

## The Oregonian

# Portland failed to meet some of its promises on 10-cent gas tax, audit says

*By Andrew Theen*  
*May 29, 2019*

Portland has fallen behind in delivering dozens of transportation projects described in a 2016 voter-approved gas tax, failed to provide annual audits or updates to City Council and provided “incomplete, inconsistent, and outdated” to a citizen group tasked with monitoring the projects.

That’s according to a report from Portland’s Audit Services division released Wednesday.

Auditors examined whether the Portland Bureau of Transportation is living up to commitments made before voters approved a 10-cent-per-gallon gas tax in 2016. According to the report, thus far the results are a mixed bag.

The city has thus far proceeded with the safety and paving projects it pitched to voters in 2016, but 38 of those projects scheduled to begin before 2019 aren’t completed yet, a handful more were finished at a cost greater than initially expected, and the city has not produced annual audits it committed to back in 2016.

“Bureau staff said the schedules were not realistic, and that it took longer than anticipated to break ground because the scopes of individual projects were not yet well defined,” auditors wrote in the 26-page report. “Bureau staff said they did not flesh out full project designs before sharing projects with voters in case the tax did not pass.”

Auditors also said it was difficult to determine if the city was holding fast to its pledge to spend 56 percent of gas tax revenue on street repairs and 44 percent on safety. The watchdog city agency said Portland had made it “difficult to assess” whether that is true.

The report notes, however, that 2019 and 2020 construction seasons are likely to be very busy ones, and city officials say despite falling behind their own project schedule, they expect to finish all of the transportation projects promised by 2020.

Portland approved the gas tax after years of transportation funding debates kickstarted by then-Mayor Charlie Hales and Commissioner Steve Novick.

Chris Warner, Portland’s interim transportation director, said the gas tax money came in “many years of constrained funding” and it took time to catch up.

“PBOT had to quickly ramp up its project planning and delivery practices to meet the demands of managing the new funding stream,” he wrote in response to the report. “As the audit notes, there were some initial delays in the first two years of Fixing Our Streets related to launching such a new program.”

Fixing Our Streets is the marketing term assigned to the \$64 million gas tax plan outlined in the voter approved measure. The tax passed with 52 percent support.

Despite initial challenges, the city expects to finish all projects on budget thanks in part to higher than anticipated gas tax revenues.

As of last month, Portland had collected \$39 million in gas tax revenue, \$7 million more than expected.

Commissioner Chloe Eudaly, who oversees the transportation bureau, said she plans to send another gas tax to voters in 2020. In her formal response to the audit, Eudaly said Portland will finish 20 projects this year and start construction on 21 more. “BOT staff have developed new project delivery processes that are helping improve the safety and accessibility of our streets while achieving significant equity contracting outcomes,” she said.

Warner said his bureau planned to hire an outside auditor to produce reports the next two years, and he pledged greater transparency in the project cost and designs, so the citizen oversight group has better clarity moving forward. He said he “fully expects” projects to meet the predetermined cost split for paving and safety projects.

Auditors separately said the city also failed to live up to its promise to ensure large truck owners pay their share of street maintenance.

“We found that heavy vehicle owners did not pay into the program commensurate with what experts calculated was their share of City street maintenance, operations and improvement costs,” they wrote. That policy came to the forefront last year when the City Council decided not to raise the rate on eligible trucking businesses to make up an estimated \$2 million revenue shortfall.

“We are currently preparing a range of policy adjustments for City Council to evaluate as they consider extending this program,” Warner said in response to that issue.

## **Her memory lives on in special spots around the world**

*By Tom Hallman Jr.*

*May 26, 2019*

As the end approached, Betsy Ames asked that her body be cremated. Her ashes, she hoped, would find their way to places across the world that had meaning to those who loved her.

So, after she died in January, some of her ashes went into 72 blue jars with a photo of Ames on the lid.

They’re stored in the Northeast Portland home of her partner, David Shaff, and logged on a spreadsheet, noting who took a jar and where they spread the ashes.

In addition to sites in the United States, ashes have been placed at spots in Mexico, Sweden, Patagonia and Berlin. In coming months, more will go to Borneo, Singapore, Portugal, Europe and the Antarctica.

Only 22 jars remain.

“We will eventually run out of Betsy,” Shaff said. “That’s what she wanted. She liked thinking she’d be traveling on an adventure. To her, this idea of hers was a true way to celebrate a life.”

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I took a trip to the Keukenhof Gardens, outside of Amsterdam to see the last of the spring tulips. I spread Betsy’s ashes in a beautiful bed of late spring tulips, overlooking the little lake in the gardens.

A duck and her ducklings were swimming past as my sister and I said a Jewish prayer, the mourner’s Kaddish, and spread her ashes amongst the flowers.

The sun was shining and the peacefulness and beauty of the gardens, with its bright colors, seemed a fitting place for Betsy.

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A small container of Betsy's ashes accompanied me on a Surgical Mission trip to Antigua, Guatemala. We arrived here on March 1st. It was an intense, yet heartwarming week, performing over 100 surgical procedures. The causes of pain hopefully to be healed. Betsy would understand.

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I felt a great responsibility and walked with a bit more energy in my step with Betsy's ashes in my backpack today. We hiked to a high lake with an incredible view of Mt. Fitzroy here in Patagonia, Argentina. I placed about 1/2 her ashes in Laguna Capris. Betsy would have loved the hike and the place.

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Ames worked to travel, holding firm to a policy that each year she had to head outside the United States at least once.

"Traveling was part of who she was," Shaff said. "She was born in Thailand and had lived in Belgium. Her grandparents did a lot of traveling and kept journals. We retraced their travels."

In 2010 her beloved dog Maya died. Ames had her cremated, spread some of the ashes in the neighborhood and started taking some of her dog's ashes with her on the trips she made with Shaff to Japan, New Zealand and the Dolomites, a mountain range in northeastern Italy.

Six years later Ames was diagnosed with a rare form of uterine cancer. Multiple rounds of grueling treatment failed to halt its spread. In December 2018, she retired from her position as a senior policy analyst with the city of Portland after a 24-year career.

"She'd been working on her will," Shaff said. "We thought it would be wonderful if she could go off on these travels, the way she'd done with Maya."

Ames' cancer was aggressive and she underwent multiple surgeries and rounds of chemotherapy. Ames and Shaff had set up an email chain so friends could follow her journey.

Ames posted photos and her thoughts:

"Though I wouldn't recommend getting cancer to anyone, there are blessings big and small that have come along with having cancer. I'm thankful every day for renewed and strengthened friendships. All of you and so many others make me feel well-loved and well-supported. Thank you."

The mail chain remains active and a way for all who knew Ames to follow the next leg of her journey. Friends will request a bottle of ashes from Shaff and then send him a photo and their thoughts, both of which he posts on the mail chain.

"She'd be thrilled by this," said her sister, Lucy Ames. "It means that she was an inspiration to a lot of us. We want to take her with us. Her memory will live on."

In time, only one jar will remain.

"I'm not sure what I'll do with that," Shaff said. "I'm just not sure."

## **The Portland Tribune**

### **PBOT: Fixing Our Streets fund pays for sidewalks, paving**

*By Zane Sparling*

*May 28, 2019*

**Portland Bureau of Transportation praises program funded by 10-cent gas tax, heavy vehicle use tax.**

The city's 10-cent gas tax and trucking tax means more Portlanders are strolling above the muck and mire — or avoiding bumps in the road, officials say.

By the end of 2019, the tax-funded Fixing Our Streets program will have paid for 48 blocks of completed sidewalks — at a cost of roughly \$2.7 million. The fund will also pay for 375 repairs to sunken stretches of traffic lanes in every quadrant of the city through 2019, according to city officials, among other things.

New sidewalks will be completed this summer on Northeast 148th Avenue between Halsey and Glisan streets, and workers will also make improvements on Southwest Capitol Highway from Multnomah Village to West Portland this fall.

In 2018, the Portland Bureau of Transportation filled in gaps in the sidewalks in East Portland on Southeast Flavel Street, 102nd Avenue and 112th Avenue, creating 2.25 miles of uninterrupted pavement on both sides of the street.

PBOT says the Fixing Our Streets fund has added safe walking routes to Prescott Elementary, the Gateway Transit Center, Kelly Butte Natural Area, Mall 205, Floyd Light Middle School, the MAX Green Line, the Interstate 205 multi-use path and the Springwater Corridor trail.

The new sidewalks are just a drop in the bucket compared to the 350 miles of busy thoroughfares that do not have sidewalks within city limits. "There are also many miles of residential streets without sidewalks," notes PBOT spokesman Dylan Rivera.

The Fixing Our Streets program was created after Portland voters approved a four-year local gas tax in May, 2016. It will expire unless re-approved by voters in 2020. PBOT says it is the city's "first local funding source for transportation."

The Fixing Our Streets program, which comprises less than 5 percent of PBOT's overall budget, is also supported by a heavy vehicle use tax created by the City Council in May, 2016.

## **Willamette Week**

### **Why Would Portland Expand an Old Town Public Parking Garage When It's Trying to Reduce Carbon Emissions?**

*By Rachel Monahan*

*May 29, 2019*

**Critics say spending public dollars on car parking is bad policy.**

On a drab corner in Portland's Old Town sits a dinosaur.

It's a four-story parking garage, a tower of cars with a helicopter pad on top. The 409 parking spaces in the garage are used by shoppers, workers and students. A space costs \$1.80 for the first hour.

By the city's own admission, car parking is a relic of an auto-dependent, fossil-fuel-guzzling age—an era City Hall is trying to phase out as the planet rapidly warms.

"Climate change is the greatest environmental challenge of the 21st century," reads the city's Climate Action Plan. "It poses a serious threat not just to Oregon's natural treasures—forests, mountain snows and rivers—but also to our jobs and our health."

So it came as a surprise to sustainability advocates when the Portland Bureau of Transportation this spring began exploring a possible expansion of the publicly owned lot, located at Northwest Naito Parkway and Davis Street, by as many as three more stories and 392 parking spaces—nearly doubling its size, according to an analysis obtained by WW. The expansion would cost as much as \$17.9 million.

"It's pretty simple: Every parking space we build is another car that drives into the middle of this city," says Michael Andersen of the Sightline Institute, a Northwest sustainability think tank. "We've already spent \$4 billion building other ways to get into the middle of this city. It seems like we should be helping people take advantage of that, rather than helping people take advantage of the thing we're actively trying to discourage."

That raises a question: If the city accepts the fact of climate change—and, with it, the necessity of slashing global emissions to 45 percent of 2010 levels within 11 years, as a 2018 United Nations report makes clear is necessary to avoid the worst of climate change—why would it expand the lot at all?

Critics say it's bad policy.

"Since the largest sector of greenhouse gas emissions is transportation, and the small trucks and cars are the largest part of that, driving is a big part of how climate change happens," says Tony Jordan, founder of Portlanders for Parking Reform, who quit his job late last year to advocate for climate action full time. "And building more parking, or providing cheap parking, is inviting more people to drive."

In March, PBOT received an analysis from the Walker Consultants on four cost scenarios for a garage expansion. PBOT has a \$540,000 contract with the consultants to analyze the maintenance needs of four garages. About \$200,000 is for the Davis garage expansion analysis.

The analysis considers a range of options. To add 126 new spaces, PBOT could convert the helipad to parking for \$2.7 million. For 392 new spaces, with no helipad but three new floors: \$14.1 million. For 266 new spaces and to keep the helipad: \$14.3 million, unless the garage is kept open during construction, which would bring the cost to \$17.9 million.

Portland transportation officials say they aren't trying to increase parking in Old Town—but maintain the same number of spaces during a construction boom.

City officials and business leaders both argue that new development in Old Town is eliminating surface lots, and will soon create a parking shortage. They believe they need an expanded garage for small businesses.

"Surface parking lots in Old Town are being redeveloped, and that parking is being lost for public use," says PBOT spokesman John Brady. "Adding parking in the garage would be a way to balance out the loss of the surface lot parking. In this way, there wouldn't be any net increase of parking in the district, just the replacement of lost parking due to development."

Helen Ying, chair of the Old Town Community Association, says the neighborhood has pushed the city to look at expanding the garage for years.

"We're not asking for more," she says. "We're asking for sustaining what we have."

The office of Commissioner Chloe Eudaly, who oversees PBOT, expressed skepticism when contacted by WW.

"First, this is far from decided," says Marshall Runkel, Eudaly's chief of staff. He says private developers are already building some parking in their projects. "The question is, as new development occurs and surface lots disappear in Old Town, does the parking need to be replaced? It will be very difficult to convince Commissioner Eudaly that the city should invest in parking."

The city's climate action goals call for reducing car trips per capita by 30 percent of 2008 levels by 2030.

But the percentage of Portland residents commuting alone by car has fallen by less than 3 percentage points since 2010.

"We have an explicit commitment to reduce auto use below current levels," says Andersen. "Why would we take action, particularly with public dollars, that we're risking, that could also be having many, many uses? It doesn't make any sense."

To be sure, the bureau has embarked on an ambitious effort to redesign the central city: adding bus lanes and bike paths that would ultimately eliminate 1,000 parking spaces.

PBOT says the Old Town garage is the only location in the city where the agency is looking to expand parking spaces. (Prosper Portland, the city's economic development wing, is building parking for the Convention Center hotel. And TriMet plans to build new park-and-ride garages for the proposed Southwest Corridor lines.)

Regardless, Portland has limited the amount of parking that private developers can build downtown as part of an effort to control the number of cars in the central city. In most of the Old Town-Chinatown neighborhood, developers can build only one parking spot for every 1,000 square feet of office space, or 1.2 spots for every new apartment.

Andersen argues City Hall simply shouldn't subsidize car use—especially when the financial prospects are uncertain in an age of Uber, Lyft and self-driving cars.

"It may be that people like me—who think it's possible for us to change the way we move around—are hopelessly idealist, and people are happy to pay for parking and will continue to do so despite all the aggravations of driving and the fact we're destroying the planet by doing so," says Andersen. "And if that's the case, [private businesses] should be able to do that on their own. It doesn't have to be subsidized by the public."

Parking reform advocate Jordan says PBOT should stick to its stated values.

"What I think is missing," he says, "is a mandate and leadership to make changes, because there's a widespread conventional wisdom that messing with parking is political suicide."

### **Price Them Out**

City Hall and the Oregon Legislature have embraced a concept for reducing car trips: tolling interstate highways. But that requires federal approval, and faces a challenge at the ballot box.

Local transit advocates say the city could act now—by adopting congestion pricing for parking spaces.

In other words, it could increase the price of parking by taxing private sector parking spaces, which cost as little as \$7.50 a day for a monthly spot. With price increases and taxes, city officials could price people out of their cars and onto TriMet trains and buses.

"You could have a tax on downtown all-day parking garages, and that would effectively be a congestion charge for commuters into the city of Portland," says parking reform advocate Tony Jordan. "Cars cause climate change, and cars need to park somewhere, and if you charge more and build less, fewer cars will park there."

## **Portland Commissioner Chloe Eudaly's Tenant Screening Plan Might Survive Court Challenge**

*By Rachel Monahan*

*May 28, 2019*

**WW obtained a copy of the city's legal analysis of the proposed ordinance.**

Portland Commissioner Chloe Eudaly this week gets a long-awaited hearing on her revised ordinance to regulate the way landlords screen tenants, with a goal of ensuring people with criminal backgrounds aren't excluded from housing.

But will it hold up in court? Quite possibly.

The ordinance has "a low to moderate risk of being invalidated" by a lawsuit, according to a May 20 legal analysis by city attorneys, newly obtained by WW.

Eudaly in recent weeks has revised the ordinance to reduce the risk of being sued, the memo makes clear, but city attorneys also warn that losing in court could prove costly: "If the city were to lose a suit based on a federal constitutional challenge it would face liability for attorney's fees....[and] such fees could be substantial."

(The city's legal memo can be read [here](#).)

Eudaly's office says the legal analysis represents good news for the ordinance.

"Every new policy presents a measure of legal risk, and the classification of 'low to moderate' risk is great news for our Fair Access In Renting (FAIR) ordinance," says Margaux Weeke, a spokeswoman for Eudaly.

"Acting in an overly cautious and conservative manner has often prevented us from protecting our most vulnerable community members, and that trend cannot stand," Weeke says. "FAIR is a codification on the local level of federal Fair Housing Law. We have engaged our highly capable city attorneys (as well as numerous community organizations) in developing the language included in FAIR, and we are confident that this policy will withstand any potential court challenges."

# The Portland Mercury

## Hall Monitor: Protest Season Is Coming

*By Alex Zielinski*

*May 23, 2019*

It's that time of year when the sunny days have cautiously begun to outnumber the gloomy ones and the lines for Salt & Straw begin to make a little more sense. In Portland, that can only mean one thing: Protest season is coming.

Recent Portland summers have been marked by protests that appear to serve only as an excuse for two opposing organizations to publicly throw insults and punches.

Here's how they usually play out: Members of the Vancouver, Washington, alt-right group Patriot Prayer schedule a demonstration in Portland, showing up with rifles, MAGA hats, and sanctimonious smirks. They're met with disdain from black-clad members of Portland's anti-fascist (Antifa) groups. Eventually, armored Portland Police Bureau (PPB) officers escalate the confrontation with smoke bombs and bean-bag bullets. After hours of cat-and-mouse chases around downtown, serenaded by police loudspeakers' threats of arrest, the crowds disperse—only to return the following weekend and repeat the charade.

It's exhausting.

Last summer, numerous rallies—all instigated by Patriot Prayer—ended in mass arrests, serious injuries, and outrage from Portlanders fed up with their city being used as an alt-right playing field.

Mayor Ted Wheeler attempted to solve the problem by introducing a policy that restricted where and when people could hold demonstrations—but the policy's unconstitutional techniques kept it from passing a City Council vote.

At the same time, the public raised concerns that PPB officers appeared to favor members of Patriot Prayer over local counter-protesters. Officer comments about ignoring alt-righters who showed up to an August rally with a weapons cache—not to mention friendly text messages between Portland Lt. Jeff Niiya and Patriot Prayer leader Joey Gibson—only solidified those worries.

In February, City Council voted to denounce white supremacy and alt-right movements, a purely symbolic statement against Patriot Prayer. At the council meeting, Wheeler added: "Today's resolution is the beginning, not the end, of a process."

So where does that leave us?

Wheeler's communication director, Eileen Park, says the mayor's office doesn't have any new tactics to address Patriot Prayer protests. The city has requested two investigations into how the PPB handled protests in 2017 and 2018, but it's unlikely we'll learn anything from them soon.

City Attorney Tracy Reeve says an outside investigation started in mid-May will take an estimated six months to complete. The results of an internal inquiry by the city's Independent Police Review (IPR) won't be made public for several months.

On May 1, Patriot Prayer gave Portland leaders an opportunity to show an improved response. That afternoon, the group swarmed Cider Riot, an Eastside pub hosting a May Day event attended by Portlanders affiliated with Antifa. Armed members of the alt-right group shouted at and pepper sprayed patrons, and sent one woman to the hospital with a vertebrae fracture.



PPB officers showed up an hour after they received the 911 call, long after the ensuing street brawl had dispersed.

“We were hung out to dry by the police,” said Cider Riot owner Abe Goldman-Armstrong, who is suing Patriot Prayer for damages. “There was no appropriate response.”

## **Audit Finds City Lagging on Projects Funded by Gas Tax Dollars**

*By Blair Stenvick  
May 29, 2019*

Portland’s city street repair program—funded by gas tax dollars—is behind schedule and needs better oversight, according to a city audit released Wednesday.

In May 2016, Portland voters approved a 10-cent gas tax and a tax on heavy vehicles to make needed safety and structural improvements to Portland roads (think more accessible crosswalks, repaved roads, and sidewalk additions). The tax, which will expire in 2020 unless it's voted on again, has generated \$43 million so far.

The audit report from City Auditor Mary Hull Caballero’s office stated that the projects promised under the tax program, called "Fixing Our Streets" are mostly being completed on budget, and that the selected projects align with promises made to Portland voters. The audit also found some room for improvement:

“We found that Fixing our Streets projects were behind schedule and that City Council did not require owners of heavy vehicles to pay what experts said was needed for them to contribute their share of costs for maintenance, operations and improvement of City streets. We also found that monitoring and oversight was not effective, that the Bureau did not fulfil Council’s commitment to obtain annual audits, and that the spending split between street repair and safety projects was difficult to assess.”

Here is some key takeaways from the audit.

The Portland Bureau of Transportation (PBOT) is behind schedule for project completion.

According to the audit, a full two-thirds of Fixing Our Streets projects that had been scheduled to begin before 2019 had not actually started. This was likely the result of poor planning on PBOT’s part.

“Bureau staff said the schedules were not realistic,” the audit reads, “and that it took longer than anticipated to break ground because the scopes of individual projects were not yet well defined.”

In PBOT’s formal response to the audit, Transportation Commissioner Chloe Eudaly promised that 20 of 59 original Fixing Our Streets projects would be completed in 2019—including the \$9 million Foster Transportation and Streetscape Project, which is promised to transform SE Foster into a more bike- and pedestrian-safe road. PBOT will also break ground on 21 more projects this year, Eudaly wrote.

The heavy vehicle tax isn’t yielding as much funding as expected.

Most freight trucks that travel through Portland don’t stop at neighborhood gas stations inside city limits, meaning that their contribution through a regular gas tax wouldn’t be proportional to how much they use the roads. To mitigate this, the city enacted a Heavy Vehicle Use Tax, in

which it taxes freight trucks and other heavy vehicles based on the state's weight-per-mile system.

The Heavy Vehicle Use Tax was supposed to generate a total of \$10 million for Fixing Our Streets, or \$2.5 million during each of the program's initial four years. But during the tax's first year, it raised just \$1.8 million, significantly less than the projected \$2.5 million per year it was supposed to raise.

Despite the shortfall, the Portland City Council decided against adjusting the tax rate in November 2018 to meet the projected revenue goal. Judging by PBOT Interim Director Chris Warner's written response to the audit, that could change soon.

"We are currently preparing a range of policy adjustments for City Council to evaluate as they consider extending this program," Warner wrote. "We believe the heavy vehicle use tax is an innovative approach that allows us to collect revenue based on the state weight-mile fees, and the amount of use our streets see from heavy vehicles."

More oversight is needed.

Before Portlanders passed the Fixing Our Streets taxes back in 2016, they were promised that the purpose of the projects would meet a very specific split: 56 percent street repair, and 44 percent safety projects. But both the Fixing our Streets Oversight Committee and the city auditor's office found it was difficult to determine whether PBOT is actually sticking to that goal.

That's partly because those two priorities can often overlap—before adding a new crosswalk to a street, for example, it might be necessary to rip up the pavement and replace the base of the road.

And there's another reason.

"The Bureau provided the committee volumes of information," the audit states. "However, we found that the committee could not effectively fulfill its monitoring role because the project lists and financial reports the Bureau provided were incomplete, inconsistent, and outdated."

In PBOT's response, Warner wrote that the city is already taking steps to improve oversight, and that "we fully expect our final spending totals will match the 56% to 44% split promised to voters."

In her letter to the city audit office, Eudaly wrote that despite these setbacks, Fixing Our Streets is a crucial program for addressing "urgent maintenance issues" on Portland streets.

"The audit of the program as it is getting off the ground will help make it successful," Eudaly said.