

## **The Oregonian**

# **Portland pays \$145,000 to end legal fight over 2015 bike, TriMet collision at ‘complex’ intersection**

*By Andrew Theen  
September 4, 2019*

Portland settled a lawsuit filed by a cyclist who collided with a TriMet bus in 2015 at an intersection city officials acknowledged Wednesday is one of the “most complex” in the city.

The City Council approved the \$145,000 settlement agreement with Edward Gorman to avoid further legal battles related to the 2015 crash at Southeast Tilikum Way and Milwaukie Avenue. An investigation found the city “may be found liable,” documents show, and officials determined it was “prudent” to avoid a trial.

The intersection is a confusing confluence of many transportation modes. It lies just south of the light and freight rail tracks where a dedicated bus lane, multi-use bike and pedestrian path converge at a traffic signal.

Gorman was wearing his customary helmet and bright orange reflective safety vest and facing eastbound on the sidewalk where he intended to take a slight right onto Milwaukie. The bike traffic signal on the west side of Milwaukie turned green, and Gorman proceeded into the intersection.

But the bus had a green light at the same time, and Gorman collided with a Line 9 bus and fractured his right hip. He needed multiple surgeries. According to Gorman’s lawsuit, the bus “overtook him on his right after he had entered the intersection and collided with him.”

City officials said in a statement Wednesday that Gorman crashed into the bus. There’s a green bike box on Tilikum that allows cyclists to be in front of buses if they are at the signal at the same time. Gorman was not in that bike box, transportation officials said, and they allege he wasn’t using the intersection “as it was designed.”

Commissioner Chloe Eudaly, who oversees the Transportation Bureau, said Wednesday the intersection is “complicated.”

“I’m pleased to report there’s been no other accidents that we’re aware of,” Eudaly said.

She added the incident “just highlights the need I think for everyone on the road to obey traffic laws.”

The collision happened Dec. 1, 2015, just months after the Orange Line and Tilikum Crossing opened after years of construction. Dylan Rivera, a city transportation spokesman, said the intersection opened in May 2014, but the city had just installed a bike traffic signal by the end of October.

Gorman’s lawsuit, which he filed in 2017, alleged TriMet was negligent in failing to train drivers on how to handle the intersection and that the city created an “unreasonably dangerous” intersection for bicyclists by pitting riders against buses without a separate signal.

TriMet settled with Gorman in April for \$47,500. TriMet’s Line 9 and 17 buses use the street, and both turn south onto Milwaukie at the intersection.

Scott Kocher, Gorman's attorney, said the city failed to install the bike signal in an appropriate manner. The signal was improperly installed on the near side of the intersection, not the eastern edge.

"We need safe routes for people to ride bicycles throughout our city," Kocher said. "This was a new intersection that should have been designed for people walking and biking and driving from the beginning. Unfortunately, the bicycle signal was an afterthought and it wasn't done right."

Kocher said the city should give bicyclists a separate traffic signal altogether from the buses. Portland doesn't have plans to do so.

As part of the settlement, Kocher said the city agreed to install a new bike traffic signal on the eastern side of the intersection. The city will also add dotted lines and striping and signage to clearly indicate how bicyclists can travel through the intersection and head south onto Milwaukie and install new signs on both sides of the intersection to alert bus operators and bikes of the traffic flow there.

Gorman, meanwhile, is back on his bike and riding again. He's still wearing his orange vest.

## **The Portland Tribune**

### **Experts make the case for a Portland water taxi service**

*By Zane Sparling  
September 05, 2019*

**Terminal in Vancouver, Washington may be too great a leap for the proposed Frog Ferry, says founder Susan Bladholm.**

The metro area's proposed passenger ferry is pulling up anchor from Vancouver.

For now, at least.

Frog Ferry first announced itself as a round-trip service between downtown Portland and the Washington city's booming waterfront. While Terminal One is still eyed as a possible site of expansion, ferry backers have nixed it for the initial roll-out.

The ferry plan, launched by Susan Bladholm in late 2018, builds on earlier proposals to convert the Willamette River into a transit corridor, including a water taxi feasibility study commissioned by City Hall in 2006.

But routing the vessel across state borders has been doomed by at least one nagging issue: There's not enough space along the waterfront for 'Couv commuters to ditch their cars, according to Bladholm, who is founder and president of Frog Ferry.

"They have a huge parking issue. Most of our other stops are not parking dependent," she said. "We have conversations with Vancouver several times a week. It's just a matter of timing."

Mike Bomar, director of economic development for the Port of Vancouver, offers another reason: "While we don't have to keep the dock open to the public 24/7, we are restricted from giving preferential or exclusive access while it's open."

Cathedral Park in St. Johns is being floated as the replacement terminus; although that's on the Oregon side of the river, and wouldn't qualify as a two-state solution. The downtown stop near

the Salmon Springs fountain is still planned, as well as another end-of-the-line in Lake Oswego. Firmer answers await the completion in 2020 of four feasibility studies.

The reports, at least, are fully funded — though the route to public dollars has included more than one twist and turn.

State lawmakers turned up their noses at Frog Ferry's request for \$500,000 this session, and the city of Portland's 2019 budget produced \$50,000, only a quarter of what was sought. TriMet is the recipient of \$200,000 Statewide Transportation Improvement Fund grant by the Oregon Department of Transportation, which Bladholm says will help Frog Ferry.

Bladholm is undaunted: "Funding transit is something the public wants," she told the Tribune. "The public part of the funding is going to take longer."

### **Field of dreams**

Water taxis and ferries are not a new idea. Just ask Seattle, Boston, Long Beach, San Francisco, Tampa or New Orleans. Or London. Or Brisbane.

Ralph Duncan, a consultant with the global maritime firm BMT, said boat lines, once built, benefit from a concept known as induced ridership.

"In other words: if you build it, they will come," Duncan said. "That's not saying water transportation is going to solve everybody's problems. The solution is really multi-modal, and interconnectivity."

So you trolley-hop from work to a shareable scooter hub, then zip to port, where a \$150 monthly pass buys a berth ... and time to recharge more than your laptop.

But the field of dreams is crowded. TriMet yearns for a downtown Portland subway, Transit Twitter talks of capping (or dynamiting) Interstate 5 — and the comments section wants to cruise on wide open freeway lanes. Maybe the humble passenger ship can't compete.

"I think that's a pretty myopic view," argues Bladholm, noting that digging a tunnel for MAX is at least 20 years out. "We're going to need all of the above, because congestion is getting worse every single day."

The 54-year-old says the ferry will never fly without willing partners in government who will welcome the service onto their docks. Yet every jurisdiction is different.

Possible Portland locations include the South Waterfront Zidell property, the Oregon Convention Center dock or Oregon Health & Science University. All are mapped to varying degrees by preexisting transit.

Lake Oswego is described as a prime location, but the nine-year-old gangplank at Foothills Park is a steep 11-minute walk from the nearest bus stop. Some consider the land surrounding the park ripe for redevelopment, but nothing is certain.

"A lot of this is still in the very early planning stages," said Anthony Hooper, Lake Oswego deputy city manager.

Bladholm also is eagerly eyeing the apartment blocks springing up near Cathedral Park on the way to Portland's northern tip. "There's going to be incredible growth there because of the rezoning," she noted.

### **Tadpole ferry?**

With a service start date pegged for 2023, Frog Ferry is undoubtedly still a tadpole.

Seattle's water taxi service is seen as an aspirational model, given that it recouped 45% of operating costs at the fare box in 2018. (For TriMet, that number is closer to 25%.)

From the Emerald City's Colman Dock, residents can waltz aboard car ferries operated by the state department of transportation or take the Fast Ferry to Kitsap County communities. The King County water taxi to Vashon Island or West Seattle boards at a pier next door.

"You win over thousands with that first boat ride," said Paul Brodeur, marine division director for King County. "People don't know what they're missing. But once it's there, it's suddenly: 'Ah hah, I have options now.'"

To be sure, the wide open waters of Elliott Bay provide a different navigational environment than the closely hemmed Columbia and Willamette rivers.

Here the choke point is the Steel Bridge, which carries cars, pedestrians, Amtrak and Union Pacific trains — and more than 10 bus and MAX lines. Bladholm thinks high water would require bridge lifts for the freight-hauling lower deck "four to six" days per year.

It's a necessity, as experts agree that dependability is crucial for water transit.

"For ferry-riders, a big part of why they ride a ferry is because of the experience," said John Sainsbury, president of the Seattle-based HMS Consulting. "But they're not going to make that shift unless you know it's going to be reliable."

Duncan said a District of Columbia riverboat service has thrived despite similar challenges on the confluence of the Potomac and Anacostia waterways.

"It's got debris, and it's got shallow water, and it's got very, very low bridge clearances to get under," he said. "The fact of the matter is, cities with rivers are taking this on."

Money also influences whether a ferry service sinks or swims.

Since 2007, King County has used a ferry taxing district to fund service, with the voter-approved property tax currently drawing a penny and a quarter for each \$1,000 worth of assessed value. Seattle's water taxis are a spoke in the wheel of buses, bikes, rails and ride-shares managed by King County Metro (the equivalent of TriMet, and not to be confused with the regional government authority here).

"When the water taxi pulls in the buses are waiting," said Brodeur. "The benefit is that it's just better integration for the traveling public."

Frog Ferry hopes to follow the tracks laid by Portland Streetcar, which originally was championed by business leaders in the 1980s, and retains a nonprofit board alongside its government operators.

It was a winding road to follow, and Metro President Lynn Peterson noted that the streetcar's original nickname within TriMet was the "donkey trolley."

"I will be there for you, and we'll make it happen together," Peterson said during a recent gathering of supporters at the Bladholm family farm on Sauvie Island, before immediately backpedaling. "We will not be operating it. We don't own transportation assets."

### **Ride the waves**

With a go or no-go decision projected for 2021, it's an open question whether Portland is ready to take the plunge and expand its transit repertoire.

The latest estimates circulated by Bladholm suggest a capital construction price tag of \$50 million, with perhaps 85% coming from the Federal Transit Administration. Ongoing operating costs for four boats would be about \$1 million monthly, while the passenger capacity is rosily predicted at 2.4 million people per year.

It's a big ask, but with a career mixing stints at public agencies — including the tourism division of Business Oregon, the Port of Portland and Travel Portland — as well as time spent at the aviation operations giant Erickson, Bladholm could be uniquely suited to pull it off.

So if ferry service does come to Bridgetown, it surely won't only be tourists snapping waterborne selfies with White Stag's iconic Portland, Oregon sign in the background.

The biggest argument in favor could be the rolling waves themselves.

## **East Portland segment of Glisan Street loses two car lanes**

*By Zane Sparling  
September 05, 2019*

**Portland Bureau of Transportation touts project as making street safer for road users, decreasing chance of crashes.**

The loss of travel lanes on Glisan Street may have roiled some residents in East Portland.

But the Portland Bureau of Transportation says motorists have just as much to gain — in terms of improved safety and more dependable travel times.

Construction impacts are expected to prevail until this fall as workers remake the streetscape for the \$400,000 project, which is dropping Northeast Glisan from five to three travel lanes except near major intersections. It also adds a westbound bike lane shielded by on-street parking.

PBOT says the shrinkage will occur from Northeast 106th Avenue to 119th, from 125th to 145th and from 150th to 160th. The street will remain at its current size for a three-block radius surrounding the major cross streets: 102nd, 122nd and 148th.

"We recognize that some people in East Portland and elsewhere find changes to our streets to be jarring when first implemented," PBOT spokeswoman Hannah Schafer wrote to the Tribune. "Traffic patterns take several weeks or months to adjust after the project is finished. If we continue to see problems, there are opportunities to take corrective actions."

Glisan is the fourth-most dangerous roadway in Portland for motorists, and in the top 10 for pedestrians, according to the bureau. Two pedestrians and three people in cars have died on Glisan between Interstate 205 and the city limits at 162nd Avenue in the past decade. Between 2006 and 2015, another 46 people suffered serious injuries, including 41 people in cars.

Officials think part of the problem is the uninterrupted stretches of canyon-wide roadway on Glisan encourage lead-foot drivers.

"If we create a sense of it being narrow, it encourages people to drive more safely, just out of caution for themselves," Schafer said. "This isn't a congestion reduction project. This is really about keeping people safe and continuing to keep people moving through the city, but beyond just driving."

A new signalized crossing is planned as well at 128th Avenue as part of the north-south 130s neighborhood greenway. A third of the project, from 103rd to 122nd, will be completed next year.

## **Happy Birthday, Commissioner Charles Jordan!**

*By Zane Sparling  
September 04, 2019*

### **Portlanders gather at Charles Jordan Community Center to celebrate birthday of first African-American commissioner.**

Charles Jordan's height was legendary. But his legacy stands even taller.

Five years after his passing, and seven years after a Portland Parks & Recreation building was renamed in his honor, a crowd gathered at the Charles Jordan Community Center, 9009 N. Foss Avenue, on Saturday, Aug. 31 to celebrate the city commissioner's indelible impact on Portland history.

It was the day before Jordan's birthday.

"If pops was here, he would give each and every one of you a hug. He would make everyone feel special," said his son, Dion Jordan, the equity and inclusion manager for Multnomah County. "It's my hope and prayer that his spirit will continue to reside here."

Known in the history books as Portland's first African-American commissioner and a dedicated director of Portland Parks & Rec, Jordan led the acquisition of 44 parks properties and shepherded the passage of a \$49 million levy during his many years at City Hall. Also among his accomplishments was the preservation of Leach Botanical Garden and the relocation of the Portland Children's Museum.

Michelle Harper, his long-time assistant, remembered how Jordan convinced the city's golfers to support a 50-cent charge supporting a youth trust fund, and established Thanksgiving and Christmas dinners with the fire and police bureaus.

"He saw potential in me that I didn't even recognize in myself," she told the Tribune. "He captivated your heart, and he moved you to action."

Joking about their difference in height, Harper recalled how she once was asked to fetch the commissioner's Buick 225 Electra, but didn't adjust the seat — and ended up getting pulled over by a patrol officer who thought the car was driving itself.

After choral renditions of one of Jordan's favorite songs, "Total Praise," and the Stevie Wonder version of "Happy Birthday," attendees cut the cake, and enjoyed a number of activities showing off the community center's capabilities.

Isaiah Ford-Lucas, a technology assistant at Faubion School, volunteered to give out free haircuts for the day, saying he wanted to be a role model like Charles Jordan. "It takes a village to raise a village," he said.

Another attendee clad from head to toe in imperial purple, who goes by Joseph or "King J," said he was always impressed by Jordan's mild manner and "the way he carried himself."

King J, a historian of local black history, grew up playing basketball at what was once known as the University Park Community Center.

Though the gym is now light filled, the building began its life as a military facility, and in J's youth it was a windowless bunker, where buckets caught rain and holes went unplugged in the walls.

"This building was a dilapidated, raggedy building," he said, "but it was somewhere to go."

## **The Portland Mercury**

### **City Council Grants \$60,000 to Mentally Ill Victim of Police Shooting**

*By Alex Zielinski  
September 4, 2019*

On February 9, 2017, two Portland police officers fired bullets into the abdomen and arm of 59-year-old Don Perkins, a man in an apparent mental health crisis. Perkins survived the shooting. Now, two and a half years after the incident, Portland City Council has agreed to pay Perkins \$60,000 for his permanent injuries at the hands of the police.

This payout—approved during today's City Council session—is the result of a settlement agreement with Perkins' lawyer, who sued the city for wrongful use of force, negligence, and civil rights violations in March 2018. According to the City Attorney's office, if the lawsuit continued to play out, "there is risk the city may be found liable."

Perkins called 911 about 45 minutes before the February 9 encounter. According to Portland Police Bureau (PPB), Perkins had said he was suicidal and taking pills while driving around Southeast Portland. Officers Roger Walsh and Bradley Clark eventually came across Perkins on SE 22nd Ave. near SE Powell Blvd., sitting inside the van that also served as his home.

According to the officers, something that looked like a handgun fell out of the van. When Perkins reached to pick up the item (which we now know was a replica gun), officers fired.

At the time, PPB claimed it was an attempted "suicide by cop." A Multnomah County grand jury agreed, absolving Walsh and Clark of any criminal liability a month later. A lawsuit filed by Perkins' lawyers, however, accuses the city of failing to properly train its officers on how to interact with people threatening suicide without shooting them.

"Assaulting, arresting and detaining Plaintiff was severe and disproportionate to his alleged behavior and therefore shocks the conscience," reads the lawsuit.

"As a direct result of Defendants' negligence and violations of his rights," the lawsuit continues, "plaintiff suffered two gunshot wounds, requiring multiple surgeries, ongoing right arm neuropathy, including both pain and numbness, permanent impediment to his breath, [and] post-traumatic stress disorder."

After being sent to the hospital with gunshot wounds, Perkins was allegedly committed to a mental health facility.

Perkins requested just over \$1,300,000 in both non-economic and economic damages. The city's approved \$60,000 is 5 percent of that initial request.

In the city's response to the lawsuit, a city attorney claims that it was Perkins' fault he was shot by police officers that evening.

"Plaintiff's own actions or inaction created a foreseeable risk of harm which a reasonable person would have avoided," writes Senior Deputy City Attorney Robert Yamachika.

Yamachika points to the fact that Perkins disobeyed police orders, didn't provide useful information to the 911 operator, and was rude to officers who arrived at the scene. Absent from this analysis is the fact that Perkins' mental health was clearly altered at the time of the encounter.

Five years prior to Perkins' shooting, a US Department of Justice (DOJ) investigation discovered that PPB has a "pattern and practice" of disproportionately using excessive force against people in a perceived mental health crises. By the time of Perkins' encounter with the police, the PPB had agreed to improve mental health and de-escalation training for officers.

Perkins was shot the same day PPB officer Andrew Hearst shot and killed 17-year-old Quanic Hayes, who was also carrying a replica gun. Hayes' family has also filed a civil rights lawsuit against the City of Portland for Hayes' death, which continues to weave through federal court.

## **The Skanner**

### **Affordable Housing in Northeast Portland, Application Open**

*September 4, 2019*

The Portland Housing Bureau and Innovative Housing Inc. have partnered to bring a new rental housing development to the Eliot neighborhood. Magnolia II will offer 50 units of affordable rental housing, consisting of one, two, and three-bedroom apartments. Forty-seven of these units will be set aside for those that apply through the [North/Northeast Housing Strategy Preference Policy Waitlist](#).

Applications for the preference waitlist will be accepted through Monday, September 16. To learn more about this opportunity visit the [Portland Housing Bureau application page](#).

#### **Upcoming Information Session**

To learn more about this opportunity and how to apply, register below to attend an information session. The next information session will be Tuesday, September 10 from 6 p.m. – 8 p.m. at Midland Library located at 805 SE 122nd Avenue. Register for the free event online. Food and childcare are provided during the information session.

## **OPB**

### **Portland Reaches Rental Data Sharing Agreement With Airbnb**

*By Amelia Templeton*

*September 4, 2019*

UPDATE (Thursday, Sept. 5, 8:35 a.m.) – Portland officials have reached a landmark agreement with one of the largest online vacation rental platforms, Airbnb, that will make it easier to remove listings that violate Portland regulations.

Airbnb has agreed to share data with regulators about the listings posted on its site and pay the city a small annual fee to facilitate data sharing and enforcement.

The deal follows years of negotiations – and legal action – between the city and the company.

After becoming the first city to formally legalize short-term rentals, Portland has struggled to enforce the permitting rules it laid out that were intended to limit the impact of vacation rentals on the housing market as the cost of housing steadily increased.

The agreement with Airbnb follows a federal appeals court ruling in March that dealt a blow to the internet-freedom argument that Airbnb and other vacation rental sites have used to argue that they are not responsible for policing the listings on their sites.

The city subpoenaed Airbnb in 2017, seeking data it could use to crack down on unpermitted vacation rental listings. In June, the council adopted a new ordinance that banned Airbnb from collecting fees for unpermitted rentals.

The city and Airbnb signed the new data-sharing deal on August 30.

Thomas Lannom, the director of Portland's Revenue Bureau called the data-sharing agreement "the toughest in the nation" in an email to the mayor and city council.

Starting this December, the company has agreed to provide regulators with data on its vacation rental listings on a monthly basis.

Data the city will receive on listings includes the name, mailing address and contact information for the person listing the property, address of the rental location, a description and URL for the listing, and booking and transaction information including the number of guests.

Most of that data will be considered public record, and information about permitted short-term rentals will be publicly available on the city's Portland Maps website.

Beginning January 1, Airbnb will remove listings posted by hosts who do not give permission to have their data shared with city regulators. Lannom said he expects that could trigger Airbnb to remove up to 1,500 listings in Portland.

In exchange, the city has agreed to streamline its permitting process. It will no longer require in-person inspections for every vacation rental, and it will reduce the number of forms vacation rental owners have to fill out. The city has also agreed to allow Airbnb to continue to list properties that have pending permits, or that appeal a decision to deny them a permit.

The data sharing could lead to a significant crackdown on unpermitted vacation rentals.

Last year, the city auditor estimated that just 22% of listings in the city had permits.

Approximately 60% of the listings were for entire homes or apartments.

Portland regulations require hosts to live on the property they are renting for at least nine months each year and to limit guest stays to 30 days. They also have to obtain a permit and a business license.

A second major short-term rental company, Home Away, has reached its own agreement with the city that doesn't require the company to share its users' data.

The company has agreed to rely on a registry Portland posts of permitted rentals, and to remove any listings that don't appear in the registry. The city had reached an initial agreement with Home Away earlier this year.

All other short-term rental platforms have been notified they must also remove their non-compliant listings by September 30.

*Editor's note: This story has been updated to reflect that city officials estimate Airbnb could remove up to 1,500 listings if hosts will not agree to share data with regulators.*