

The Oregonian

Construction gridlock: Portland area faces years-long stretch of freeway, bridge, street projects

By Andrew Theen

May 31, 2019

Where do you see yourself in five years?

In the Portland area, the answer is likely to be one of two places: Stuck in traffic, or in a road-construction zone.

The region is entering one of the busiest five-year road construction stretches in recent history – fueled by the city’s gas tax, an initiative from Mayor Ted Wheeler to take on debt to address long-deferred maintenance, and the \$5.3 billion transportation package passed by the Legislature in 2017. Regardless of if you’re driving, walking, biking or taking transit, construction will be noticeable and potentially disruptive.

If all comes to fruition, the scope of the tri-county projects is immense and easily surpasses \$1 billion. Four pedestrian or bike-only bridges will be built in Portland; Southeast Portland will see high capacity transit and safety projects on Southeast Division Street; key roads like Northwest 23rd Avenue and Southwest Capitol Highway will see substantial closures due to paving and/or safety projects; and more than dozen projects in downtown designed to speed up buses and bike safety are expected to move forward.

State-led mega projects include widening and capping Interstate 5 at the Rose Quarter, a major disruption in September 2020 on the Interstate Bridge that will shutter northbound lanes for two weeks and cause extensive delays, and freeway widening to add merging lanes on I-205 and Oregon 217. Widening projects are still underway on I-205.

And that’s all without considering a 2020 transportation package that’s likely to hit voters’ mailboxes next November where the total price tag of projects could hit \$20 billion. The estimated \$2.7 billion light rail extension to Bridgeport Village will be a centerpiece of that plan. Drivers may see the region’s first user fees for local freeways during the five-year period as well, as tolling could be instituted on sections of I-5 and I-205.

Multnomah County also hopes to start work to potentially replace or upgrade the Burnside Bridge by 2022. The five-year horizon doesn’t include what to do with the Interstate Bridge spanning the Columbia River.

Politicians and state transportation leaders say that while many of the closures will occur on nights or weekends, some lengthy detours and big traffic jams may be unavoidable. People should anticipate delays, but they can expect things to be better in the long term. The projects are long overdue, and Metro said the region could see about 524,000 more people move to the Portland-Vancouver metro area by 2038.

“For decades, we’ve been underfunding maintenance, and thanks to reforms from the Legislature we are better able to pay for deferred maintenance,” Metro Council President Lynn Peterson said in a statement. “But all that work is a drop in the bucket of the needs. The major corridors in our region need maintenance, safety and multimodal improvements from stem to stern, from Gresham to Forest Grove and from Lents to Sherwood.”

There are important caveats to go around – like which of the projects will actually move forward and whether the state, city and region will be able to pull this all off. Economist Joe Cortright, a vocal critic of past mega projects like the failed Columbia River Crossing, said he has doubts that the big-ticket projects in particular can be completed on time and on budget. Cortright noted on his City Observatory blog this year that ODOT has a poor track record on projects of this size and scope. Its largest highway project, a five-mile widening of US 20 between Newport and Corvallis, went more than 300% over budget, rising from \$110 million to more than \$360 million.

A city audit released this week showed Portland was behind schedule on its suite of paving and safety projects outlined in 10-cent gas tax approved in 2016. But dozens of those projects will break ground in 2019 and 2020, and Portland expects it will complete all of them.

“We are going to trade one frustration for another,” Marshall Runkel, Commissioner Chloe Eudaly’s chief of staff, said in a statement. “Instead of being frustrated about the condition of our streets, we are going to be frustrated by the amount of construction that will be occurring. Luckily, the latter will only be temporary, and it will help alleviate frustration caused by the former.”

The state projects, in particular, amount to some of the largest in the metro region in decades.

“We’re seeing a remarkable period of growth in the transportation system unlike anything we’ve seen in years in the Portland area,” said Don Hamilton, a state transportation spokesman. The projects, he said, would significantly improve safety across the region and be a good thing for the economy and “quality of life.”

Thus far, the Rose Quarter freeway project has garnered the majority of opposition. Politicians have gravitated toward the Albina Vision, which calls for a more-substantial freeway cap to allow for housing and development atop the freeway.

But ongoing freeway projects in east Portland and past expansions in the south metro area on I-5, haven’t received as much attention.

Aaron Brown, a chief organizer pushing back against the Rose Quarter project with the No More Freeway PDX group, predicted more resistance would emerge in coming years on projects outside the city center.

“If 40% of our emissions are from transportation why on earth are we building more freeway infrastructure?” he asked.

Metro’s Regional Transportation Plan, the guide map for what projects cities and counties plan to pursue in the coming decades, has a blueprint stretching out 25 years and totaling \$47 billion.

Peterson said the coming years represent a reminder of just how much money it will cost to “keep up with the growth and the bustling pace of our region.”

“Even with these projects, we know that our region needs more. These investments are barely keeping us above water,” she said.”

The projects outlined above, plus the tri-county efforts expected to go before voters in 2020, are designed to help people get around the region better. But those changes will likely require sacrifices.

“The current solutions aren’t working,” Peterson said. “We need new answers, and that means more investment.”

The Portland Mercury

Protestor Whose Nose Was Broken by Portland Police Won't Get a New Trial

*By Blair Stenvick
May 31, 2019*

A 68-year-old woman whose nose was broken by a Portland Police Bureau (PPB) officer at a 2017 protest—and who has been seeking damages from the City of Portland—will not receive a second trial.

In April, Peggy Zebroski lost her civil court case against the City of Portland for physical and emotional damages sustained during that protest. She had been seeking \$200,000.

Earlier this month, the Portland law firm Tonkon Torp—which was representing Zebroski on behalf of the ACLU of Oregon—requested a new trial. Multnomah County Circuit Court Judge Judith Matarazzo decided against granting Zebroski a new trial on Friday afternoon.

"We are deeply disappointed in the decision today," Leland Baxter-Neal, a staff attorney with the ACLU of Oregon, told the Mercury. "We were disappointed when the jury returned its verdict, and we think the jury got it wrong.... The Portland Police grabbed our client off the sidewalk, threw her on the ground, and broke her nose by grinding her face into the concrete."

Here's a breakdown of why Zebroski's lawyers thought there was a case for a new trial, from the Mercury's previous reporting:

Zebroski's lawyer Michael Willes believes that the jury's verdict wasn't based on the trial's central question: Whether or not [PPB Officer Adi] Ramic used excessive force against Zebroski. To explain this argument, Willes points to the verdict form jurors were asked to fill out, which poses these questions:

1. Did the use of force by police constitute a battery?
2. If yes, was the force excessive?
3. If yes, what were Peggy's damages?

The jury ruled that Ramic's use of force wasn't a battery, meaning they didn't even get to consider whether or not his force was excessive.

But, Willes argues, it's legally indisputable that Ramic's conduct was considered battery, which is defined as "intentionally touching or contacting a person in a way that is harmful or offensive."

Willes blames the city's attorneys for misleading jurors on the battery question by arguing that Ramic didn't mean to hurt Zebroski.

"The City argued throughout the trial that police never intended to harm Peggy," reads Willes' motion for a new trial, filed May 13. "But that was not the question before the jury. Rather, the question of battery concerned whether the police intended to contact Peggy in a way that was harmful or offensive. The undisputed evidence at trial established that the City did so."

Matarazzo's decision not to grant Zebroski a new trial hinged on a couple different legal points. In a nutshell, she reasoned that Zebroski's lawyers could have brought up their issues with the

verdict form before the first trial concluded, but failed to do so. Additionally, she decided that she did not want to substitute her own judgment on the case for that of the first trial's jury.

Matarazzo's decision likely marks the end of Zebroski's legal journey—something Baxter-Neal said is unfortunate not only for Zebroski, but for all Portlanders.

"When Portland police use excessive force on peaceful protestors, the damage is not only the physical harm," he said. "It creates a chilling effect on free speech and assembly."

The Daily Journal of Commerce

Affordable housing on the upswing

By Chuck Slothower

May 31, 2019

Plans for affordable housing projects in the Portland area are advancing rapidly thanks to more than \$900 million in voter-approved bond funding.

The money is a massive influx for the region's affordable housing sector, which has long suffered from low levels of revenue driven mostly by federal vouchers.

The bonds will boost general contractors that have focused on affordable housing and have relationships with affordable housing developers and public agencies, affordable housing experts said at a panel event on Thursday.

When asked about encouraging signs in today's market, Ross Cornelius, client services manager for Walsh Construction, had a simple answer: "Six-hundred-and-fifty-three million dollars."

Cornelius was referring to Metro's \$652.8 million regional affordable housing bond approved by voters in November 2018. That followed Portland's \$258.4 million bond passed in 2016.

Cornelius was a panelist for a Builder Breakfast event hosted by the Daily Journal of Commerce at the Sentinel Hotel. Joining him on the panel were Molly Rogers, deputy director of the Portland Housing Bureau; Emily Lieb, housing bond program manager for Metro; and Ben Sturtz, housing development project manager at REACH Community Development. Michael Robinson, a real estate and construction lawyer at Schwabe, Williamson and Wyatt, served as moderator.

Portland's bond is beginning to go to work. In April, the Housing Bureau announced a \$77 million bond solicitation, of which \$70 million was generated by the 2016 ballot measure.

The Housing Bureau is planning to allocate some of the money for "deeply affordable" apartments to house people making 30 percent of area median income or less, Rogers said. The bureau plans to build up to 600 units of new housing with the bond dollars, she said.

Suburban cities such as Milwaukie and Hillsboro are more supportive of affordable housing than they were in the past, Lieb said. The municipalities are lobbying for their shares of the Metro bond.

"We are seeing in smaller jurisdictions efforts to eliminate barriers to affordable housing," she said.

REACH Community Development, a nonprofit housing developer, was able to build a 167-unit project at Orenco Station in Hillsboro in part by forming relationships with neighbors, Sturtz said. The public has been more supportive than in the past, he said.

“The political will, not necessarily from the elected officials but from the people, has been the most encouraging thing,” he said.

There’s ample opportunity for contractors to work on smaller-scale projects, including single-family homes and rehabilitations, Sturtz said.

“Not everything we build is 200 units (of) new construction,” he said. “We try to meet up builders with the scale. We have enough of a pipeline that there’s usually something for everyone.”

Affordable housing projects still face resistance from residents and prejudices, racial and otherwise, Cornelius said.

“We can’t afford that anymore,” he said. “We’ve got to make room for everybody.”

Affordable housing is a long-term industry, the panelists said. The city is requiring units to be affordable for 99 years. The Housing Bureau is looking 30 years in the future in pro formas, Rogers said.

Developers and contractors place a special emphasis on durability in materials, so the buildings are cheaper to operate and maintain in the long term. That can be less of a concern for for-profit multifamily developers, who often look to sell soon after completion.

“If you’re going to get into affordable housing, you better plan to stay in it,” Cornelius said. “It’s a long-term play.”

OPB

Portland Parks Budget Cuts Mean Change For Arts Programs

*By April Baer
May 31, 2019*

For all Portland’s fantastically creative ways to have fun, the city’s publicly funded arts programs stand among the most beloved ways for citizens to interact with the arts. And the Bureau of Parks and Recreation has always shouldered a sizable share of that work.

From free outdoor concerts to summer arts camps to low-cost music, dance and fine art instruction, it’s hard to beat what community centers and other parks properties have to offer.

But among the menu of arts programs, arguably the best value can be found at three specialized and historic facilities: the Multnomah Arts Center (MAC), the Community Music Center (CMC) and the Laurelhurst Dance Studio.

Each has its own origin story and menu of services. Laurelhurst is small but offers a wide range of styles, from ballroom to hip-hop, jazz, tap and ballet. The Community Music Center delivers a comprehensive range of instrumental and vocal lessons, instrument rentals, and ensembles. The Multnomah Arts Center is a large and diverse building filled with room after room of

woodworking shops, music classes, studios for drawing and painting, dance studios, art galleries, jewelry studios, weaving equipment, performance space and more.

All three are located in relatively affluent neighborhoods, but cash-conscious Portlanders come from all over to use them.

When commissioners approved the city budget passed last week, they decided Portland can no longer afford its relationship with this trio — at least, not in their current forms, leaving the future much less clear.

The first tipoff was Mayor Ted Wheeler's proposed city budget, which included sizable, one-time appropriations for MAC and CMC.

The Parks Bureau budget is deep in the red. Its woes have been debated at several spring budget hearings, including a May 23 session at which Commissioner Amanda Fritz said, "Calling the choices difficult is like calling childbirth uncomfortable. This is a very sad parks budget, and still it is necessary."

The bureau, which recently was returned to Commissioner Nick Fish's portfolio, had to make \$6.3 million in cuts this year, with 50 bureau workers losing their jobs.

City observers trace the overruns to three issues:

- Many parks facilities — including but not limited to MAC and CMC — have substantial deferred maintenance needs, often including seismic upgrades.
- A few years ago, the union representing parks workers waged a battle to require the bureau to reclassify some of its temporary workers as full-time. The union won, and the subsequent changes added several million dollars to payroll and benefits.
- Finally, the city's growing population on the east side of town is crying out for more parity in parks facilities. The bureau has been mindful of prioritizing those needs.

As the budget axe fell, MAC, CMC and the Laurelhurst studio were among the casualties. The city aims to sunset general fund payments for all three programs within the next fiscal year, if possible.

The end of general fund dollars is not a death sentence. Laurelhurst likely stands to see the steepest loss in services. Parks-sponsored dance classes will be discontinued.

"The plan is preserve the space for the arts by making it available to another dance/arts entity for leasing," said Soo Pak, the bureau's arts, culture and special events manager.

In recent months, lease rates for the studio have been offered somewhat below market rate.

MAC and CMC have something of a head start, in that they both already have their own nonprofit boards. The city's one-time appropriations this year are aimed at helping both facilities retool their operations and find new revenue streams.

Pak said CMC "will remain publicly-owned, and service levels will remain largely the same."

As for MAC, executive director Michael Walsh is working on new ways to continue its work providing great arts education, "with an increased emphasis on equity-focused programs that prioritizes teen, culturally diverse, and low-income populations."

MAC's nonprofit arm is strategizing a plan to increase its participation in the parks bureau's Free Lunch + Play program — a delivery system for both kids activities and essential food aid. The center has also formed a partnership with the Somali American Coalition of Oregon that's

entering its third year. The scholarship and community engagement components might make MAC eligible for some different forms of public funding and sponsorship.

“It is too early to know exactly how this project will unfold,” Walsh said. “But we expect to begin planning with [parks] leadership in the coming months. Knowing there is no simple solution to make this happen in just one year, we are also encouraged that Council directed parks to request an additional half-year bridge funding for fiscal year 2020-21.” The hope is that MAC could be in the black for direct costs starting in 2021.

Walsh said he’s “very optimistic” that MAC can get to the business plan it needs.

The budget reductions passed as part of a complete city budget package that gained support from the entire council, except for Commissioner Jo Ann Hardesty. Some mentioned the importance of critical arts services at community centers all over the city.

Several commissioners expressed a hope that parks could find a more sustainable model that might avoid painful showdowns in future budget cycles. Commissioner Nick Fish committed to looking at “different models in structure and funding that perhaps allow us to get out of this vicious cycle.”

Portland Parks goes to bat every budget season, alongside the Police Bureau, street repairs and homeless services, often relegated to a lower priority.

Fish, along with Mayor Ted Wheeler, has discussed a revenue model similar to what’s practiced in Chicago, Washington, D.C., and Seattle: a dedicated parks district that would allow the Revenue Bureau to channel tax money for parks directly into the parks budget, instead of into the general fund.

“As commissioner in charge,” Fish said, “I’m finished. We cannot continue to have these conversations with the community. They’re too discouraging, they’re not fair, and there is a better way.”

Further Reading

Portland quietly launches mobile location data project with Alphabet’s controversial Sidewalk Labs