

# The Oregonian

## In the zone: Cascadia, your government and you (Opinion)

*By Guest Columnists Ted Wheeler and Deborah Kafoury*

*March 5, 2017*

The last major earthquake in the Pacific Northwest happened off the Oregon Coast in 1700. The next one could happen at any time. There is a lot of attention on this issue, and rightly so. We need to be prepared.

Building on the 2013 Oregon Resilience Plan, a 2015 Pulitzer Prize-winning story in *The New Yorker*, and extensive coverage in the media, the City Club of Portland dug into the issue and recently adopted the report "Big Steps Before the Big One: How the Portland area can bounce back after a major earthquake."

Their report contains many good recommendations to ensure earthquake readiness and seismic resiliency, some of which are already underway in Portland and Multnomah County.

**Strengthening social resilience:** Neighbors are often the first to provide assistance following a major earthquake. Portland's Neighborhood Emergency Team program now has a record 1,200 active volunteers, with more than 1,500 ready to go through the training. The largest class in the history of the program is happening this April to train several hundred new members and the City will continue to grow this effort. Multnomah County is working with local non-profits, colleges and universities on plans for mass shelters that will be needed after the earthquake.

**Creating an earthquake ready Burnside Bridge:** Multnomah County is leading an effort to retrofit or replace this important lifeline in the coming years so we have a downtown bridge we can rely on after the earthquake. Community engagement in the process to make the bridge earthquake resilient in the coming years is critical.

**Reducing the risk posed by unreinforced masonry (URM) buildings:** Our city has the highest concentration of URM buildings on the West Coast. For the past two years, a team led by Portland's Bureau of Emergency Management, Bureau of Development Services and the Portland Development Commission has been working with community stakeholders to develop a policy to require seismic retrofitting of Portland's more than 1,600 URMs over a 10- to 30-year period. This policy will come to Portland City Council later this spring. Every effort will be made to identify incentives and reduce costs to building owners, including the [Property Fit program](#).

**Assessing and mitigating the Critical Energy Infrastructure hub in Northwest Portland:** We support pursuing a regional or state solution to address the ongoing danger posed to residents in the area, and to ensure this critically important hub for our local and regional economy can recover quickly following a quake. A disruption to this hub will have a statewide impact.

**Coordinating with the region:** The Regional Disaster Preparedness Organization, with our region's full support, coordinates emergency planning and preparedness efforts across political borders in the urban area. The close coordination of our operations during this winter's severe storms served as a dress rehearsal for how we'll work together following the big quake. Preparing for this unprecedented event cannot be achieved by acting alone.

**Supporting the development of the West Coast earthquake early warning system:** In the coming years, the U.S. Geological Survey will launch an earthquake warning system potentially

able to provide advance warning to the public before the ground starts shaking. We support federal efforts to finance and deploy this system as soon as possible.

It is incumbent upon all of us to prepare for a major earthquake. The recent winter storms demonstrated that we as households and individuals must do much more to prepare for an emergency. The Portland Bureau of Emergency Management has a guide called "[The Big One: A Survival Guide](#)" for information about how you can get ready. Read it today.

## **Wells Fargo urges Mayor Ted Wheeler to rethink pledge to consider dropping bank**

*By Jessica Floum*

*March 3, 2017*

Wells Fargo is urging Portland Mayor Ted Wheeler to make a "well-informed" decision after he [Tweeted](#) that he would consider taking the city's banking elsewhere in an effort to [discourage the bank's role](#) in financing the controversial Dakota Access Pipeline.

Wells Fargo values its "long-standing business relationship with the City of Portland," bank spokesman Tom Unger said in a statement to The Oregonian/OregonLive.

Unger noted that Wells Fargo is among 17 banks financing the pipeline and his firm's loan represents less than 5 percent of the project's total funding.

"We would hope that the city makes a well-informed decision based upon the millions of loans we make to consumers, small businesses and larger companies, as well as the millions of dollars in support Wells Fargo has provided the local community, and not because of a single loan to a company far from the city limits," Unger said.

In a Wells Fargo document about its Dakota Access Pipeline involvement, the bank says it is leveraging its position to encourage discussion between the Standing Rock Sioux Tribe and Energy Transfer Partners, the natural gas and propane company responsible for developing the pipeline. It says Wells Fargo representatives have met with members of the Standing Rock Sioux Tribe, which opposes the pipeline's development because of concerns it could harm their water and sacred sites.

"We are using our position as one of the financing institutions to encourage the customer to engage constructively with opposing parties toward a more positive outcome," the document says.

Members of the Standing Rock Sioux Tribe could not be reached for comment.

## Willamette Week

# Commissioner Nick Fish Demands Portland City Council Investigate Uber and Its "Greyball" Secrets

*By Aaron Mesh  
March 5, 2017*

Portland City Commissioner Nick Fish is calling for City Council to conduct an independent investigation of whether the ride-hailing company Uber broke state or federal law, or violated its contracts with the city, by using software to block inspections.

"I want the city to take a very aggressive role and I want the council to lead an investigation," Fish tells WW. "I will seek the ability to issue subpoenas. We need to compel Uber to produce information. The council cannot consider any updates to our code without understanding the magnitude of this scandal."

Fish's call for an investigation comes in the wake of [a Friday report in The New York Times](#) alleging that [Uber helped its drivers dodge code inspectors and deceive regulators in Portland](#) using software called "Greyball."

The report says that even as Uber muscled its way into the Portland taxi market in 2013, and [brokered a truce with then-Mayor Charlie Hales](#), it used "Greyball" to identify potential city inspectors and keep them from hailing an Uber ride.

Earlier today, Fish told WW he wants City Council to investigate whether that deception broke any laws, or continued to break the law after Uber signed contracts with the city.

Uber lobbyist Jon Isaacs says the company has not attempted to avoid detection since it began operating with the city's sanction in 2014.

"The VTOS program has not been used in Portland since a regulatory agreement was reached with the city," Isaacs says in a text. "I refer you to [this OregonLive story from last year](#) which makes it clear that inspectors who use the Uber app to spot check driver compliance are able to do so. We have built a positive working relationship with PBOT and our local team works hard everyday to maintain a strong record of compliance for the 6,000 active Uber drivers and 325,000 active Uber riders in the Portland metro area."

Fish, who voted against legalizing Uber, says he wants to know whether the company's use of "Greyball" software allowed it to block riders it didn't want and gain an unfair advantage in the taxi marketplace.

"We knew they came in and operated illegally," Fish says. "We didn't know they had this elaborate campaign to profile potential government regulators and prevent them from getting rides. But now that we know, it raises the obvious question: Have they used this technology to redline other potential riders and cherrypick only the most lucrative fares?"

Mayor Ted Wheeler's office could not be reached for comment Sunday evening. On Friday, Wheeler said he was "very concerned" by the report and pledged that he would work with Transportation Commissioner Dan Saltzman to investigate.

Fish has asked the City Attorney's Office for an opinion on what the options for a city investigation are. City Council has issued subpoenas before, including to Portland General Electric in a struggle for the utility's future in the early 2000s.

Fish says that level of authority is needed again. He wants to know the full scope of Uber's actions, and says the city can no longer take the company's word at face value.

"I'm concerned about privacy issues," Fish says. "I'm concerned about skullduggery that went down in 2014. Once you have figured out how to effectively redline consumers, what prevents you from blocking people who live in poorer areas, older adults, people with animals, people with disabilities? At the end of the day, we can't reward bad corporate behavior."

## Report: Portland Was Uber's Proving Ground For Law-Evasion Software

By Corey Pein

March 3, 2017

The New York Times today [reports](#) new information about how Uber helped its drivers dodge code inspectors and regulators in Portland and cities around the world: using software called "Greyball."

The software, described to the Times by current and former Uber employees, populated the ride-sharing app with images of fake cars designed to trick inspectors at a time when Uber was operating in Portland without city approval.

As Times reporter Mike Isaac writes:

*Uber's use of Greyball was recorded on video in late 2014, when Erich England, a code enforcement inspector for Portland, Ore., tried to catch an Uber car downtown as part of a sting operation against the company.*

*At the time, Uber had just started its ride-hailing service in Portland without seeking permission from the city, which later declared the service illegal. To build a case against the company, officers like Mr. England posed as riders, opening the Uber app to hail a car and watching as the miniature vehicles on the screen wound their way toward him. But unknown to Mr. England and other authorities, some of the digital cars they saw in their Uber apps were never there at all. The Uber drivers they were able to hail also quickly canceled. That was because Uber had tagged Mr. England and his colleagues — essentially Greyballing them as city officials — based on data collected from its app and through other techniques. Uber then served up a fake version of its app that was populated with ghost cars, to evade capture.*

The Greyball "ghost cars" were part of what the Times portrays as a systemic campaign by Uber to avoid law enforcement.

*When a tagged officer called a car, Uber could scramble a set of ghost cars inside a fake version of the app for that person, or show no cars available at all. If a driver accidentally picked up an officer, Uber occasionally called the driver with instructions to end the ride.*

The Portland City Council eventually relented and legalized Uber following a covert lobbying campaign that [violated city regulations](#).

# Daily Journal of Commerce

## Pushing the envelope

By Garrett Andrews

March 2, 2017

It's dark. It leaks. There's mold in the walls. The floors sag. There's debate whether it's ever met seismic code.

There are many issues with the Portland Building, the 35-year-old downtown city administrative hub and architectural landmark. And quite a few relate to the building's unique exterior.

A [major effort](#) began recently to gut and rebuild the interior while preserving the building's iconic look. The [chosen team of DLR Group and Howard S. Wright](#) went public with their conceptual design plans in December and lately has been working on the details. Undergirding their efforts will be help from one of the world's leading experts.

Michael D. Lewis, architect and structural engineer, is regarded as a building envelope ace. (One source called him "the Michael Jordan of building enclosures.") His Cincinnati firm, Facade Forensics, has done much design and rehabilitation work on hospitals and museums, in particular – any place with an extremely sensitive interior.

Lewis has consulted for, among others, the National Gallery of Art in Washington, D.C., and has shored up the work of numerous noteworthy architects – including several projects by Portland Building-designer Michael Graves.

It's a misconception that the Portland Building's roof leaks, Lewis said. In fact, the sides – particularly the window systems – have allowed water intrusion. (The roof was recently replaced.)

Leaky windows aren't the only issue. The Portland Building was built at the height of the energy crisis in the 1980s, and to save money, cash-strapped designers made a number of decisions that have come back to haunt the city, according to Carla Weinheimer, a DLR Group partner. These include the amount and type of glazing.

Many of the punched openings that appear from the outside to be windows, are actually panels of black spandrel glass. All will be replaced with insulated, single-pane glazing units. This effort adheres to a mandate to improve daylighting in the dank office tower. The new glass shouldn't affect the look of the building, which is a necessity because it's on the National Register of Historic Places.

"My thought has been: 'How do we make this thing come alive?'" Weinheimer said. "How do we make it a better, happier place to work? How do we remedy the problems it has and end up with a building that's a better version of itself? To me, that's a very exciting design problem."

### External pressure

The primary purpose of a building envelope, according to Lewis, is to protect the interior – from the air, water, moisture, temperature and security threats. And the Portland Building's exterior suffers from numerous technical and performance defects.

It will be reconstructed to be weathertight for at least another 50 years. The plan now is to install another building layer – a rain-screen system. Two layers are far more effective at combating the elements.

“It’s essentially putting a new facade on the building,” said Todd Miller, a Howard S. Wright project manager. “Technology has evolved significantly since the building was built.”

The current proposal is for replacement of painted concrete at the upper levels with a painted aluminum panel system. There’s a chance that historic preservationists, like those serving on the Historic Landmarks Commission, could take issue with the change of materials.

Lewis isn’t worried. He’s accustomed to such mandates as well as alteration restrictions like those of the National Park Service or the Department of the Interior.

“We’re actually excited because we feel it will improve the look of the building and give it a higher-quality feel than what it has now,” he said.

### **Performance matters**

It’s another misconception, Lewis said, that all parts of the building envelope need to be barriers. Some features, like windows, should function as filters. Switching out the spandrel glass should be barely perceptible outside the building, but felt greatly within because darkness has been a consistent complaint among building occupants.

One major evolution in building envelope construction in the past 40 years has been in prefabrication. Much is now assembled off-site and interlocked on the structure as completed units. This has increased quality control, and reduced labor costs. In the early 1980s, many building portions were assembled piecemeal directly onto the Portland Building.

Soon after Lewis was hired as a consultant (Weinheimer had worked with him on several projects), he read up on the extensive history of the Portland Building envelope’s performance issues, many of which were diagnosed by previous investigators. The systems used in the original construction have required near-constant maintenance to preserve weathertightness.

“Looking back, we’ve learned a lot about how buildings perform,” he said. “And building enclosure construction has changed a lot over the last 30 to 40 years. We’re a lot better able to predict problems that turn up now. We have options now we didn’t previously.”

The primary origin of moisture has been the joints between the Portland Building’s windows and concrete walls. Water soaking into the tile systems has led to efflorescence – chalky white stains on the concrete, visible on the exterior.

The other source of moisture has been condensation – a bigger issue in the moist Pacific Northwest than elsewhere. This happens more frequently in the winter, when the concrete is cold and temperatures drop below the dew point at night.

City officials say employees who work in the Portland Building rarely see evidence of the leaky skin, though mold is a problem.

“The extent to which that has been occurring we won’t know until those interior finishes are removed,” Lewis said.

Lewis thinks the issues with the Portland Building have more to do with budget constraints at the time of construction than with Graves’ design.

“It’s not the fault of anyone or any one thing; it’s a function of how the different systems came together, and some of their inherent weaknesses,” he said. “I see problems in buildings of all ages, but more (younger than) 50 years than older than 50 years, primarily because of the diversification of systems and architecture. It’s a function of history, culture, explosive growth and construction.”

Weinheimer said the opportunity to enrich a Graves building is a career highlight, despite the Portland Building's sorry reputation among some local architects.

"I will say this: I am not a Portland architect," she said. "I was trained on the East Coast, and I was in grad school when this was built and Michael Graves and postmodernism was in the air. There are many people, not just art historians, who believe this is a very important and cool building."

### **Portland Building reconstruction**

**Architect:** DLR Group

**Contractor:** Howard S. Wright

**Structural engineer:** KPFF

**Mechanical engineer:** PAE

**Electrical engineer:** PAE

**Cost:** \$195 million

**Scheduled completion:** January 2020

## **The Portland Business Journal**

### **Wheeler lobs tough questions at Uber after revelations that it sought to evade authorities where app was banned**

*By Riley McDermid*

*March 6, 2017*

Beleaguered ride-hailing company Uber systematically deployed a systemwide program globally in order to deceive authorities in markets where it had been banned or face resistance, [the New York Times reported Friday](#).

The program, dubbed "Greyball," was part of the San Francisco's VTOS, short for "violation of terms of service," framework. The Times reports it was approved by Uber's legal team and has been in use since at least 2014.

Portland Mayor [Ted Wheeler](#) immediately called for an investigation into whether the tool affected the company's entry into Portland. He said Friday he's reaching out to mayors across Oregon and the country.

"While there is no evidence this behavior continued after reaching settlement in 2014, we take these allegations seriously. I am very concerned that Uber may have purposefully worked to thwart the city's job to protect the public," Wheeler said in a release.

"I am working with Commissioner (Dan) Saltzman, the City Attorney and the Portland Bureau of Transportation to investigate and make sure this issue does not continue."

The company deployed Greyball in myriad ways, including using it as a mode to evade authorities on the lookout for its services. Greyball further helped Uber blackball riders it no longer wanted using the service while creating "ghost" apps for undercover law enforcement officers attempting to hail rides in cities where the company was banned.

Uber issued the following statement in response to the news:

“This program denies ride requests to users who are violating our terms of service — whether that’s people aiming to physically harm drivers, competitors looking to disrupt our operations, or opponents who collude with officials on secret ‘stings’ meant to entrap drivers.”

Portland had launched a sting operation to catch Uber drivers after the service began operating without permission in the city.

“We’re very concerned to hear that this practice continued at least into 2015 and affected other cities,” Dylan Rivera, a spokesman for the Portland Bureau of Transportation, told the New York Times. “We take any effort to undermine our efforts to protect the public very seriously.”

[The San Francisco Business Times has more on the controversy.](#)