

The Oregonian

Portland Police Ignored Officer's Blunders During Foot Chase That Led to Fatal Shooting, Expert Finds

*By Maxine Bernstein
February 8, 2019*

A Portland police officer violated the bureau's foot chase policy when he ran after a man who dispatchers said had threatened riders on a MAX platform in Southeast Portland and then fatally shot him after tripping and falling.

But the bureau's Police Review Board -- a panel of police commanders, two citizens and a representative of the city's police oversight office -- didn't even talk about the chase when analyzing the 2017 shooting.

That's a significant problem and one that Portland police must address by restructuring the ineffective board, said Michael Gennaco, the head of the California-based Office of Independent Review Group hired by the city to evaluate Portland police shootings.

The police internal review of Officer Samson Ajir's fatal shooting of Terrell Johnson, 24, is an example of how the Police Review Board has failed to hold officers accountable for violating policies leading up to a shooting, Gennaco said. In 50 police shootings or deaths in custody since 2004, the review board recommended discipline in only three, the consultants found.

"The Police Review Board, in our experience, their input and ability to effectuate change hasn't worked," Gennaco said. "All you have to do is go to their reports. Issues are not even identified, let alone addressed."

Gennaco presented his company's findings Wednesday to the City Council and the day before to community members.

The parents of Terrell Johnson were among a handful of people who met with Gennaco and his colleagues who wrote the report.

"If they had followed policy, there's a pretty good chance my son would have been alive?" asked Johnson's mother, Alicia Johnson.

Gennaco nodded yes.

"I really appreciate that," she said.

ANALYSES IGNORED OR MISCHARACTERIZED FACTS

The Police Review Board failed to identify the many gaps between the policy on foot chases and Ajir's chase of Johnson, the consultants found.

Separate analyses by the police bureau's Training Division and a commander, which were provided to the board, ignored or mischaracterized facts to minimize the safety risks involved in the chase -- and the review board didn't question those conclusions, the report said.

Ajir and his brother, a Clackamas County sheriff's deputy, both assigned to the Transit Division, responded to a 911 call about a man who had threatened riders and had chased a teenager off the Flavel MAX platform in Southeast Portland.

The initial call made no mention of the suspect having a weapon but the mobile computer in the car said, "now weaps." Another transit officer from West Linn police arrived first and was

talking to Johnson, who acknowledged he had a knife. As Ajir and his brother arrived, Johnson took off running.

The West Linn officer ran after him and Ajir joined the foot chase and overtook the West Linn officer. At no point did Ajir learn from the West Linn officer that Johnson had a knife, consultants said.

Under bureau policy, once officers chase a suspect, they're supposed to notify dispatchers of the person's direction, give a description and say whether the suspect is armed. Officers are to maintain a safe distance, shouldn't try to overtake a fleeing suspect but keep the person in sight until they have sufficient cover to make an arrest. The policy also generally prohibits foot chases of armed suspects except in "extreme circumstances," which weren't present in this case, the consultants said.

Ajir's decision to chase after Johnson and get too close to the suspect, coupled with his failure to communicate with other officers responding and with dispatch should have led to a finding that he violated the foot pursuit policy, the report said.

"But there's no documentation they (the review board) even looked at it," Gennaco said. "How could they do that?"

Ajir broadcast that he was in a foot chase but didn't give the location or direction of travel. Because he was in the lead, he told investigators he relied on the other two officers to handle the broadcasts, but neither of them did, the report found. The bureau's policy says it's the pursuing officer's responsibility to feed the required information to dispatchers.

According to the Training Division, Ajir knew the West Linn officer was "close behind him" and a commander's memo noted that Ajir knew his cover officers were "on his heels." But the West Linn officer was 60 to 70 feet away and the Clackamas County deputy was at least 150 feet away when Ajir stumbled backward and fell off a curb as Johnson turned and advanced toward him with a knife, the report said.

Neither of the trailing officers was in a position to help Ajir at that time. As Ajir fell, he fired one shot and then three more shots once he hit the ground. Johnson died of gunshot wounds to his chest. He was armed with a folding box cutter.

Ajir told a grand jury that he intended to keep a safe distance but closed in on Johnson and only 7 or 8 feet separated them when Johnson turned toward him.

CHIEF SAYS SHE'S HAVING TO REINVESTIGATE CASES ON HER OWN

The consultants recommended that the citizen members of the Police Review Board, who serve on rotations and are drawn from a pool of volunteers, receive independent training on how "to take a file and spot issues," Gennaco said.

It's clear they're outnumbered by the police commanders on the board and often defer to them, he said.

"Civilians need to be empowered and their voice needs to be heard," he said.

The review board also must closely and separately examine an officer's actions leading up to a shooting, Gennaco said. If the board finds violations of bureau policies, they should acknowledge them and recommend a response -- discipline, more training or removal from the field, for example.

Police Chief Danielle Outlaw said she agreed with the recommendations and will ensure that deadly force investigations single out foot or car chases as separate areas for review in all police shooting cases.

The chief said she wants at least an annual training for the Police Review Board members to make the board “valuable and impactful” and ensure a “feedback loop” to identify if additional training or policy changes are needed.

The board is supposed to advise the chief on whether officers acted according to policy. But Outlaw said she often has to do her own review of the cases. “I’m finding I’m reinvestigating these cases on my own,” the chief said. “I’m combing through everything myself.”

Officer Daryl Turner, as president of the Portland Police Association, blasted the consultants’ report, saying it was “riddled with 20/20 hindsight criticisms of officers who were forced to make split-second decisions to protect life and limb.”

Turner also said the consultants’ report failed to recognize that each of the nine shootings most recently reviewed from 2004 to 2017 were found by the review board and police bureau to have been in policy and according to law.

Johnson’s parents, Alicia and Joshua Johnson, told the consultants they appreciated their scrutiny of their son’s shooting.

“Why aren’t they punished if they’re not doing what they’re directed to do,” Alicia Johnson asked.

That’s a recurring problem, said Robert Miller, one of the three consultants with the Office of Independent Review Group who wrote the report.

While the police bureau did strengthen its foot chase policy over the past years in response to the consultants’ recommendations, if officers break it, there should be consequences, Miller and Gennaco said.

“The trouble is you can’t just agree in principle,” Miller said. “You have to follow through and send a strong message that you mean it.”

The Portland Tribune

City Hires New Yorker to Head Portland Parks & Recreation

*By Nick Budnick
February 7, 2019*

Adena Long appointed as Portland Parks & Recreation director following national search.

A longtime New Yorker, Adena Long, will head Portland Parks & Recreation. Her first day will be Feb. 19.

Long's hiring by Commissioner Nick Fish follows a national recruitment and brings an administrator with a wide array of experience.

Long is a native New Yorker who began her career as a seasonal park ranger in 1997, according to a city of Portland announcement. Over time she was promoted, and according to a New York

City municipal website she has worked as a strategic planner and as a park administrator. She also served as executive director of a group called the Greenbelt Conservancy.

In 2010 she became the youngest-ever Parks Borough Commissioner for Staten Island, and also the first woman to hold the post. In 2016 she was named deputy Commissioner for Urban Park Service and Public Programs. In 2018 she was named the parks department's manager of the year.

In a prepared statement, Fish said Long brings "deep operational experience and a record of collaborative and innovative leadership."

Poll: City Council Should be Elected by Districts

By Jim Redden

February 7, 2019

Annual poll released by the Portland Business Alliance finds support for changing city's form of government, range of transportation improvement projects.

More Portland voters support having City Council members elected by geographic districts that ever before, according to a poll released by the Portland Business Alliance on Thursday.

The DHM Research poll found that 70% of likely voters support changing council elections from citywide to districts. That is a 16 point increase since a DHM poll taken in 2016, when

54% of voters supported such a change.

The City Club of Portland is scheduled to release a report on Portland's form of government on Sunday, Feb. 10. The report by the longtime civic organization is expected to kick off a public discussion over the city's unique form of government, where the mayor and commissioners both propose legislation and oversee individual bureaus.

The poll also found that slightly more than half of voters in the greater Portland region say the quality of life in the area is getting worse. Possible factors cited by respondents include issues like housing costs, homelessness, and traffic.

According to the poll, along with concerns about affordable housing and homelessness, increased congestion plays a role in decreased quality of life in the region. More than one-third of voters say they are very concerned about traffic congestion, and that figure is significantly higher outside the city of Portland than within it. Half of voters support a mix of transportation and transit projects to reduce congestion.

Climate change is a growing concern among voters of all ages. In 2011, one in five Portland region voters said they were very concerned about climate change. In the past eight years, that figure has nearly doubled to 38% today.

The telephone poll was conducted from Jan. 9 to 14. It consisted of 510 likely voters, meaning voters who participated in two or more of the last four general or primary elections. The sample included 253 voters from the City of Portland and 257 likely voters from Clackamas, Multnomah, and Washington counties who do not live within Portland city limits.

Willamette Week

County Watchdog Clears Portland Commissioner Chloe Eudaly of Any Wrongdoing in Campaign to Increase Voter Turnout

By Rachel Monahan

February 7, 2019

Eudaly led city workers, operating on taxpayer time, to distribute information about how to vote.

A county watchdog panel has cleared City Commissioner Chloe Eudaly of any wrongdoing related to her unusual get-out-the-vote effort before the November 2018 general election.

On the Friday before Election Day, Eudaly led city workers, operating on taxpayer time, to distribute information about how to vote. The Multnomah County Republican Party filed a complaint Oct. 29 accusing Eudaly of illegally using public funds for political purposes.

In a Jan. 16 report, the Tax Supervising & Conservation Commission wrote that the "event was lawful and the funds were appropriately budgeted. Therefore, there is no malfeasance."

In a Jan. 29 response to the findings, Eudaly chief of staff Marshall Runkel wrote that Eudaly's "office is encouraged by the results of the GOTV efforts," citing increases in voter turnout in the four precincts targeted as compared with one the GOTV effort couldn't visit.

The Portland Mercury

City Approves Updated Proposal for Security Patrol on Central Eastside

By Alex Zielinski

February 7, 2019

Portland City Council has approved a business organization's plan to expand a private security force across the Central Eastside, a neighborhood that's seen a recent uptick in both the houseless population and new commercial developments.

It's a proposal that initially rattled advocates for the houseless community, who predicted the security guards would be tasked with harassing people who regularly camp in the neighborhood. Authored by the Central Eastside Industrial Council (CEIC), a group of property owners and business leaders in the Central Eastside, the proposal also sparked fears of gentrification in the formerly industrial and undeveloped neighborhood.

But the final agreement that sailed through council with a unanimous vote reflected something rarely found between Portland's business and houseless communities: Compromise.

"As usual, when you want something, you want it all," said Ibrahim Mubarak, director of Right 2 Survive, a group that helped reshape the CEIC's proposal. "We didn't get that. But this was still a historic moment. I think CEIC did listen to us and they understood our concerns. They want to work with us. I like that willingness... that they want to change their format after working on this for years."

The CEIC began working on their proposal three years ago. Its main purpose is to create what the city calls a “enhanced service district” (ESD), a designated area whose property and business owners pay into a fund that covers extra public and private services in the neighborhood, like trash pickup or extra signage. Currently there are only two ESDs in Portland: One in the city’s downtown blocks, the other in the Lloyd District.

The CEIC’s original ESD proposal promised sidewalk improvements, graffiti abatement, trash pickup, a free shuttle, and a private security team to patrol the area that stretches between the Willamette River, SE 12th, SE Powell, and I-84. This team would specifically help address the uptick in what CEIC calls “unwanted crime and grime.”

To homeless advocates, this pursuit sounded like a thinly veiled attempt to further police the region’s houseless population, many of whom have migrated to the Central Eastside after being pushed out of more residential neighborhoods. But instead of simply opposing the ESD, concerned community members brought forward their own proposal, dubbed the “Compassionate Change District.”

Yesterday's council vote approved an ESD that melded together suggestions from the CEIC and advocacy groups’ proposals.

The final draft vows that the funds collected from property owners and district parking fees (another way the CEIC is allowed to fund their ESD) will go toward a security team that will be trained by homeless advocates on trauma-informed communication and will be familiar with social services that help homeless individuals. Unarmed security guards will occasionally be joined by “crisis workers,” and will not be allowed to order individuals who are camping to move. The CEIC funds will also offer grants to businesses that offer jobs or job training to homeless people. Three homeless people will also be invited to sit on the CEIC’s safety oversight board.

“This proposal is much stronger and more inclusive than it was a month ago,” said Commissioner Amanda Fritz, thanking the community groups for pushing CEIC toward an agreement that suitably recognizes the region’s homeless population.

Commissioner Chloe Eudaly said that despite initial hesitation, she was “enthusiastic” to embrace the ESD. Commissioner Jo Ann Hardesty echoed her sentiment.

“Before I participated in this process, I’ve never, ever supported an ESD,” Hardesty said. “Because all the ones prior to this were really about removing people that people were uncomfortable with, with enhanced security.”

However, Hardesty noted that the fact a business group has to tax itself to improve basic needs such as garbage removal in its neighborhood reflects poorly on the city.

“There are a lot of needs in our community that the city cannot fully fund at this time,” she said. “You are taking on some of our responsibility.”

City council has pledged to pull their weight in other ways. Eudaly said she’s working with the Portland Bureau of Transportation to secure a plot of land that can be used as a so-called “rest area” for homeless Portlanders—a peer-run area with bathrooms, showers, and spaces to set up tents without fearing police intervention. Right 2 Dream’s Mubarak says the plans and staffing needs for that pending rest area are finalized and he’s just waiting for the city to secure the property.

While Mubarak is hopeful about the new ESD agreement, he’s hesitant to take the CEIC’s promises at face value. He has good reason: It’s only been three years since the CEIC appealed

the city's decision to move Right 2 Dream's primary homeless rest area, Right 2 Dream Too (R2DToo), to the Central Eastside. The CEIC appealed the city's decision, citing zoning inaccuracies—and won.

“Fool me once, that's on you. Fool me twice, that's on me,” said Mubarak. “[CEIC] worked with us this time because they knew we had experience with them saying one thing and doing the other. We're all watching them now.”

Mubarak also raised the point that, even if these private security guards aren't allowed to tell homeless people to relocate, they are allowed to call the police and have them do the job.

He supports the amendment Hardesty tacked onto yesterday's ESD agreement, which requires that both CEIC and Right 2 Survive return to city council in November to deliver an update on the collaborative agreement.

“We're not going to solve the nitty gritty at this meeting today,” Hardesty said at the council meeting. “But if we have people with good hearts and goodwill who are willing to do the hard work to put it together, we've got your back.”

Not everyone in the homeless, addiction, and mental health advocacy communities were as eager to embrace the ESD. Many of the 48 people who testified yesterday pointed to the missing piece in this community-led effort: Housing.

Dan Trifone, manager of the Clark Center, a 91-bed men's shelter on SE MLK, said the proposal does not adequately address the deficit of shelter space for people living on the streets of the Central Eastside. He sees the security patrols simply contributing to the constant, now-routine “shuffling” of homeless people from one part of town to another.

“Without a hard commitment to creating a place for folks to go that's going to be safe, this proposal is just going to be that continued shuffling around,” Trifone said. “But [the proposal] is a win. And I am in support of that win.”

Portland City Council Votes to Reject White Supremacy

*By Blair Stenvick
February 7, 2019*

The Portland City Council voted unanimously Thursday afternoon to reject white nationalism, white supremacy, and alt-right hate groups.

“I am extremely proud of this city council,” Commissioner Jo Ann Hardesty said before voting in favor of the resolution. “Anybody that grew up during the civil rights movement understands what happens when we are silent in the face of hate, organized hate groups taking over the community.”

In addition to denouncing hate groups, the resolution acknowledged Portland's distinctly racist history, and requested that all city staff attend a training to learn about white supremacy in Portland.

Nicole Grant, a senior policy advisor for Mayor Ted Wheeler, introduced the resolution at Thursday's meeting. Grant, a Black woman, told a personal story about facing racism while dining out with her family in Portland to highlight the importance of the resolution.

“This resolution is not about white people. It is about all people, with a dedicated focus on those who are targeted because of their skin color,” she said. “This goes beyond public safety, and speaks to a need for a cultural shift within this city.”

Hardesty thanked Grant for sharing her personal experiences, adding, “just know that you are not alone in having those experiences in Portland, Oregon.”

Representatives from several advocacy groups who supported the resolution, including CAIR-Oregon, the Oregon Justice Resource Center (OJRC), and the Western States Center, also spoke at the meeting.

“We’re currently involved in a ruthless fight locally and nationally over what is America, and who are Americans,” said Bobbin Singh, executive director of the OJRC. “We must not remain silent in this fight.”

Wajdi Said, president and co-founder of the Muslim Educational Trust, praised the council for taking a stand against white supremacy—but noted that given the city’s long history of racism, the words needed to be followed up with action.

“If you stick nine inches in my back, and pull it out three inches, that is not progress,” he said. “Progress is healing the wound, and America has not even pulled out the knife.”

A few members of Vancouver's far-right group Patriot Prayer spoke out against the resolution during the public comment period—including founder Joey Gibson. Their main concern was that their alt-right group was being unfairly targeted. Patriot Prayer members in attendance also audibly protested when the group was called out by name by someone speaking in favor of the resolution.

“I want to thank everyone—well, almost everyone—for testifying today,” Commissioner Chloe Eudaly said before voting in favor of the resolution.

Before casting the final “aye” vote, Wheeler noted that racism in Portland, and around the country, isn’t a thing of the past. He cited data that last year was the fourth deadliest for domestic violent extremists since 1970, before ominously wondering what 2019 would bring.

Wheeler said that while the resolution won’t be a “silver bullet” in fixing racism in Portland, he hopes it will be a launching pad for future actions. Hardesty shared that sentiment.

“Today’s resolution,” she said, “is the beginning, not the end, of a process.”

OPB

Change Coming To Public Funding For Portland Arts Groups

*By April Baer
February 7, 2019*

Rehearsals are wrapping up this week at CoHo Theatre in Portland for “Pontypool,” the story of a town in the grip of a virus that turns people into monsters, experienced from the radio booth of a disgraced former shock jock.

It’s definitely not your mom’s community theater production, but very little about CoHo is. The theater is more of a workshop for ideas, with no full-time directors or designers. Instead, CoHo

produces plays proposed by artists in the community, giving production support and all-important stage time at its theater in Northwest Portland.

CoHo has experienced modest but steady growth as the regional theater scene has blossomed. And last year it became one of several dozen arts groups to receive regular annual payments from the Regional Arts and Culture Council, or RACC.

Philip Cuomo, CoHo's producing artistic director, says the RACC money was a huge relief.

"We chased that for many years," he said. "We're super excited about it."

RACC committed to provide CoHo with what was, at the time, about 5 percent of CoHo's budget. That may not sound like much, but it makes a difference when expenses run in the low six figures.

"More importantly it was sort of stamp of approval," Cuomo said. "It said our organization was run competently, and we're producing theater with a quality of artistry that's of value to the greater arts and cultural community."

And that, Cuomo says, helps leverage other money.

RACC makes many kinds of grants, but most of its granting budget is made up of this general operating support. That's cash RACC pays out in predictable amounts every year for costs related to art-making. Unlike most grants, it can also be spent on less-sexy expenses like office rent, insurance or staff salaries.

"General operating support is essential," says Madison Cario, the regional arts council's executive director. "Project support is lovely and wonderful but it doesn't keep the lights on."

RACC has a rigorous vetting process to determine who qualifies, making sure its arts groups will be accountable in their spending. To this point, these grants have gone mostly to larger organizations — ones deemed to have a proportionally large community impact such as the Oregon Ballet Theatre and the Oregon Symphony. But those sorts of big institutions usually have staff and audiences that lean middle class and white.

On Thursday, RACC's board voted to change that.

Starting in the 2019-2020 budget cycle, the new system offers predictable base payments for the current players. In the next year's budget, 2020-2021, 35- to 50-percent reductions for any group with a budget of \$5 million or more. Right now, that includes Portland Art Museum, the Oregon Symphony, Oregon Ballet Theatre, Portland Opera and Portland Center Stage. Reductions might or might not happen for those with budgets in the \$2-\$5 million range.

The change would mean a bigger pool of money for smaller groups. RACC will also create a new investment fund groups can apply to, with a rating system that scores applicants on factors like community impact and works with under-represented communities. The changes won't affect RACC partners in Washington and Clackamas counties.

All this was decided before Cario arrived as RACC's new director. But Cario says it's an important step forward.

"About five years ago, RACC and the board were called out by the community," Cario says. "And they asked for three things: more transparency, more equity and more sustainability."

Cario says the new structure is part of a multi-year effort to retool RACC, as arts tax revenue fluctuates, and public expectations about art evolve.

“Every year it’s going to change,” Cario says. “We don’t know what we’re going to get from the city from the collection, and so there’s going to be this constant flux. But we’re committed to this formula: two-thirds of this money will go toward the operating grants and one-third will go toward the Investment grants.”

RACC has been slowly moving toward a broader distribution of resources for several years. It’s a goal that dates back to Mayor Sam Adams’ administration.

Commissioner Chloe Eudaly, who serves as city council’s arts liaison, says a change is very much in line with what the city wants from RACC. She notes collections from the arts tax have under-performed. And she says she believes larger organizations have the stronger foothold that can carry them through the reductions.

“What we get in exchange is that three or more smaller organizations will start getting this essential operating support at a time when many small arts organizations are hanging on by a thread,” she said. “I don’t want to see us take money away from anymore.”

“My impression is Portland is funding arts at a level less than comparable cities. But at this moment in time, with what we have, I think the right thing to do is to come up with a new formula and bring more organizations into the fold. But this is not the end of the story.”

The change unlocks a lot of potential. CoHo Productions’ Philip Cuomo says he wants the region’s large institutions to stay strong, but “as the leader of a small professional theater, I feel like those organizations have other resources. We have the opportunity to make programming that is inclusive for people that are under-represented.

“What we need is resources to reach those folks. So if RACC is going to take money from the big five and spread it around, I think that’s a great thing.”

It’s not a sure thing that smaller arts groups will succeed in navigating the granting system. And the new policy also means a sea change in relations with the city’s biggest arts employers, none of whom appear ready to fight the plan.

Scott Showalter, the president of the Oregon Symphony, says he’s received no official notice of cuts but has heard the general outlines. A 50 percent reduction, amounting to hundreds of thousands of dollars less per year, would have profound consequences.

“I think of Portland as a great city, and great cities should support the full ecosystem of arts and culture: education in the schools, artists of all types, organizations of all sizes,” he said. “I’m disheartened.”

Showalter declined to speculate exactly what effect the new structure might have on symphony operations.

In recent years, when the city cut funding for a yearly waterfront concert. The symphony was not able to make up the difference in fundraising.

Portland Art Museum Director Brian Ferriso provided a written statement:

“We have been, and will continue to be, grateful for Portland’s support of the Museum through the Arts Education and Access Fund. As a recipient of general operating support, we use those dollars to maintain and strengthen our learning and community partnership programs.”

Ferriso said in his statement that RACC money allowed PAM to make deeper and more lasting partnerships with underserved community organizations and provide free school admission for kids.

“We cannot,” he writes, “be certain about how reductions in general operating support will affect the Museum until we begin budgeting for 2021 fiscal year.”

Over the past few years, entities as large as the Ford Foundation or as regionally focused as the Meyer Memorial Trust have made changes aimed at getting resources to communities that have traditionally been left out. This week, New York City’s Museum of Modern Art in New York announced it’s closing down to re-arrange its galleries and focus on women, Latinos, Asians, African-Americans and others.

An auditor’s report on RACC last year pointed out several outstanding issues with RACC and its relationship with the city, calling for clearer direction and more accountability. The report’s language alluded that this change was coming. But it stopped short of concluding whether RACC’s equity shift stands in line with the city’s goals — largely because the city’s conversation about what it wants out of the arts remains unspoken.

Petroleum Terminal Expands to Allow More Oil Trains Into Portland

*By Tony Schick
February 7, 2019*

A Portland petroleum terminal is significantly expanding its capacity to unload rail cars, a move that sets the stage to more than double the number of oil trains along the Columbia and Willamette rivers into Oregon’s biggest city, OPB has learned.

Zenith Energy, sandwiched between the river and Forest Park in the city’s northwest industrial district, began receiving train shipments of crude from Canada’s oil sands last year, records show, which it stored in tanks and later pumped onto ocean-going vessels.

Zenith’s outpost in Portland now has visible construction under way on a project to build three new rail platforms that will nearly quadruple the site’s previous capacity for offloading oil from tank cars, according to building plans filed with the City of Portland in 2014, which the city’s Bureau of Development Services confirmed Wednesday.

When operational, a terminal with such a capacity could handle multiple oil trains per week — a sizeable increase over Zenith’s 2018 operations. According to Oregon Department of Environmental Quality estimates, the site handled fewer than 30 full oil trains throughout last year.

Public Resistance To Oil Projects

The site’s expansion of crude-by-rail infrastructure comes despite much public resistance in the Northwest for new oil projects. That includes a vote by Portland’s City Council in 2016 to oppose any new fossil fuel infrastructure. That same year the Northwest experienced firsthand one of the oil-train mishaps that have occurred across North America as more and more oil has been moved by what critics have dubbed “rolling pipelines” and “bombs trains.”

Public records and interviews with state officials indicate those trains would carry a kind of heavy oil that presents a new risk for Northwest communities and rivers, and one the state’s emergency spill responders say they are ill-equipped to contain if it spills.

“It greatly complicates the spill. It’s going to take a lot more money and time and cause a lot more harm to the environment probably,” said Scott Smith, who regulates the Zenith terminal’s oil spill preparedness as part of the Oregon DEQ emergency response program.

He said the increased oil-by-rail traffic creates a risk in Portland of an environmental disaster like the one in Michigan in 2010, when heavy Canadian oil spilled from a pipeline into the Kalamazoo River. It took more than five years and \$1 billion to clean up.

“It’s really among the most challenging spills we have out there, and if it was a large spill, it would cause quite a bit of damage,” Smith said.

Zenith declined to comment on how the project would affect its ability to unload more crude oil, saying only that the project would allow it to fit additional railcars on site and minimize the need to shuffle cars around.

“The multi-million-dollar project will provide an even safer and more efficient operation,” Megan Mastal, a public-relations representative for Zenith Energy, said in an emailed statement.

The company also declined to say what products it would handle. Mastal disputed that Zenith would be handling what’s known as bitumen, which is a type of petroleum extracted from Canada’s oil sands. It is thick like peanut butter and often diluted with other petroleum products before it is transported.

“We are not handling bitumen crude through our terminal,” Mastal said.

Records show the facility did handle diluted bitumen in 2018, and Oregon’s Department of Environmental Quality said it anticipates the facility will be handling heavy crude from Canada’s oil sands.

Recent site inspections from Oregon’s Department of Transportation found railcars with the placard UN 1267 (Petroleum Crude Oil) on the tracks outside the Zenith facility, and that the cars were from Canada. Photographs of cars at the terminal from earlier this month also show cars with the 1267 placard, along with a placard warning of toxic inhalation.

From Asphalt To Canadian Crude

Five years ago, the site was an asphalt plant in limited operation when a company called Arc Logistics Partners LP, later acquired by Zenith Energy, purchased it and shifted operations to crude. That transition coincided with the North American oil boom and subsequent spike in oil moving by rail. While those shipments have declined since their peak nationally, data from the Energy Information Administration show oil by rail has reached its highest level in three years, driven largely by Canadian oil.

The Zenith site spans 39 acres with a storage capacity of nearly 1.5 million barrels and access to a nearby dock. Trains can reach it crossing the Willamette over the BNSF Railway bridge south of St. Johns or on Union Pacific tracks across the Steel Bridge.

Its main constraint has been rail capacity. When construction began, the terminal had space to unload 12 cars at a time, records show.

Plans for the facility upgrade of Arc Terminals filed in 2014 with the City of Portland depict a system capable of unloading 44 cars.

The company’s storage tanks are not getting any larger, but unloading more train cars simultaneously can expedite the process of transferring oil to ships, bound for export or other domestic markets.

Mastal said the work includes new emissions-control technology, which is required by regulations, as well as a state-of-the-art fire suppression system and barrier along the street. The Portland Bureau of Development Services confirmed the work includes numerous safety upgrades, many of which are now required by code.

Mastal said the terminal employs 18 people full time, all of whom are “trained and certified to maintain the highest environmental and operational standards.”

“Since Zenith purchased the terminal, we have added full-time staff positions. These jobs pay a family wage with benefits,” Mastal said. “In addition, the multi-million-dollar construction project uses local vendors and suppliers – currently averaging 125 individuals on site per day – providing significant economic stimulus for the area.”

The city issued permits for the work in 2014, two years before its leaders voted to oppose new fossil fuel infrastructure.

‘These Trains Present A Significant Risk’

Eileen Park, spokeswoman for Portland Mayor Ted Wheeler, said the mayor “supports further action to prohibit the construction of new fossil fuel infrastructure like the site in question.”

“These trains present a significant risk to Portlanders, most especially those residents close to railroads and routes through the city,” Park said. “On a larger scale, the threat of climate change depends on the bold and decisive actions of governments and leaders. The Mayor’s administration will not be supportive of any action that threatens the health and well-being of our city’s residents or our natural resources and environment.”

Mastal said Zenith’s Portland terminal meets all local, state and federal standards, including Portland’s 2016 ordinance.

“We are committed to delivering safe, reliable, efficient and flexible service to our customers while maintaining the highest environmental and operational safety standards,” she said.

Environmentalists say they fear a “rolling pipeline” of trains through Portland.

“To us, it seems like it’s another quiet effort to increase the capacity of that terminal to handle tar sands crude,” said Travis Williams of the Willamette Riverkeeper. “The vast majority of people in the City of Portland don’t want the risk — they don’t want the potential safety risk, the risk to the Willamette River, the risk to air quality in that area.”

Williams said he fears a repeat of the 2016 oil train derailment in Mosier, Oregon, only with a type of oil that is more difficult to contain and in an area like the Willamette, with a dense population and already a problem with existing pollution.

Portland City Council Passes Resolution Denouncing White Supremacist Groups

*By Erica Morrison
February 7, 2019*

The Portland City Council passed a resolution Thursday that condemns white supremacists and alt-right hate groups.

The hearing started with testimony from a senior policy advisor to Mayor Ted Wheeler.

Nicole Grant spoke about how the resolution came to be and her own experiences with prejudice and hate as a black woman in Portland.

“This resolution is not about white people. It’s about all people with a dedicated focus on those that are targeted as a result of their skin color,” Grant said during opening remarks.

All of the commissioners offices worked together to draft the resolution.

Grant said the resolution speaks to the need for a cultural shift in Portland so white supremacists will no longer view the city as their playground and hurl threats at its residents and mayor.

Grant’s comments were followed by community leaders and organizations that study hate groups.

Joey Gibson, founder of Patriot Prayer, also testified. His Vancouver, Washington-based organization has frequently held rallies in Portland, and at times those rallies have attracted white supremacists to the city. Gibson denounced the claim that Patriot Prayer is a hate group.

“I’m here to denounce all forms of white supremacy and hate,” Gibson said before he read a Bible passage from Corinthians and told the commissioners that the solution to hate is love.

“I’ve seen hatred get out of control. And I know that I’ve made a lot of mistakes in the city of Portland. I stand behind my decisions,” he said before thanking the council for bringing the topic to the forefront for conversation.

Commissioners and testifiers alike stressed the need for the resolution to go beyond words.

“You have my commitment today, that this resolution is the beginning and not the end of a process. It’s the beginning that we have an acknowledgement that we have a lot of work to do in this community and that we as a City Council are willing to stand with our community,” Commissioner Jo Ann Hardesty said. “And make sure that this community is really a place where people are safe regardless of who they are, and what their skin tone is and where they were born.”

Commissioner Chole Eudaly addressed the elephant in the room, a controversial item commissioners passed the day before — against Hardesty’s objection — to approve a settlement with a police officer who made a racist remark about killing black people.

“I want to take a moment to talk about white silence,” Eudaly said. “I want to give a lot of white people the benefit of the doubt. They don’t want to misspeak, they don’t want to speak on behalf of community members they do not represent ... But silence isn’t neutral. Silence makes us complicit,” Eudaly said before acknowledging the controversial settlement agreement.

The racist remarks made by the police officer were brought forth by four fellow white officers. Eudaly celebrated them for not staying silent about what she called “unforgivable racist remarks.”

Following the passage of the resolution, CAIR Oregon, Western States Center and Oregon Justice Resource held a press conference at the Oregon Jewish Museum and Center for Holocaust Education, affirming their commitment to work with the city to implement change.

Bobbin Singh, director of the Oregon Justice Resource Center, presented a list of actions for the city to take. The most significant action was trainings on white supremacy for city employees, elected officials, law enforcement and mayors from across the Pacific Northwest.

Other recommendations include listening sessions with business owners to gain understanding about the economic impact hate groups have had and disseminating a toolkit created by Western

States Center, called “ Confronting White Nationalism,” in local schools, as well as bringing together community organizations to talk about ways to dismantle white nationalism.

Amy Herzfeld-Copple, the deputy director of programs and strategic initiatives at Western States Center, said that after the fatal Unite The Right white supremacist rally in Charlottesville, Virginia, several states and municipalities considered resolutions similar to Portland’s denouncing hate and white supremacy groups. A few weeks ago Berkley, California passed theirs.

“But this is certainly one of the first and most proactive and progressive resolutions of this kind in the country,” Herzfeld-Copple said.