

The Oregonian

Portland Lays out Long List of Rules, Regulations for Hopeful E-Scooter Companies

By Andrew Theen

July 10, 2018

They said the road to the Rose City's potential electric scooter future would not be smooth, and boy, city officials weren't lying.

Portland's transportation bureau formally released its requirements Friday outlining what electric scooter rental companies must do to legally operate on city streets later this month.

There's no limit on how many companies can apply, but paperwork must be submitted by 11:59 p.m. Thursday. Portland formally invited LimeBike, Skip, Bird, Goat, and Spin to apply. If applications are approved, permits would be valid from July 23 to November 20.

The regulations include a 25-cent-per ride surcharge levied by the city, potential fines owed by the company if users block streets or sidewalks and requirements that the private entities share data with city officials.

Portland created the regulations as part of a four-month pilot project intended to be a test-run for the popular transportation option that's swept into large cities nationwide during the past year to both rave reviews and consternation.

"We need to be thorough," John Brady, Portland's transportation spokesman, said of the regulations.

He said the 36-page document strikes a balance between testing a new transportation option and "being mindful of potential impacts" on pedestrians, motorists and cyclists.

At least one of the companies reached Monday was optimistic about the Portland regulations.

Darren Weingard, head of government relations for San Francisco-based Skip, said the company has had "several very productive and helpful discussions" with Portland staff.

"We think Portland should be praised for the speed with which it moved, the clarity in its materials, and its thoughtful approach to the issues," he said in an email.

He said the plan was "balanced" and should be a success.

In late May, Portland Commissioner Dan Saltzman and transportation leaders sent a letter to five e-scooter companies expressing the city's intent to conduct a short-term pilot project. But the city, still stinging from its relationship with Uber when the ride-hailing company first started in Portland without consent, said it would require compliance or it would confiscate the companies' equipment and levy fines.

In some cities, e-scooters' arrivals have created a mess of the light-weight devices popping up on sidewalks all over town, creating nuisances and worse.

Brady said Portland has created a complete set of conditions that will allow the city to get a good evaluation of whether the scooters are something the city may want to have permanently.

Here are 10 takeaways from the permit document:

- **It's spendy:** Portland wants to charge e-scooter companies \$5,250 just to apply and pay for a four-month permit should they meet the city requirements. To put that in perspective, the initial application and license for a new recreational marijuana dispensary is \$5,950. E-scooter companies will also have to register as a business with the city and state.
- **East Portland:** The city wants to ensure that scooters aren't permanently clustered in the Central City or in trendy Portland neighborhoods. A hundred scooters, or 20 percent of any permit holders' fleet (whichever is less), must be rentable every day in east Portland or other Northeast neighborhoods typically underserved by transit or bike lanes. The geographic area described as underserved includes neighborhoods east of I-205, Cully and surrounding areas.
- **Surcharge:** Portland has reeled in an unexpected chest of cash from charging Uber and Lyft riders 50 cents per ride, and that may happen for e-scooter riders as well. E-scooter users will see a 25-cent surcharge in Portland. The companies typically charge riders a nominal rental fee then a small charge for each minute on the scooter. Portland wants to charge an extra fee to raise money for administration and enforcement, safe travel infrastructure, expended and affordable access and a \$50,000 evaluation it expects to complete at the end of the pilot to determine its efficacy. Weingard, the Skip scooters representative, said if the surcharge does go to benefit sidewalks and street safety, the company strongly supports it. "We believe protected bike lanes save lives and help stimulate decreased reliance on cars as the primary means of transportation, central goals of ours," he said in an email.
- **Low-income riders:** The scooter companies will be required to have "discounted pricing" for low-income people. How that will play out in practice is unclear, beyond the city's pledge to use some of the revenue from a projected surcharge..
- **Maximum of 2,500:** Portland is allowing only 2,500 scooters citywide, and companies that meet permit requirements will have to gradually release scooters over a few weeks. That stipulation ensures the city is not immediately inundated with thousands of scooters.
- **Helmets:** Portland is requiring companies to include a disclaimer on each device that says users must wear helmets to comply with state law. The devices are legal only for users 16 or older. Portland also included language in the permit saying the city "is not responsible for educating" riders about the helmet law or other rules requiring scooters to use bike lanes or the main public right of way. (Scooters are legal on multi-use paths like the Springwater Corridor, waterfront park trail and other popular spots.)
- **Daily shifts:** The city will require companies to rebalance the e-scooter fleet daily to make them adjacent to existing bike lanes and out of sidewalks and other right of way. Basically, Portland doesn't want all scooters to be concentrated downtown or in hot neighborhoods, so it is requiring the rebalancing plan in addition to the requirement scooters be distributed in east Portland.
- **Parking:** E-scooters are not allowed to be parked just anywhere, according to the permit language. They can't be parked within five feet of any crosswalk, bike rack, fire hydrant, drinking fountain, piece of public art, taxi loading zone, driveway, alley or disabled parking place. There are other prescriptive requirements about location in the permit application. Brady, the transportation spokesman, said those requirements just set the groundwork that the devices be placed on the building side of the sidewalk in any part of town. If scooters are going to succeed in Portland, he said, the parking issues other cities have had are "not going to fly" here. Companies could face escalating fines for blocking the right of way if they don't address the parking concerns promptly.

- **Data sharing:** Portland wants to have ready access to the companies' data on ridership and location, collision data and complaints made to the company. This has been a historic thorn in the side of the city's relationship with the ride-hailing companies that operate in the city.
- **Equity:** Beyond the requirements that scooters be distributed daily in east Portland and the inclusion of a low-income rental structure, Portland says it wants scooter companies to explain how they will provide services to non-English speaking riders.

The Portland Tribune

Mayor Says PSU Shooting Inquiry Will Be 'Objective'

By Zane Sparling

July 9, 2018

Ted Wheeler comments publicly on the June 29 shooting death of Portland resident Jason Washington.

In his first public statement on the matter, Mayor Ted Wheeler has promised a "thorough" investigation into the shooting death of Jason Washington.

Wheeler — who oversees the Portland Police Bureau through the city's commission form of government — told the Tribune that the investigation will be "objective" and "independent."

He declined to comment further, citing the ongoing nature of the investigation.

Family and friends say Washington — a 45-year-old Navy veteran, mail carrier and father of three — was killed by armed officers with Portland State University after his lawfully-carried firearm slipped out of a holster and he reached to pick it up.

They say he was a Good Samaritan attempting to break up a fight outside the Cheerful Tortoise bar in downtown Portland around 1:30 a.m. on Friday, June 29.

While PSU administrators have issued several statements regarding the fatal shooting, the Police Bureau itself has not released any public statements so far. Wheeler's relatively new hire at the Bureau, Police Chief Danielle Outlaw, has also remained silent.

Officials have not said how many times Washington was shot or whether he facing the officers or had his back to them.

Cell phone footage with audio recorded at the scene suggests Officers Shawn McKenzie and James Dewey fired at least a half-dozen times, if not more. They remain on paid administrative leave.

A memorial fund for Jason Washington is available [here](#).

Here is the full statement Mayor Wheeler made to the Portland Tribune on Monday, July 9:

"I'm not going to comment on that right now. That is under investigation. That was a Portland State University police action. They have asked the Portland Police Bureau to do an objective, independent investigation. That investigation is underway. I really cannot comment on it beyond that, except to say there is an investigation underway and it will be thorough."

City Hall Update: Activist's Suit Against Eudaly Dismissed

*By Jim Redden
July 10, 2018*

Plus, Lyft buys Biketown's parent company and public input sought on notification requirements

Oregon Chief U.S. District Judge Michael Mosman has dismissed activist Mimi German's federal lawsuit against Commissioner Chloe Eudaly.

German, a frequent witness at City Council meetings, had claimed Eudaly violated her rights by barring her from her private Facebook page and being absent during her testimony, among other things. German also complained that Eudaly said she has wasted the council's time with irrelevant testimony.

In his June 29 decision, Mosman said German had not proven her case. As part of his ruling, Mosman said that while German may have an interest in testifying publicly, "she has not alleged a corresponding interest in the presence of a particular council member while she testifies."

Mosman allowed German to refile a portion of her case if she can prove Eudaly used her Facebook page to conduct public business.

Lyft buys Biketown's parent company

Ride-hailing company Lyft announced that it bought the owner of the Biketown bike-sharing company last Monday.

Lyft bought Motivate, the largest bike-sharing company in the country, for \$250 million. The July 2 news release says Lyft intends to eventually transition from docking stations to dockless bikes that can be picked up and left practically anywhere.

Portland is one of eight cities, including New York and San Francisco, acquired by Lyft in the deal. It involves around 30,000 rental bikes nationally.

Public input sought on notification requirements

The public now can comment on proposed new requirements for publicizing proposed developments in city neighborhoods.

The Bureau of Planning and Sustainability has released a proposed draft of the requirements. They are in response to complaints about the current lack of advance notice voiced during the process to update the state-required Comprehensive Plan to guide future growth.

Among other things, developers would be required to post signs on properties proposed for projects even before building permit applications are submitted. The Planning and Sustainability Commission that advises the bureau will hold a hearing on them Aug. 14.

You can read and comment on the proposed draft at tinyurl.com/y87z6rhw.

City Targets Owner of Multiple Zombie Homes

*By Jim Redden
July 10, 2018*

Council may decide to foreclose on four of 10 derelict properties owned by Norman Yee next week.

The City Council is poised to crack down on Portland's most elusive zombie home landlord.

Norman Yee owns 10 vacant and derelict houses throughout the city. All have city liens for code violations on them ranging from \$6,797.43 to \$264,447.05. Neighbors repeatedly have accused them of causing livability problems for many years, ranging from overgrown yards to unauthorized residents and visitors disturbing the peace.

On July 18, the council will decide whether to approve four of the properties for foreclosure. Four others already are being foreclosed on by other parties. City bureaus are considering whether to recommend the remaining two for foreclosure in the future.

On May 26, 2016, the Portland Tribune reported on Yee as part of a series on the problems caused by zombie homes in the city. At the time, Yee had 12 problem properties in Portland. The article, headlined "Zombie houses and the mysterious Mr. Yee," documented the problems bureau officials encountered trying to force him to take responsibility for his properties. They could not find where he lived, and he did not respond to repeated letters mailed to his last known post office box address. The Portland Tribune could not find him either.

The council previously approved three of Yee's properties for foreclosure. He sold one of them in North Portland before the scheduled public auction. It since has been remodeled into a classic older Portland family home.

Yee kept possession of the other two houses by paying off the liens before the auctions, as allowed by the city's foreclosure policies. But he did not bring them up to code, and the Bureau of Development Services continued to cite them for code violations. They are now two of the four properties coming before the council in just over a week.

"We don't want to take someone's property away from them, but we have given Mr. Yee every opportunity to work with us," says Marco Maciel, the foreclosure manager in the City Auditor's Office, which decides which properties to refer to the council from lists submitted by the development services bureau.

Most recent city offer rejected

Unlike the first time the auditor's office recommended any of Yee's properties for foreclosure, Maciel was able to meet with Yee face to face before making his decision. After BDS forwarded the four properties to the auditor's office for evaluation, they were contacted by Richard Todd, a lawyer representing Yee, who said his client wanted to resolve the situation. The city agreed to meet, provided Yee also retained a property manager who could oversee bringing the houses up to code.

According to Maciel, Yee seemed reasonable at the meeting but did not explain why he had allowed his properties to fall into such disrepair. The city presented Yee with a stipulated agreement giving him a schedule to bring all of his properties up to code, which he asked for time to study. Yee never signed it.

Todd says the last time he talked to the city, he requested a time extension because of health problems facing his client. Todd says he does not represent Yee at this time, however, and cannot elaborate on the situation.

Maciel says he has no knowledge of such a request but insists the city has been more than willing to give Yee every opportunity to fix up his properties in the past, including paying off the liens over time.

The Portland Tribune has still not been able to locate Yee for comment.

Although the situation may seem bizarre, Maciel says Yee is not the only person in Portland who owns multiple properties with city liens that are causing neighborhood problems. Maciel says his office currently is considering whether to recommend a number of them to the council for foreclosure, as well.

Long history of violations, liens

The four properties to be considered by the council next week are located in three different parts of town. One is at 544 S.E. 137th Ave., where Yee owes the city \$31,289.22. Another is at 5616 N. Harvard St., where he owes \$23,442.16. The third is at 8516 N. Calhoun Ave., where the bill is \$6,144.21. The final one is at 4725 N.E. 22nd Ave., where \$6,797.43 is owed.

The two properties the city previously approved for foreclosure are located at 8516 N. Calhoun Ave. and 4725 N.E. 22nd Ave.

Records prepared for the council by the auditor's office document many years of growing problems and extensive efforts by Portland bureaus to resolve them at all four of the properties. The house at 544 S.E. 137th Ave. is a good example. It has been owned by Yee since August 2012 — the month BDS received a complaint against it for tall grass and debris.

Increasingly serious complaints continued to be received by BDS over the next five years. By May 2013, the house appeared to be vacant. After repeated inspections found the required work had not been completed, a city contractor performed a nuisance abatement in September 2014 and the city filed its first lien in January 2015.

After a complaint was received that the house was unlawfully occupied in June 2016, a subsequent inspection documented numerous fire, life safety and health sanitation code violations. A female tenant claimed to have a rental agreement, which turned out to be a forgery. Even after an order to vacate the property was approved in December, complaints continued to be received. Another lien was filed in November 2017.

Portland police also have received and responded to numerous complaints about the property over the past seven years. The bureau reports 26 calls for service to the property between May 2011 and April 2018. The majority were related to premises checks and suspicious circumstances. An additional 133 nontraffic calls for service were made from within 200 feet of the property, the most common being for disturbances.

From August 2012 through January 2018, the city mailed 29 notifications and 117 monthly billing statements to the best address it had for Yee. City records on the other three properties tell the same story of escalating complaints and unsuccessful efforts by city officials to resolve the problems before finally deciding to recommend the council approve them for foreclosure.

"They have been prioritized for disclosure because of lengthy histories of health and safety violations, numerous police calls, negative effects on neighborhoods, and lack of responsiveness and corrective action by the property owner," reads a June 19 memo to the council about them from City Auditor Mary Hull Caballero.

Foreclosure threats often gets results

Despite the hot real estate market and need for affordable housing, there are hundreds, if not thousands, of derelict properties in Portland. Many are severely neglected by their owners. Called zombie homes by critics, they can cause problems for nearby residents and entire neighborhoods.

But because of the controversy surrounding a 1965 foreclosure, Portland did not foreclose on any derelict properties for more than 50 years until former Mayor Charlie Hales persuaded the council to reform the process in June 2016. Since then, the council has approved 13 properties for foreclosure. The liens subsequently were paid on all but two of them, which currently are pending resolution.

As Norman Yee has shown, when the city forecloses on properties, landlords can pay off the liens without fixing them up. But even the threat of foreclosure is frequently enough to resolve the problems.

The Portland Tribune has visited numerous derelict houses after they were threatened with foreclosure in recent years, and most have been either repaired or torn down and replaced with new homes. They include a house at 3584 S.E. Holgate Blvd., featured in a Feb. 28, 2017, story headlined, "Back from the dead."

The city also has collected more than \$1.6 million in liens and other delinquent fees.

Find out more

You can read the original Portland Tribune story on Norman Yee at bit.ly/2N4qj5g

OPB

Fence Surrounding Portland's ICE Building Not Built To Code, City Says

By Dirk VanderHart

July 9, 2018

A large fence U.S. Immigrations and Customs Enforcement built to keep protestors away from its southwest Portland facility was constructed without proper permits, Portland city officials said Monday.

Now ICE's wall might have to come down.

The city's Bureau of Development Services issued a correction notice to ICE on Monday, after inspecting the fence. The structure was erected last week, following weeks of protest outside the southwest Portland facility.

"Upon examination, the inspector found that the fence was more than eight feet tall, which is a violation of Oregon Structural Specialty Code," the City of Portland said in a statement. "A formal letter will be sent to the property owner. The property owner is required to respond to the correction notice within 10 days of receipt."

After ICE built the fence last week, the city received a complaint that it obstructed too much of the public sidewalk. The Portland Bureau of Transportation is investigating the complaint, the agency says. But that issue did not pertain to the notice issued Monday.

According to BDS spokesman Thomas Ngo, the notice was issued by an inspector who was in the neighborhood and “noticed the fence was way too high.”

The issue is not merely the height, Ngo said, but that federal officials didn’t obtain permits to build a fence that is more than 7 feet tall.

The city’s citation is notable in part because Chloe Eudaly, the city commissioner who oversees code enforcement, has been a vocal critic of federal immigration policy and has expressed support for the camp. But Eudaly’s chief of staff, Marshall Runkel, said Monday that she hadn’t directed the inspector to visit the site.

Citing Monday’s arrest of two protestors by federal officers, Runkel said, “I can tell you that the fence is providing some useful functions. It’s a dangerous situation down there.”

Runkel said he spoke with a local official with the Department of Homeland Security earlier Monday.

The ICE facility has been the site of round-the-clock protests since June 17, when a small camp formed on adjacent property owned by TriMet and several other public agencies. The camp soon exploded to include dozens of tents, prompting federal officials to temporarily cease activity at the building.

When regular operation at the facility resumed July 3, federal officials built the fence.

Ngo, the city spokesman, said his bureau would send a formal letter about the violation to Stuart Lindquist, the owner of the property, in coming days. But he’s not expecting ICE to act anytime soon.

“They’ll probably just keep it up anyway,” he said.