reality," Commissioner Amanda Fritz said in a statement.

Last year, Fritz pledged \$1.25 million in parks system development charges to help build the park.

Verde has \$755,000 in outstanding grant requests.

Phase two of the development is expected to include a parking lot near the southeast corner of the property, "multiple sports fields" and better access to the park from nearby Killingsworth Street.

Portland's building boom leads development bureau to request 33 new jobs

*By Andrew Theen
April 20, 2015*

Elshad Hajiyev looked out the office window in downtown Portland to the sight of massive construction cranes last week and smiled.

"It makes us happy," Hajiyev, Portland's Bureau of Development Services finance manager said Friday. "Because there are so many of them right now."

In response, BDS wants to hire 33 people to serve as new building inspectors, land-use planners, site development staff and other jobs closely tied to the construction market.

"The need for those positions is right now," Hajiyev said.

BDS, the bureau that processes land-use applications, screens development projects and issues building permits, among other tasks, is the city agency most closely tied to economic peaks and valleys.

Those cranes and other signs of construction, evident from Northeast Broadway to Southeast Division to North Williams Avenue to the Burnside Bridgehead, are literally money in the bank for the bureau.

Hajiyev said after years of cutting staff after the recession in 2009 and slowly building back, the bureau is "very close" to hitting prerecession staffing levels.

Bureau resources are up to a projected \$48.8 million in permit and fee revenues in the coming fiscal year, nearly double the lowest point in 2009. The extra 33 jobs would bring the bureau up to 330 positions, Hajiyev said, 27 short of the level prerecession.

Some of the positions are engineers needed for large projects in the next year valued at upward of \$800 million, according to Hajiyev.

Planners expect big development in the Lloyd District and South Waterfront.

Bureau officials planned to request new jobs during the upcoming 2015-16 budget year that begins in July, but Hajiyev said they bumped the request up a couple months to the spring budget adjustment time frame (when city officials close the books on the current budget year).

Adding the jobs two months earlier would mean a world of difference, Hajiyev said, as the bureau tries to expand services in the busiest construction months.

According to the citizen-led budget advisory committee, despite staff gains in recent years, "significant gaps remain in service levels" that lengthen the development review cycle for developers.

The Portland Tribune

Fate of Washington Park reservoirs heads to council

*By Jim Redden
April 20, 2015*

The City Council will consider approving a proposal from the Water Bureau to demolish the two open reservoirs in Washington Park on Thursday.

Although controversial, the proposal is not as visible as the bureau's plans to disconnect the three open reservoirs in Mt. Tabor. The council is scheduled to consider granting a permit to do that on May 28.

Both proposals are part of the council's plans to remove the open reservoirs from the water distribution system and replace them with closed reservoirs and underground storage tanks. Although the council says it is only complying with relatively new requirements by the U.S. Environmental Protection Agency, neighborhood activists say the council should fight the EPA because the existing water system is safe and replacing it wastes millions of ratepayer dollars.

The Washington Park reservoirs are in a historic district and the proposal was reviewed by the city's Historic Landmarks Commission on March 30. The commission was not required to issue a permit, however, because the proposal is to demolish not preserve the reservoirs.

That is different than the situation in Mt. Tabor, where the water bureau is proposing to maintain the historic appearance of the reservoirs after they are disconnected. In that case, the commission approved the permit with conditions, but both the bureau and neighbors appealed the decision to the council.

According to a water bureau memo to the council, the open Washington Park reservoirs will be replaced with an underground reservoir that will be better designed to survive earthquakes. It will eventually be topped with new landscape and a water feature.

The memo can be read [here](#).

The proposal is opposed by Friends of the Reservoirs, a grassroots group fighting to maintain all of the open reservoirs. Among other things, it believes residents living near the Washington Park reservoirs will be adversely impacted by the demolitions and construction project.

Friends of the Reservoirs sent a letter to the council that can be read [here](#).

Speedy Uber-related City Council vote scheduled

By Jim Redden

April 17, 2015

In an unusual move, Mayor Charlie Hales and Commissioner Steve Novick have scheduled a hearing and vote on a 120-day pilot program for ride sharing companies like Uber and Lyft on Tuesday, the day before the City Council's normal Wednesday meeting.

Hales and Novick announced the hearing and vote in a Friday afternoon press release. According to the release, the program would affect both traditional taxi companies and companies like Uber and Lyft, which are called Transportation Network Companies because people request rides from private car owners through apps on the smart phones.

"Under the proposal by Hales and Novick, the City would lift the cap on taxi fares, so taxis and TNCs could both set their own fares without city regulation. Both taxis and TNCs would be required to provide service to people with disabilities, provide service 24 hours a day/seven days a week, and certify that their drivers have passed City-approved background checks. The City will audit these records to enforce compliance. The resolution directs Transportation Director Leah Treat to create and sign an administrative rule launching the pilot program," the announcement said.

Existing taxi companies oppose the program, however, saying it favors TNCs because, among other things, they have low operating costs.

"A flood of new TNC vehicles will drive prices down simply by the laws of supply and demand. With a fixed demand for services, fewer rides for taxis will be the result. While Portland's two larger taxi companies may be able to withstand a short-term loss of income, the smaller ones cannot, and will very likely go out of business, leaving many drivers stranded without a source of income," the companies said in a statement issued by their advocacy organization, the Transportation Fairness Alliance.

But Uber General Manager for the Pacific Northwest Brooke Steger said her company supports it.

"We are thrilled that the Citizen Task Force listened to the thousands of Portland residents who want to see a permanent home for ridesharing in Portland; we're hopeful the City Council will listen to Portlanders and implement this reasonable resolution at their meeting next week. After we voluntarily paused operations in Portland in December, we were proud to continue service in the suburbs — connecting communities, complementing existing public transportation, and partnering with local organizations to help make drunk driving a thing of the past. We look forward to doing the same here in Portland — providing safe, reliable rides and economic opportunities to all Portlanders," said Steger.

Lyft Public Policy Communications Manager Chelsea Wilson said her company also supports the program.

"This is an exciting first step toward securing a future for Lyft in the City of Portland and we appreciate the city's commitment to welcoming ridesharing. Portland residents have spoken up in support of increased transportation options. We look forward to bringing Lyft's safe, affordable, community-powered rides to the area soon and urge the Council's support for the ridesharing pilot program," Wilson said.

Additional information can be found [here](#).

The council was split during a previous hearing and work session on the program, with Commissioner Dan Saltzman appearing to be the swing vote. Hales reportedly promised Uber it could resume service in Portland in April after it started providing rides last year but stopped when fined by the city. A federal lawsuit over the issue is on hold.

The ordinance can be found at www.portlandonline.com/auditor/index.cfm?c=50265&a=526691.

What should Portland do with \$30 million?

*By Steve Law
April 16, 2015*

As Portland's economy continues humming and city coffers overflow, city officials face a welcome dilemma: how to spend \$30 million in surplus cash projected for next year.

Prudence might call for fixing some of the city's long-neglected roads and parks, or perhaps making a down payment on the \$100 million-plus it's going to take to repair the Portland Building, the city staff's primary office quarters.

But the word is out that the city has extra cash, and there's a torrent of special requests to carve out some of the new money available in the budget cycle that begins in July.

"It sometimes doesn't make decision-making easier; it sometimes makes it harder," says City Commissioner Dan Saltzman, the dean of the City Council.

Agency managers and city commissioners requested some \$60 million worth of new projects by the Feb. 2 deadline, which would help fund an additional 138 full-time city positions or the equivalent. That doesn't include emerging proposals for "special appropriations" that continue popping up.

But some say there's a resolve among city councilors to fix what the city has, rather than go whole-hog into new initiatives, especially those outside the city's core responsibilities.

"I think it's going to be a theme of investing in our assets," Saltzman says.

After the latest economic forecast in March, city budget analysts projected there will be \$11.5 million a year available for new ongoing spending — nearly triple the amount projected three months earlier. Plus there's another \$19.6 million available in one-time spending — also a sizable bump from the prior forecast.

When city economists make their final forecast April 28, those numbers could grow higher, largely on the strength of business taxes flowing in around income-tax filing deadline.

But a fiscally conservative tone was struck by the council when Commissioner Amanda Fritz persuaded her peers to adopt a new policy devoting half the one-time resources each year to maintenance and infrastructure projects. That fits the "back to basics" theme that Mayor Charlie Hales used when he ran for election.

City commissioners also recognize they need to put their money where their mouth is if they're going to seek new taxes or fees to pay for long-deferred road and sidewalk upkeep, especially in areas of East Portland that lack paved roads and sidewalks.

"I think there's an understanding the public will be less skeptical about our 'ask' for transportation if we demonstrate that transportation is a priority," says Commissioner Steve Novick, who oversees the Portland Bureau of Transportation.

There seems to be consensus around a list of maintenance projects developed by the City Budget Office that would devote nearly \$10 million as required under the new policy. The office ranked the projects using criteria that councilors agreed on. The resulting list is heavily weighted toward roads and parks.

Not that all the commissioners are in agreement on how to spend the new money.

Several issues have emerged as they jockey for some of the surplus funds:

Low-income housing

The biggest one, dollar-wise, is \$5 million requested by Saltzman for the Housing Investment Fund, a flexible pot of money to support low-income housing. That money would be used outside the city's urban renewal areas, where funding is the tightest, Saltzman says. City Commissioner Nick Fish is a big supporter of the idea, but the City Budget Office didn't endorse any of that request.

Saving firefighters

A federal grant runs out at year's end that funds 26 firefighters. Hales has talked about only funding half of those positions, and trying to find ways to charge for city-provided emergency medical services to raise more money.

But there's behind-the-scenes talk that the city might cough up enough to save all 26 firefighter positions if the Portland Firefighters Association drops unfair labor charges. Those were filed against Portland Fire & Rescue's switch to dispatching SUVs, known as Rapid Response Vehicles, to handle lower-risk emergency medical calls instead of more costly fire engines.

Fixing the Portland Building

There's little money in the proposed budgets so far to get started on this big-ticket item, but some of that is because city finance experts are still working up proposals for how to pay for it, including long-term bonds.

"We can't keep sweeping it under the rug," Novick says. "It houses 1,300 city workers. It would be very hard for the city to function if that building is emptied after an earthquake."

He figures a 30-year bond could pay for it, if the city paid some \$8 million a year. But that would gobble up the lion's share of the ongoing money the city now expects to have at its disposal.

More on the list

With any extra funds being consumed by payments on a potential 30-year bond, the city council would have a harder time funding the laundry list of items that have received strong support among the council, such as Police Bureau improvements to properly serve the mentally ill and comply with a legal agreement with the U.S. Department of Justice; money to continue the East Portland Action Plan; and the Voz Workers Center, among others.

Then there are some requests for money that may be hard to resist, such as the joint city/county Home for Everyone homelessness initiative; the James Beard Market; improvements to the Columbia River Levee system; and the collaboration between Faubion Middle School and Concordia University.

Whose park is it anyway?

By Jennifer Anderson

April 16, 2015

Portland is famous for a lot of things — food, beer, parks and bikes among them.

The city is laden with oodles of "best of" awards in each category, driving masses of people to move here, work here and play here.

But now one of those bragging rights is being called into question — twice in the past few weeks.

A bicycling advocate on Monday launched a petition to strip Portland of its bike-friendly 'Platinum' status, awarded by the League of American Bicyclists in 2009 and renewed in 2013.

"It seems like the ranking is out of line with reality," says Will Vanlue, a Southeast Portland cycling activist and former spokesman for the nonprofit Bicycle Transportation Alliance who posted the petition on www.Change.org.

Vanlue's petition — which collected more than 300 signatures in the first day — comes on the heels of a similar request to downgrade Portland's 'Platinum' status due to the recent mountain biking controversy, which has made national headlines in the past month.

In other words, it's been a bad month for bicyclists in the city of Portland — and no matter your opinion about bikes, advocates say this flashpoint is a wakeup call for everyone.

"Bicycling has become more mainstream, and people see it as an indicator for a high quality of life and an attractive place to live and locate a business," says Andy Clarke, president of the League of American Bicyclists.

Why all the fuss over bikes all of a sudden, and why should anyone care, outside of cyclists?

Lots of reasons. The infrastructure and politics of cycling and mountain biking in Portland is everyone's business for four major reasons: Public money, public process, public reputation and public statement of values by city leaders.

A quick recap of the drama:

On March 2, Commissioners Amanda Fritz and Nick Fish issued a memo banning mountain biking at River View Natural Area, which has been one of the last bastions for dirt "singletrack" trails in the city.

The memo came after mountain bikers and others had been involved in a Technical Advisory Committee to create a plan for the park in a way that balanced recreation with resource protection.

The announcement sparked a protest ride through River View that drew 300 riders wearing "Portland hates mountain bikers." It also prompted a letter by the League of American Bicyclists and two other groups to city leaders calling for a downgrade in their Platinum status.

"Cutting a public process short dishonors those citizens who have volunteered their time to their community," read the group's letter. "It undermines the professional input of the technical advisory committee. Most of all, it disregards the spirit of due process that we expect of government at all levels."

Bikers enjoyed the terrain at River View for decades until summer 2011, when the city, Metro and the Trust for Public Land acquired the 146 acres for \$11.25 million.

The Portland Bureau of Environmental Services kicked in \$6 million, with Parks at \$2.5 million and Metro at \$2 million.

The mandate was to protect the area from development and remove invasives and restore native plants, to be managed as a natural area by Parks, according to Commissioner Dan Saltzman's statement at the time.

Yet meeting minutes show that the Technical Advisory Committee considered mountain biking to be part of the plan. Mountain bikers held work parties to clean up and restore the trails.

At their first meeting in April 2014 the committee noted a desire to "Use Best Management Practices (BMPs) to construct trails that are sustainable and minimize impacts to natural resources," according to minutes procured by BikePortland editor Jonathan Maus.

At their last meeting in June 2014, it appears they were moving forward with a plan for trail design.

"The draft Habitat and Trail plan strikes a good balance of providing recreation that is compatible with ecological values of the site," said the meeting minutes.

Fish and Fritz's memo said they exercised "an abundance of caution" to protect the city's investment in the natural area, including the endangered fish that swim in the seven streams flowing into the Willamette River. They said the ban isn't permanent, and proposed creating a new Citywide Mountain Biking Plan.

But cyclists are cynical about another process. They say it's the city's job to provide public recreation opportunities for all users at River View and Forest Park.

"The real issue is public access," Maus says. "They have no idea what's going on with trail running, off-leash dogs, climate change and invasives," which were identified as the top threats to River View.

From his perspective, what's happened is a "general bias and misunderstanding about mountain biking. They end up singling that out and making the biking piece jump through hoops, do a purity test, do all these trials and tribulations before they bless it. It's not based in anything."

A few weeks after River View protest ride, bikers also took part in a "Forest Park Freedom Ride," to hearken back to their original fight.

Four years ago, mountain bikers joined other stakeholders on a Forest Park Single Track Advisory Committee that met and produced a report in July 2010. It noted majority support for "Improvements and construction of single track trails in utility corridors that would create additional loops and access from Highway 30 to Leif Erikson Rd."

On paper, there are about 30 miles of mountain biking trails in Forest Park. However, all but about a third of a mile are on wide gravel roads. There's about a third of a mile of singletrack.

To widespread concerns about mountain bikers knocking hikers and walkers off the path as they travel down in high speeds, advocates say Forest Park could and should adopt any of a number of sustainable trail design strategies used in other communities, such as alternating days with hikers, separate trails and designs for shared use.

In response to the committee's report in 2010, Fish wrote that "Forest Park is not ready for expanded access," without detailing reasons why.

PROTECTING THE PARKS

Les Blaize, a Forest Park neighborhood leader who served on that committee, calls the Forest Park process "a year and a half of torture."

He and another committee member produced a minority report, which did not support singletrack in Forest Park at all.

Having lived there for 40 years, he's tasked himself with one job: Protect the park's natural areas.

"It's not about hikers. It's not about bikers. It's not about runners. It's not about ADA. It's not about equestrians. It's about the park," Blaize says. "It's about the health of the park."

Mountain bikers are just one user group, he says. But what happens when other user groups also seek to gain and expand access to the park, like equestrians, zip-liners, foragers, geocachers, cyclocross, BMX riders and more?

Blaize is concerned that the city has done few baseline studies of use at the park, so it's impossible to tell how much the park is being degraded.

CHANGE.ORG PETITION

Will Vanlue's Change.org petition filed Monday puts the spotlight on basic safety for cyclists on Portland's city streets.

He says the city has fallen short of the League of American Bicyclists' Bicycle Friendly Communities attributes, also known as the 5 Es: engineering, education, encouragement, evaluation and enforcement.

Specifically he cites outdated design standards, facilities for bikes that are not well maintained and deficient neighborhood greenways.

He says public campaigns are often aimed at the victims of traffic violence, not the behaviors that cause crashes and fatalities.

He says Sunday Parkways events are popular but chronically underfunded; that traffic laws are unevenly enforced; and there's been little progress on the city's Bicycle Master Plan.

Vanlue says he's had his own "few near misses and more minor collisions" of his own on the roads. But when his friend was hit by a truck while on his bike recently, that set him over the edge.

"I just hope we can start talking honestly about what's working in Portland and what's not," Vanlue says. "The people at the city do value safe streets."

To view the petition: ow.ly/LKzY2

Hales promises to replace police liaison soon

By Jim Redden

April 15, 2015

Mayor Charlie Hales is not yet sure when and how he is going to replace the most visible local face of his police reform efforts.

Retired Oregon Supreme Court Justice Paul De Muniz surprised Hales Wednesday by stepping down from his position on the team overseeing the implementation of the U.S. Department of Justice settlement agreement with the city because of health reasons.

Hale's spokesman Dana Haynes says the mayor will do something quickly, even though the situation is something he hasn't had to deal with before.

De Muniz was the only local member of the out-of-state consulting team contracted by the city to oversee the implementation of the agreement to eliminate a pattern of excessive by police against the mentally ill.

Hales has pushed hard to enact all of the parts of the agreement, and has included funds for them in his proposed budget for the Portland Police Bureau next year.

In a Wednesday email to the members of Community Oversight and Advisory Board overseeing the reforms, De Muniz wrote, "I am sorry to inform you that as a result of a private and personal health issue, on the advice of my doctor, I have withdrawn from this project effective immediately. It has been a pleasure to get to know each of you and wish you every success."

Willamette Week

Ride or Die: Six Things You Need to Know About Tuesday's Pivotal Vote on Uber

*By Aaron Mesh
April 20, 2015*

Uber is back, baby. Lyft is almost legal. Portland's cab companies are wild with rage. And everything hinges on a City Council vote Tuesday night.

Mayor Charlie Hales and Commissioner Steve Novick ended three months of waffling with a bold play announced Friday afternoon. Their new plan is the first breakthrough on ride-hailing apps in PDX since Hales shooed Uber out of town last December. It could let Uber and Lyft operate as soon as this week, while radically deregulating the taxi market for the next 120 days.

Here's what you need to know about the new plan before the 5 pm Tuesday hearing and vote.

1. Hales and Novick overruled their own task force and went back to their original plan. When Hales cut a deal with Uber in December, he and Novick announced City Hall would open up the market by temporarily removing rules about how many cabs can operate at any one time, and what taxis can charge customers. (The catch phrase: "Taxis Gone Wild.") They then assigned a citizen task force to do the patented "Portland process" tango of public hearings. That task force bowed to pressure from cab companies, who didn't want a free-for-all on their numbers and prices.

When the task force's plan came to City Council for a vote on April 9, the hearing was a fiasco. The three other commissioners questioned why Uber could charge what it liked while cabs were curtailed, and challenged the Silicon Valley company's commitment to giving rider data to city regulators or providing service to passengers with disabilities.

The mayor was running out of time: He'd blown an April 9 deadline with Uber, and wanted to at least keep his word on the month in which ride-hailing apps could return. So he and Novick surprised Portland last Friday with a new deal: the old deal. They junked a big part of the task force's compromise—the price caps on cabs—and revived the full "Taxis Gone Wild" test period.

2. Uber and Lyft won by speaking softly and carrying a big stick shift. Uber always had a leg up in the fight with taxi companies: a handshake agreement with Hales made over political consultant Mark Wiener's dinner table in December. But the company and its top competitor, Lyft, helped their cause by making some big concessions in the past week.

The ride-app companies agreed to hand over data on their trips: the prices, length and locations of trips, as well as users' zip codes. (This is data Uber has already agreed to give up in Boston.) And the companies have pledged to utilize contractors who would guarantee rides to people with disabilities. It will be the first time Uber has entered a U.S. market with a contractor ensuring disabled access. (And it's a big deal, seeing as Uber has been sued for driver decisions such as stuffing a seeing-eye dog in a trunk.) But Uber and Lyft also have a trump card that is forcing Hales to work faster. If he doesn't keep his pledge to permit them to operate by the end of April, they could defy City Hall like Uber did in December—this time with the argument they tried to play by the rules and got screwed. Portland regulators learned last year that they had almost no power to crack down on Uber and Lyft: They couldn't tow cars, and they were bad at stings. (UPDATE, 1:40 pm: The city's new rules for Uber include legal justification for towing and impounding cars.)

3. Hales is giving cabs a level playing field—the worst one possible. The mayor offered cab companies a choice: Keep the current rules on the taxi market, or get the same deregulation as Uber and Lyft. The taxi industry chose... both. They demanded a "level playing field" while saying a removal of the caps on number of cabs and their prices would create a "race to the bottom." They gambled that Hales or

Novick would force Uber to accept price controls, and limit the number of ride-app drivers by making permitting requirements steep.

No dice. WW observed last week that City Council would have to decide whether it "should release cabbies into the free market, or force Uber to meet existing taxi regulations." Hales and Novick picked the free market.

Cab companies are furious. But they can no longer claim the regulations are stacked against them. Instead, they're arguing that without City Hall's help, they'll go out of business. "With few fixed costs, and billions of dollars in capitalization, Uber and Lyft can, and likely will, lower rates significantly below what taxis must charge to be sustainable," Broadway Cab president Raye Miles said in a statement Friday. But her complaint barely matters, because...

4. Novick dumped the cab companies on the side of the road. Six months ago, when Novick was comparing Uber to the Third Reich, he seemed like the taxi industry's best hope for keeping Uber out. The biggest surprise of Friday's announcement was Novick's public shivving of the cab companies.

"The existing taxi companies have [argued] that they should be protected from competition," he wrote in a statement, "in order to ensure a living wage for drivers and good service for people with disabilities. Given that our best information is that the average net hourly income of Portland taxi drivers is \$6.22 an hour, and given the complaints people in the disability community have about taxi service, we are not entirely persuaded by that argument."

That sounds like the end of a beautiful friendship.

5. Amanda Fritz can't stop Uber, but she can add some speed bumps. Tomorrow evening's vote is the final hurdle to Uber and Lyft operating in Portland. The last time Hales and Novick tried to pass their plan, they were eaten alive by colleagues Amanda Fritz, Nick Fish and Dan Saltzman. But this time, City Hall sources tell WW, Hales and Novick counted to three. Saltzman is almost certainly on board, and Fish is deciding whether to join the deal with some caveats.

That leaves Fritz, who has taken Novick's mantle of City Hall's top Uber-hater. (She has pledged to never ride in an Uber, for starters.) But by voting no, Fritz can only slow the experiment down. Her no vote means City Council can't pass the deregulation of cab companies as an "emergency" ordinance—which means cabs would have to wait a month to compete with Uber's prices. (Which cabbies say they don't want to do anyway.) So Uber will get a month's head start on the test drive.

6. Now the real ugliness starts. Until now, the fight between Uber, Lyft and cabs has been mostly theoretical. But as soon as this week, the ride-app companies could be starting price wars on Portland streets, while city regulators scramble to understand the data the tech giants dump on them. (Uber and Lyft have not offered to analyze their ride data, and it's unclear if City Hall knows how.) The city will have four months to figure out whether the experiment is working.

Meanwhile, the smart money says some cab companies will sue Uber and City Hall. That's what the taxi industry did in New York City and Boston when elected officials let Uber and Lyft in—they sued the cities for violating the equal-protection clause of the U.S. Constitution. Expect the same court fight in Portland. It's going to be quite a show. Maybe your Uber driver will give you some popcorn along with the complimentary bottle of water.

Uber executive David Plouffe and Mayor Charlie Hales will discuss ride-hailing rules April 30 at the Oregon Museum of Science and Industry at [a forum presented by TechFestNW](#), sponsored by WW.

Hales and Novick Say: Let Cabs Charge Whatever They Want Latest Portland City Hall plan for Uber will get vote on Tuesday

*By Anna Walters and Aaron Mesh
April 17, 2015*

A city experiment to legalize Uber and deregulate Portland's taxi industry—deemed "Taxis Gone Wild"—is returning to City Council next week with a new twist: no fare restrictions for cabs.

Mayor Charlie Hales and Commissioner Steve Novick announced in a press release they've tweaked their plan for Uber and its competitor Lyft for a 120-day test drive. They say they've responded to cab-company outcry by giving taxis a new means to compete: removing price restrictions for cab companies from city code.

"The existing taxi companies have [argued] that any competition needs to be fair competition," Novick said in a prepared statement. "We agree with that, and in order to ensure fair competition, the proposed framework makes some changes to the task force's recommendations – and underscores certain features of those recommendations that might not have been well understood."

Hales and Novick announced they plan to ask City Council to vote on their 120-day pilot program at a public hearing on Tuesday, April 21.

So when will your Uber be arriving? Possibly as soon as next week.

Portland Bureau of Transportation spokesman Dylan Rivera says that once Council approves the plan, it will take "a matter of days or a week or so," for the agency to get the pilot up and running.

"With our public involvement process everyone knows what's on the table and [the ride-hailing companies] are able to prepare," Rivera says. "We believe they've started background checking drivers." City Council delayed a vote on Uber last week, after Commissioners Nick Fish, Amanda Fritz and Dan Saltzman questioned the details of Hales and Novick's proposal.

Cab companies argued the rule changes tilted the market unfairly toward Uber by letting the company charge whatever it wanted while setting maximum fare caps for taxis.

The new proposal requires ride-hailing companies pick up passengers with disabilities and forbids them from charging more for accessible pickups.

Since drivers for Uber and Lyft use their personal vehicles which usually can't accommodate wheelchairs, the ride-hailing companies agreed to subcontract those rides.

At last week's Council hearing, Uber announced it would partner with First Transit to pick up wheelchair passengers when it resumes service in Portland. Similarly, Lyft said in a statement it is working out a deal with Ride Connection.

UPDATE, 3:49 pm: Ride-hailing companies and taxi companies have quickly issued statements responding to Hales and Novick's new proposal. No surprise: Lyft and Uber are happy. The cab companies are not.

"This is an exciting first step toward securing a future for Lyft in the City of Portland," says Lyft lobbyist Pat McCormick, "and we appreciate the city's commitment to welcoming ridesharing."

A coalition of cab companies had argued that Uber should have to play by the same rules as cabs on pricing. Hales and Novick's new plan does exactly that—by removing price caps for everybody.

But Broadway Cab president Raye Miles says in a statement, issued on behalf of six taxi companies, that this free-for-all still doesn't give cab drivers a chance against Uber, and hurts passengers.

"With few fixed costs, and billions of dollars in capitalization, Uber and Lyft can, and likely will, lower rates significantly below what taxis must charge to be sustainable," Miles writes.

"Unregulated pricing puts passengers at a disadvantage during high-demand periods, and puts drivers at a disadvantage during low-demand periods," she continues. "If all players are unregulated, they'll all be able to make up for the low rates by increasing fares at peak demand times, but at what expense to passengers?"

Miles adds that the city's smallest cab companies will likely go out of business under the new plan.

UPDATE, 6:03 pm: While Uber could return in a matter of days depending on the vote, taxis may have to wait before their new rules take effect.

Josh Alpert, Hales' senior policy adviser, says that the plan is broken into two components that will change the "for-hire" rules in Portland. The first is a "resolution" and sets new regulations for the ride-hailing companies only.

City Council could pass this portion of the plan with a majority vote, and Uber and Lyft could roll back to town immediately.

The second component is a set of "emergency" code changes that will immediately lift the fare restrictions and change other rules for cabs that level the playing field.

"It allows for the taxi cabs to really have a shot at competition in this market." Alpert says. "The idea of having an emergency clause in the ordinance is to immediately allow the cabs to change their model at the beginning of the 120-day pilot."

City Council must unanimously approve the code changes for cabs, or cabbies will have to wait another month before they can start charging what they want.

Translation: Depending on how council members vote on Tuesday, Uber could be welcomed back now with no limits on what it charges riders, whereas cab companies could remain encumbered by fare restrictions for a month.

City of Portland Finally Fines a Short-Term Rental Company But not Airbnb.

*By Anna Walters
April 17, 2015*

The city is finally cracking down on companies like Airbnb that allow hosts to rent their homes to visitors. But it's not actually going after Airbnb.

Instead, the Portland Revenue Bureau has fined Vacation Home Rentals of Newburyport, Mass., \$3,000 for failing to register to pay transient lodging taxes, get its hosts to obtain city permits and undergo inspections. The company is run by TripAdvisor, which declined to comment.

According to letters obtained by WW, the Revenue Bureau started sending warning letters to companies in late January and threatened some with fines ranging from \$500 to \$356,500 beginning in March. Although the agency has yet to actually issue fines—except in the case of Vacation Home Rentals—the companies put on notice include Craigslist, VRBO, Online Vacation Rentals, Rentalo, StayAlfred, FlipKey and TripAdvisor.

The city also sent letters to Airbnb, HomeAway and Vacasa informing them of the new rules and hasn't threatened those companies with fines.

Meanwhile, what appear to be large-scale violations by Airbnb continue to stare the city in the face: 94 percent of its hosts haven't bothered to get permits.

City officials would not say when—or if—they will take action against the home-sharing giant. "At any point a company fails to meaningfully engage with us to increase enforcement," Revenue Bureau director Thomas Lannom says in an email to WW, "we may assess penalties and require host information."

The Portland Mercury

Pushing for a Pipeline

How a \$500 Million Fuel Facility Nearly Crept into North Portland

*By Shelby King
April 15, 2015*

A FEW LINES of zoning code are almost all that stands between Portland and 33.6 million gallons of propane.

Canada-based Pembina Pipeline Corporation wants to put a \$500 million facility at the Port of Portland's Terminal 6 located in North Portland on the Columbia River. Pembina proposes delivering propane to Portland via 1.3-mile-long trains, storing the flammable liquid in tanks, and piping between 36,000 and 72,000 barrels a day onto floating storage tanks for transfer onto giant ships for export.

It's a mammoth project, potentially the largest infrastructure investment in Portland's history, and were it not for that zoning code—a bit of policy enacted to protect natural resources—process-loving Portlanders would have been largely left out.

"It was an allowed use and the port could have put the facility in with little or no oversight," says Bob Sallinger, conservation director for the Audubon Society of Portland. "They didn't realize a pipeline couldn't go through this zone; but for that snafu, there would have been no hearings."

Now there are hearings, including a six-hour marathon before the Portland Planning and Sustainability Commission on April 7. More than 300 activists showed up for the meeting, with representatives from

neighborhood associations, Native American tribes, and environmental groups all saying they are "deeply afraid" of possible derailments and explosions from freighted-in propane. Many also say allowing the facility would make Portland complicit in greenhouse gas emissions that come with fossil fuels.

The commission, in a 6-4 vote, recommended supporting the proposed zoning change, and sent the issue to Portland City Council for a final decision.

Activists want to know how this project almost slid by. How did a multi-billion dollar company that profits from the Alberta oil sands—a well-known environmental disaster zone—nearly get this enormous and controversial facility approved without the bulk of Portlanders knowing it was in the works?

The short answer: That's how our system works.

Pembina approached the port in May 2014, according to Port of Portland spokesman Steve Johnson. Just four months later, the parties had reached a nonbinding agreement. Johnson wouldn't comment on what he called "confidential business negotiations," but in the months those negotiations took place, it's clear both parties kept discussions low-key.

With just a handful of neighborhood meetings, Pembina and Portland officials—including Mayor Charlie Hales and Port Executive Director Bill Wyatt—announced they'd agreed on a partnership that gave the informal go-ahead for the facility.

At the time, Wyatt said Pembina needed to secure a building permit from the city, an air quality permit from the Oregon Department of Environmental Quality, and maybe a water quality permit from the state.

Meanwhile, the Port of Portland Commission—a nine-member, governor-appointed group that sets port policy—didn't take a crack at the project at that time. The commission will consider approving a lease agreement if a deal is reached.

When asked about community outreach, Johnson referred to Pembina's website, which lists nine local associations—including Audubon—the company says it's "met, or been in dialogue, with" since September.

But some of those parties say the process was insufficient. According to Sallinger and neighbors of the proposed project, Pembina hasn't been forthcoming with information about plans for the export station it's eager to build near Kelley Point Park.

Sallinger calls the limited public outreach a "divide and conquer" process, claiming that officials insisted on meeting with stakeholder groups individually and refused to hold all-inclusive public meetings. He also says the planning and sustainability commission did a "woefully inadequate" job at vetting Pembina's safety and environmental sustainability claims.

"The planning commission is really supposed to do a deep dive," Sallinger said. "Basically what they did is forward a bunch of vague concepts to city council."

Next, the port deal goes before city commissioners. City council is tentatively scheduled to consider the proposal on April 30, a date that Nick Caleb—a Concordia professor and attorney who's challenging Commissioner Steve Novick for his council seat in 2016—says is too soon.

"It is extremely odd for the city to be advancing this project so quickly," says Caleb, suggesting that a propane facility could contradict the city's Climate Action Plan. "This rushed process is extremely problematic given the size of this export facility, the volume of propane which would move through our city and be stored at the port, and the enormous climate impacts of the project were it to become operational."

The question before council is the same zoning tweak that went before the planning commission. Terminal 6 is located on land that's zoned for industrial use, but is also protected by an environmental overlay zone to safeguard wildlife along the Columbia River. Pembina's project calls for a pipeline to pump propane from the land-based storage tanks, across the overlay zone, and into a floating dock on the river. But the environmental overlay bans transportation of hazardous materials—including propane—via pipeline ["A Clog in the Pipe," News, Oct 15, 2014].

Pembina and proponents of the project tout propane's use as a clean fuel, point out the millions in revenue Pembina's project will pump into Portland's economy, and claim the facility will be safe. Protesters vehemently disagree—a fact that will almost certainly lead to another marathon hearing later this month.

"There is an extensive effort to greenwash this facility and somehow suggest the city is moving this forward in part because it helps address global climate change," Sallinger says. "That is pure bullshit. The

only thing green about this project is the money Pembina is waving around trying to get folks to jump onto their bandwagon."

Hall Monitor

Hitting "Reset" on Police Reform

By Dirk VanderHart
April 15, 2015

IT'S NOT EASY to sum up the confused muddle of Portland's new push to reform its police bureau, but I'll try numbers.

In four meetings of a citizen board overseeing reforms, there have been two official apologies. The group's one seemingly solid policy vote was just pulled back to make way for more discussion. And it's safe to say all 23 members are frustrated.

"We feel we've been set up to fail," said member Sharon Maxwell, at an April 9 meeting of the Community Oversight Advisory Board (COAB). "It's not okay. I'm really upset."

Plenty of cities have been roped into agreements similar to the one Portland faces—a 2012 court settlement with the US Department of Justice (DOJ) over abuses on the part of the police department.

But Portland has made the community a touchstone of that agreement. Where in other places a DOJ-appointed monitor oversees reforms, we have two groups: the COAB and a team of Chicago-based researchers, colloquially known as the COCL (compliance officer/community liaison), to make sure the cops are acting in good faith.

It's a beautifully Portland solution to police reform, with ample opportunity for diverse voices to make themselves heard. But as these two groups begin to take their first crucial steps, it's been something of a disaster.

The COAB—made up of 15 voting members, five police bureau officials, and three alternates—is struggling to make even basic decisions, such as who should serve on its subcommittees. The group appeared to have made a substantive choice in March, when it voted to recommend the city hire Portland State University researchers to conduct community surveys about cops. Then it pulled that vote back, with members voicing doubts that PSU could ably collect data.

Worse, there have been numerous threats by committee members to quit over perceived injustices. A central component of the process, former Oregon Supreme Court Justice Paul De Muniz, just dropped out for health reasons. And group members don't seem to trust two people they're supposed to be somewhat reliant on: Dr. Dennis Rosenbaum, a Chicago criminologist who leads the COCL team and serves as the COAB's chair, and Ellen Osoinach, a deputy city attorney on hand to provide legal guidance.

Rosenbaum, tasked with guiding the group, began the April 9 meeting by formally apologizing for what's been a rocky process.

"We hope we can have a fresh start this evening," Rosenbaum said. "It's kind of what we need right now."

Osoinach hadn't planned on apologizing, but was called out by former State Senator Avel Gordly, who said—to widespread agreement—that the city hadn't prepared COAB members to do their jobs.

"We're working with an uneven understanding of the settlement agreement," Gordly said. "It's mind-boggling really."

Osoinach readily apologized, acknowledging city staff had done a poor job preparing the group.

Maybe that's understandable. After all, this is an experiment.

It's also one that can't fail. Because if this tailor-made police reform we've concocted goes down in flames, it's Portland City Hall that will face the legal consequences. And it's the rest of us who'll have to live with them.

Portland Business Journal

50 business leaders urge Portland City Council to approve Uber/Lyft

*By Malia Spencer
April 20, 2015*

Fifty members of Portland's tech, investor, apparel and creative agency communities are backing efforts to bring companies such as Uber and Lyft to the city.

Organized by Dylan Boyd, director of R/GA Ventures and new programs development, the letter notes that Portland has the fourth highest proportion of app developer jobs in the country, yet, it is the last major West Coast city to keep block these transportation options.

"Portland is an innovative, progressive and forward-thinking city. An independent, entrepreneurial spirit infuses our economy and a sense of civic engagement energizes our community. We write you today to ask that the city finish the great work that it has started and allow Transportation Network Companies (TNCs) to operate in our great city," the letter states.

The Portland City Council is slated to vote Tuesday evening on a 120-day pilot program that would legally introduce transportation network companies, such as Uber and Lyft, into the city's for-hire transportation market.

Uber supporters and drivers are planning to meet Tuesday at 9 a.m. at Nel Centro and then walk to City Hall to speak with commissioners.

The letter notes that many in the business community use these services when traveling in other cities. On the flip side, many business travelers to Portland have the same stories of long waits or of rides not showing up at all.

"Portland's embrace of innovation has allowed us to recruit some of the best and brightest minds from around the world," the letter reads. "As Portland's tech-hub reputation continues to grow, the investments in our city are spurring economic activity across all other sectors — allowing restaurants, shops, and many other businesses to grow."

Signatories to the letter, which is below, include:

- Mike Golub, president of the Portland Timbers.
- Mat Ellis, CEO of Cloudability.
- Angela Jackson, managing director of the Portland Seed Fund.
- Lucas Carlson, chief innovation officer at CenturyLink.
- Diane Fraiman, partner at Voyager Capital.
- Jay Berberick, group director R/GA Portland.

The debate over allowing such companies which allow riders to hail drivers and pay for rides through a smartphone app has raged for the last couple of years. However, in December the stakes were raised when San Francisco-based Uber began offering its Uber-X product, where drivers use personal cars for fares, without city approval.

The service, which had already been running in the suburbs around Portland, operated for two weeks. In that time, the city slapped the company with a cease-and-desist order and a lawsuit. The taxi industry also organized and formed the Transportation Fairness Alliance, for representation through the city's plan to rework the rules governing for-hire transportation companies.

The city task force looking into the for-hire transit rules first released its recommendations for the pilot program April 6. Then last week, Mayor Charlie Hales and Commissioner Steve Novick released an updated plan that includes cutting the maximum fare rules for cabs.

GoLocal PDX

Mayor Hales, Novick Propose 120-Day Pilot Program for Uber, Lyft and Taxis

*By the GoLocalPDX News Team
April 17, 2015*

Today Mayor Charlie Hales and Commissioner Steve Novick proposed a 120-day pilot program that will allow for-hire transportation companies such as Uber and Lyft to operate in Portland. Hales and Novick believe the program will ensure fair competition between all private for-hire operators including the city's taxi companies.

The proposal builds on recommendations by the Private for Hire Innovation Task Force, which Novick appointed in December to examine the issue and figure out how to modernize the city's regulations. According to the city, evolving consumer interests, population growth and a booming tourism industry have generated more demand for taxis and other for-hire transportation service.

Under the new proposal, the City would lift the cap on taxi fares, so taxis and other Transportation Network Companies (TNCs) could both set their own fares without city regulation. Both taxis and TNCs would be required to provide service to people with disabilities, provide service 24 hours a day/seven days a week and certify that their drivers have passed City-approved background checks.

"This is a historic deal," said Mayor Hales. "We were able to move from confrontation to collaboration, with an open process and tough negotiations that have come up with a result that will improve our transportation system and creates a real win for consumers."

"The existing taxi companies have had two lines of argument against the pilot. One is, simply, that they should be protected from competition in order to ensure a living wage for drivers and good service for people with disabilities. Given that our best information is that the average net hourly income of Portland taxi drivers is \$6.22 an hour, and given the complaints people in the disability community have about taxi service, we are not entirely persuaded by that argument," said Commissioner Novick, who oversees the Portland Bureau of Transportation. "But the other line of argument is that any competition needs to be fair competition. We agree with that, and in order to ensure fair competition, the proposed framework makes some changes to the task force's recommendations – and underscores certain features of those recommendations that might not have been well understood."

Portland City Council is scheduled to conduct a public hearing and vote on the resolution by Hales and Novick at 5pm, Tuesday, April 21. The hearing will be held at City Council Chambers, Portland City Hall, 1221 SW Fourth Ave.

Today, the city released the framework for the proposed pilot program:

- The rules for fares will be the same for TNCs and taxis: The City will lift the cap on fares and, as always, have no minimum fare.
- Background check requirements for taxis and TNCs will be the same. Both can use City-approved third-party background check providers and the City will audit random samples to enforce compliance.
- Taxis and TNCs will implement service performance measures to ensure timely service for people with disabilities.
- The TNC companies will not be allowed to pick up passengers until permits have been certified.
- Taxis and TNCs will both be required to offer 24/7 service. Neither will be allowed to reject trip requests based on the shortness or length of the journey.
- The City prohibits disclaimers of liability for negligence or other tortious conduct contained in Terms of Service and requires that all tort claims be governed by tort law in effect at the time of a claim.

The Task Force is recommending a two-phase approach, which still guides City action. Phase 1 includes a 120-day TNC pilot program, during which time market data will be collected and analyzed. During Phase 2, the Task Force will assess the market data and solicit public input that will inform recommendations for an overhaul to all of the City's PFHT rules. The Task Force's final report is expected this summer and will include recommendations for all modes of for-hire transportation, including taxicabs,

TNCs, accessible for-hire transportation service, Limited Passenger Transportation companies, pedicabs and shuttles, according to the city.

“This task force did the City an incredible service by tackling these tough issues in a very tight timeframe,” said Mayor Hales.

“Thanks to the task force, the City Council can rest assured that our pilot program has been thoroughly vetted,” said Commissioner Novick. “The task force did groundbreaking work, and I look forward to their report this summer on broader for-hire transportation issues.”

Click [HERE](#) for more information and to read the full proposed pilot program.