

The Oregonian

Alberta Businesses Still Tallying Losses, Cleaning Up After Saturday's Water Main Break

By Mike Rogoway

March 18, 2019

When the water came gushing out from beneath Northeast Portland streets Saturday morning, the Vita Café was serving lunch to more than a dozen midday customers.

The restaurant on Northeast Alberta Street stayed dry but went dark, along with thousands of other homes and businesses nearby, as authorities shut off power.

That left the café with no way to ring up customers who already had their meals but hadn't paid yet. Diners came through, writing down their information so staff could ring them up later.

"Our customers were very cool about it," said Chris Myers, Vita Café's owner.

That was about the last thing that went right for the café Saturday, though. Without power, and with water safety an open question, Myers opted to shut the café Saturday and send seven employees home. Myers estimates the flood cost his business \$3,000 – and cost seven employees their wages and tips for the evening.

"(For) a small business like this," he said, "a Saturday like that ruins our month."

Businesses along Alberta were still cleaning up Monday, two days after a century-old water main broke shortly before noon near Northeast Skidmore Street and 23rd Avenue. Water flowed for several blocks, prompting evacuation of a dozen homes while authorities cut off power to as many as 14,000 customers as a precaution.

The flooding damage itself reached a relatively small number of homes but the prolonged disruption affected restaurants and other small businesses over as many as 15 commercial blocks in a neighborhood popular among weekend shoppers and grazers.

On Monday, the Portland Water Bureau said it believes nearby construction shifted the soil around the brittle, 104-year-old pipe, triggering the break.

It's unclear how financial responsibility for the break will play out. The city insures itself and evaluates claims on a case-by-case basis, according to Heather Hafer, spokeswoman for Portland's office of management and finance. She said Portland will investigate who bears responsibility for the incident and the speed of the city's response.

"If the city has liability it will be determined through the research process," Hafer said.

Susannah Kelly is hoping for some measure of compensation from the water she poured into the two art galleries she owns with her husband, Neil Perry. They came upon the flooding Saturday morning as they went in to open the galleries, Antler and Talon, for the day.

"Because the whole site flooded I'm having to pull everything out and clean it and sanitize it," she said. The galleries remained closed Monday and won't reopen before Thursday, Kelly said. They are normally closed midweek but Kelly said she will be in every day to complete the cleanup.

"The things I really worry about are the things you have no control over," she said. "It was like a waking nightmare."

Business owners and employees stopped into the Just Bob coffeeshop and café Monday morning to swap tales of woe, according to Fayren Chang, Just Bob's co-owner. She said some food carts gave up on their day Saturday afternoon and were handing out free food – shortly before the power unexpectedly returned.

Just Bob lost thousands of dollars in business Saturday afternoon, Chang said, but preserved its perishable food by rushing out for dry ice to keep everything cool during the power outage.

“All in all it could have been a lot worse,” she said. “We fared better than some of our neighbors.”

Driver Who Hit Protester in Downtown Portland Gets Criminal Case Dismissed

By Aimee Green
March 19, 2019

A judge dismissed criminal charges Monday against a 55-year-old driver accused of hurting a downtown Portland protester when he slowly drove his car through a crowd standing in the street last fall.

Mark Alan Dickerson had been charged with two misdemeanors -- reckless driving and harassment -- for allegedly causing bruises to the side, shin and hands of Arthuray Dudley on Oct. 31 as Dudley protested in the street in front of the Multnomah County Courthouse at Southwest Fourth Avenue and Main Street.

Dickerson was scheduled for trial Monday and Tuesday, but the case was dismissed after Dudley said he couldn't be available all day Monday to testify in court.

Dickerson's defense attorney, William Aring Meyer, contended the protesters were the ones violating the law. They were impeding traffic, protesting without a permit and beating on Dickerson's car with their hands as Dickerson inched forward, Meyer said. Other protesters cleared out of his way, but Dudley looked directly at Dickerson and backed his body directly into Dickerson's car, Meyer said.

The low-speed collision was caught on the dash camera footage of Dickerson's car.

Dickerson, who lives on Sauvie Island, was downtown for an appointment. He has no history of criminal convictions, according to his court file.

“My client is innocent,” Meyer said. “He was just trying to make his appointment. He didn't do anything wrong. He was very scared.”

Dudley, relatives and friends had been protesting grand jury findings of no criminal wrongdoing by officers for fatally shooting Patrick Kimmons on Sept. 30 in a downtown Portland parking lot. Officers said Kimmons was running toward them with a gun when they shot him nine times. Kimmons was Dudley's brother, according to authorities.

According to papers filed by the prosecution, Dickerson could have avoided the entire situation by driving in two other lanes of Southwest Fourth Avenue.

“At one point victim Dudley stood directly in front of Mr. Dickerson's vehicle, and while other vehicles drove around in the unobstructed middle and left lanes, Mr. Dickerson intentionally

drove his vehicle at low speed directly into Mr. Dudley,” wrote Deputy District Attorney Jenna Plank in a memo to the court.

Spokesman Brent Weisberg said prosecutors believed they could prove the charges against Dickerson using the dash cam footage and Dudley’s testimony. But Weisberg said the case -- specifically the harassment charge -- couldn’t go forward without Dudley’s testimony.

Weisberg referred questions to the Portland Police Bureau about why protesters weren’t cited for breaking any laws, such as obstructing traffic. The Police Bureau told The Oregonian/OregonLive it couldn’t respond to that question Monday, but possibly could Tuesday.

The Portland Tribune

Your City Hall: Police Shortage Put on Front Burner

By Jim Redden

March 19, 2019

The City Council already has increased the entry-level salary for officers to \$64,000 from \$47,000 in 2014.

What's happening? The City Council will confront the ongoing shortage of Portland police officers as it works on next year's budget.

What's the problem? According to a recent report by the City Budget Office, the number of officers patrolling the city remained at about 350 last year, despite the council approving 49 new hires in the current budget.

That's a problem because Portland's population is growing and 911 calls have increased more than 25 percent over the past five years. One result is that response time to high-priority calls has remained the same, at about nine minutes.

And, according to the report, the situation is going to get worse before it gets better. The Portland Police Bureau currently has 75 vacancies. Although it has hired 22 officers since last year's budget was approved, 50 officers currently are scheduled to retire by this summer.

Why hasn't the bureau hired more officers? One problem is how long it takes to hire and train new officers. The report says applicants wait an average of 11 months to learn whether they've passed background and other checks and been hired. Then they face two years of training and probation before they can respond to calls. According to the report, 25 percent of officers hired in the past three years left before finishing their probation period. That number has historically been closer to 15 percent, the report says.

The report points to the growing negative image of the police nationwide, calling the problem, "The deterioration of public perceptions of the challenges of serving as a police officer."

What's the solution? The council already has increased the entry-level salary for officers to \$64,000 from \$47,000 in 2014. Mayor Ted Wheeler, who is police commissioner, has said he wants to expand the pool of applicants by reaching out to communities of color, recent immigrants to the United States and more women.

Commissioner Jo Ann Hardesty, who is in charge of the other public safety bureaus, said she wants to reduce the workload on officers by having nonemergency 911 calls directed to other first responders, including mental health professionals.

What can I do? You can follow and comment on the council's current deliberations over the city budget that will take effect July 1. The website for the City Budget Office lists all upcoming council work sessions, public hearings and other budget-related meetings at www.portlandoregon.gov/cbo. The police bureau work session is scheduled for April 2.

Music Loading Zones Strike Right Note for Portland Bands

By Zane Sparling

March 18, 2019

Portland Bureau of Transportation announces Musician Loading Zones outside 16 local venues.

A new parking program in Portland will strike a chord for the city's plucky musicians.

Singers and songwriters of all stripes can now apply for a free permit in order to unpack their drums, amps and the rest of the brass band at specially-marked loading zones near popular venues and dance halls.

"This pilot is a no-brainer," said Commissioner Nick Fish. "We're not only taking strides to help musicians afford to live and work here, we are declaring that Portland's music scene is an essential part of who we are."

The new Musician Loading Zones have been outlined adjacent to 16 clubs, including hoppin' hot-spots such as Kelly's Olympian, The Liquor Store, Dante's and the Arlene Schnitzer Concert Hall.

Fourteen of the new zones are on the city's westside — where parking can be a bear — though true scenesters know that most local bands play on the eastside. Nevertheless, officials and artist advocates say the changes support the creatives who have given Portland a worldwide reputation for cool.

"I am pleased to see our city address one of the unique needs and challenges of the music community: loading equipment in and out of performance venues," noted Commissioner Chloe Eudaly. "Our musician loading zone pilot program is an innovative project that I hope will serve as a model for other cities."

The loading zone permits are only good for up to 30 minutes at a time — no long-term parking will be allowed. In order to use the zone, musicians must display the decals that can be obtained in one of three ways:

- Fill out the application at www.pdxmusicloading.com, then wait for the permit to arrive by mail
- Apply and receive a permit from the Musicians Union, 325 N.E. 20th Ave., from 9 a.m. to 4 p.m. weekdays
- Attend MusicPortland meet-ups, held every first Monday of the month, at local venues. Details [here](#).

The parking zones will be overseen by the city's Bureau of Transportation. PBOT says they honor the memory of Christopher Chandler, a 34-year-old killed by a hit-and-run driver while helping his friends unload their gear on Sept. 27, 2015 outside the Goodfoot Pub & Lounge. That location, however, is not included in the pilot program.

OPB

Proposal to Regulate Uber, Lyft Spurs Debate in Oregon Capitol

*By Dirk VanderHart
March 18, 2019*

As ride-hailing giants Uber and Lyft push to expand their influence throughout Oregon, state lawmakers face a debate: what rules should the companies comply with when doing so?

Two bills before lawmakers this session would sketch very different paths for how the popular companies could move beyond major population centers like Portland, Salem and Eugene to less dense parts of the state.

One of the bills, House Bill 3023, would eliminate regulations that currently exist in cities, creating a single standard that Uber, Lyft and their drivers must meet statewide. The bill would bring Oregon on par with the rest of the country — it's reportedly the only state without some sort of standardized regulations.

Another bill, House Bill 3379, would instead place an emphasis on local regulations, setting some baseline standards and requiring that the companies also meet any additional community rules before setting up shop.

A joint hearing on Monday showed sharp divisions between groups backing each concept.

HB 3023 generated the most attention at the hearing. Favored by lobbyists for Uber and Lyft, the bill is being touted as a way to ensure they can set up shop in rural and urban Oregon alike, without being forced to abide by a host of different rules.

“Currently, only a few cities in Oregon have ride sharing and it's creating a very large patchwork quilt of different regulations and inconsistent requirements,” said state Rep. Susan McLain, D-Hillsboro, a chief sponsor of the bill. “All communities around the state deserve access to safe, reliable and affordable transportation options.”

McLain's bill would establish a permitting system within the Oregon Department of Transportation, setting standards on the types of insurance drivers must carry, requiring that companies complete background checks and setting out what drivers must do after an accident, among other considerations.

The Oregon Restaurant and Lodging Association and Mothers Against Drunk Driving were among groups to testify in support of the bill Monday. Several Uber and Lyft drivers also spoke in favor. Among them was Tory Powell, who said working for Lyft had helped him transition from military service to civilian life.

“It does afford us veterans a chance to support our families without having the pressure to find or keep a regular job,” Powell said. Another driver said the law would help him work for Lyft as he travels around the state for a second job.

But HB 3023 would also preempt tougher local regulations — like first-of-their-kind rules Portland City Council enacted in 2015. Those laws were hammered out after Uber began operating in Portland without permission in 2014, eventually leading to a standoff between the company and city officials. Regulations in the city currently set insurance and background check standards, but also require Uber and Lyft to share a wide array of data with city officials.

Salem and Eugene also regulate so-called “transportation network companies” like Uber and Lyft, alongside taxi companies. Unsurprisingly, those cities aren’t keen on letting go of the rules they’ve created.

“The approach in this bill undermines our ability to protect consumers, to protect the environment, to ensure public safety and provide service for underserved populations, including people with disabilities,” Portland City Commissioner Chloe Eudaly testified Monday. She painted HB 3023 as “an industry bill that resembles cookie-cutter legislation introduced in other states.”

Eudaly and PBOT Interim Assistant Director Noah Siegel said the bill would force Portland to accept watered-down background checks for drivers, and said a \$100 penalty for violations under the proposal wouldn’t force Uber and Lyft to comply.

Eudaly further suggested the bill would eliminate the wheelchair-accessible ride hailing service Portland created using surcharges from Uber and Lyft rides, though McLain has introduced amendments to alleviate that concern.

HB 3023 also drew concern from environmental and labor groups, which worry that Uber and Lyft increase greenhouse gas emissions and congestion, and don’t treat their workers fairly. Taxi companies believe the law would make it far harder to compete with ride-hailing services.

While much of the hearing was focused on HB 3023, Eudaly and Eugene City Councilor Jennifer Yeh instead testified in favor of House Bill 3379. The bill was crafted over a course of months by a workgroup led by state Rep. Paul Holvey, D-Eugene, who’s also a chief sponsor.

Rather than uniform statewide standards, HB 3379 sets minimum standards localities must put in place if they choose to allow Uber and Lyft to operate. That includes similar insurance requirements as proposed by the other bill, background checks conducted by law enforcement and rules for data sharing.

Cities would be free to go further than those regulations. They could also enter into inter-governmental agreements with other cities, agreeing to allow drivers permitted in a neighboring locality to operated in their bounds.

Repairs Complete On Water Main That Failed, Flooding NE Portland

*By Amelia Templeton
March 18, 2019*

The Portland Water Bureau has finished replacing a section of 30-inch water main that failed on Saturday, inundating Northeast Portland near the Alberta Arts District for hours.

“Crews were working around the clock. As of about 7 o’clock this morning the final piece of that pipe had been connected, replaced and buried,” said Tony Andersen.

With the pipe repaired, the Portland Bureau of Transportation will begin working on the damaged streets in the area.

Homeowners and businesses that suffered property damage can file claims with the city of Portland’s Risk Management Department.

The pipe that ruptured dates from 1915. The bureau is still making a final determination on what caused it to fail. Anderson says the pipe suffered a horizontal break along its length.

“There’s a pretty decent chunk out of the side of it,” he said.

The old pipe did not appear corroded, according to Anderson, and recent freezing and thawing may have played a role in its failure.

The Portland Water Bureau reports about 200 water main breaks a year, but it’s rare for such a large main to fail.