

City of Portland
Pedestrian Advisory Committee



January 15, 2019

6:00 – 8:30 PM

City Hall, Pettygrove Room

Committee Members:	Alternate Members:
Brenda Martin* Elaine O'Keefe Brian Landoe Mark Person * Patricia Jewett * Evelyn Ferreira * Matthew Hall * Kenzie Woods * Josh Channell * Tiel Jackson * Josh Roll * Ashley Schofield * Elka Grisham * Zoe Klingmann * Marcella Crowson *	Don Baack Kelly Reid James (Jim) Fairchild * Kevin Glenn*

** Indicates committee members in attendance // + Indicates committee member excused*

Staff Present: Michelle Marx, Francesca Patricolo, Kerry Aszklar

Special Guests and Speakers: Briana Orr (PBOT), Mark Lear (PBOT), Ashley Tjaden (OCCL)

Community members: Glenn Traeger, Michael Espinoza, Fiona Yau-Luie (sp?), Clint Culpepper

6:00-6:10: Public Comment

Community Member Glen Traeger submitted comment regarding e-scooters and observed bad rider habits. He noted the recent 2035 Comprehensive Plan that increased density in his neighborhood and what that could mean for e-scooters. He asked for stronger enforcement keeping e-scooters off of sidewalks.

- In response, Fiona Yau-Luie (sp?), a representative from Byrd, responded to Mr. Traeger's comment, saying Byrd is working to eliminate bad e-scooter parking, and they wanted to work with community members and with PBOT staff to address issues.

6:10-6:30: Hot Topics/Project Status and Updates/Announcements/Committee Business

- New member appointment – Marcella Crowson's status has been changed from PAC Alternate to Member.
- Please send the questions you want to ask Commissioner Eudaly to Michelle by the end of January so she can forward to her staff in advance.
- Meeting notes are posted on the PAC website monthly at:
<https://www.portlandoregon.gov/transportation/73741>
- NE 102nd Avenue Safety Project –

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- Michelle brought up 122nd Ave and EPASS ([East Portland Arterial Streets Strategy](#)) projects in East Portland and upcoming construction changes. Projects will come forward to the PAC in the future.
- Josh R. asked what strategies are there to mitigate spillover traffic on local streets? Michelle replied that project managers will be able to answer that. Currently, PBOT only uses diversion on neighborhood greenways, and there's growing interest in bureau to use on arterial streets and for left-turn calming. Pedestrian crash analysis indicates that there are many pedestrian crashes along those streets, not just crossing streets. Michelle noted that there are lots of tools and things to consider.
 - Josh C. asked if PAC would be interested in writing letter of support for 122nd Ave. to Commissioners for safety pilot project. Motion passed; Josh will draft letter for comment.
- East Portland Arterial Streets Strategy and other upcoming agenda items (Michelle)
 - Michelle went through 2019 PAC agenda items for February to April.
 - Pat: asked about including Willamette Blvd. project, Lombard project, St. John's, and other projects, for the PAC agenda for 2019.
 - Josh C. reminded PAC that next week there is open house for George Middle School
 - Josh R. asked about having a legislative update at the end of summer.
- PedPDX: Public review draft anticipated for release in March. Michelle/Francesca will brief the PAC on the public review draft in March.

6:30-7:50: PAC "Onboarding" Michelle Marx, Francesca Patricolo, and Mark Lear (PBOT); Ashley Tjaden, Office of Community & Civic Life

Michelle and Francesca will brief the PAC on recent Citywide changes to City Advisory Committees and the implications for the PAC, including committee roles and responsibilities, legal obligations under Oregon Public Meeting Law, and impending changes to the PAC bylaws. We will also provide overview materials regarding PBOT, the Transportation System Plan, PBOT project delivery, budget, and the PAC's role in these activities. Finally, we will solicit ideas and committee interest in future agenda topics for consideration of committee chairs.

Ashley Tjaden, Office of Community and Civic Life, City Advisory Bodies Program

Ashley Tjaden presented on Resolution 37328 passed by City Council November 2017 and how its implementation impacts the Pedestrian Advisory Committee. Ms. Tjaden focused on the resolution's intended outcomes of: compliance with state laws, strengthening transparency, creating consistent experiences for advisory bodies, and enhancing opportunities to volunteering. She explained the required changes as a result of the resolution, including: conflicts of interest, mandatory term limits with staggered terms, training materials for staff and volunteers, and an end of service survey. Ms. Tjaden also shared Office of Community and Civic Life (OCCL) Bureau changes, such as the website, additional trainings, methods for volunteer application, and a volunteer resignation form. She ended her presentation by going through implementation since November 2017, including updating OCCL, and by working with PBOT liaisons to research the history of advisory bodies and working with PBOT leadership and Council toward compliance.

Brenda asked if [Robert's Rules](#) will be used to run meetings. Ms. Tjaden said OCCL is looking at many different decision-making processes.

Evelyn asked, are we talking about how diversity and equity involved? Ms. Tjaden replied: that OCCL wants to be attractive to volunteer bodies, and have people want to be here. OCCL has a pre-equity 101 training for city staff and advisory bodies. Evelyn replied that she wants to make sure other communities, such as age and disabilities, are included. Ms. Tjaden said yes, and OCCL is leading with race when focusing on equity.

Michelle brought up that she wants to clarify what this means for the PAC. There will be a series of online trainings in the future such as human resources, equity trainings, city policy trainings, etc., and that the PAC will be updating and revising the bylaws to get consideration. Ms. Tjaden said that bylaw templates are minimum requirements from

the city attorney's office. These bylaws will go through a formal process to be adopted when they're update, so don't add members' names in there for future member changes. Michelle brought up that each committee will undergo a process of deciding what type of committee it is: Type 1, 2, or 3. Ms. Tjaden explained the differences between the types and the legal frameworks required of all of them.

Francesca goes through City of Portland City Attorney's memo handout, answering questions such as communicating via group email or collaboratively drafting a letter via Google Docs. She explains what Type 1 vs Type 3 means for the PAC as well as advising. She explained how the city attorney says the PAC should act as Type 1 committee and follow Oregon Public Meeting Law until the PAC is determined to be a Type 1 or 3. Josh C. noted that the PAC doesn't vote on anything that carries substantive weight; it seems the rules would be quite different for this group and to others. Francesca said this is decision will come from City Council and Oregon Public Meeting Law. Brenda agreed with Josh, saying this new information and potential impact on the PAC seems very constrained, especially the email communication aspect. She asked if PAC could CC Michelle. Francesca replied yes, but as information, not discussion. Also, don't "reply all." Brenda voiced that new rules are debilitating, and reminded committee that they are volunteers who meet once a month. Josh R. asked, as part of onboarding, what is our role? He expressed concern about power of the PAC and about the confusion on how it functions currently. Francesca said this is a state law issue and there will be an opportunity to change certain things in the future. We must follow Oregon Public Meeting Law.

Josh R. asked how other committees reacted. Francesca said that the Portland Freight Committee has adapted to being a Type 1 committee. Clint, a member of the public and a member of the Bicycle Advisory Committee (BAC), said the BAC has talked a bit on this topic and would share the same concerns as the PAC. Brenda brought up that the Freight Committee operates differently – they are business owners who are on multiple committees.

Zoe asked, is the concern about emails not captured as public record? Francesca: yes. Also, there are Conflict of Interest forms for members to sign. Zoe asked, is there any chance the city would say that an email chain is not a meeting? Francesca replied, they've heard about this concern

Mark Lear (PBOT) commented that this is difficult for staff as well, and this is the beginning conversations of this. He thanked the committee for their time serving on the PAC and appreciated their patience, saying it's frustrating for everyone. Michelle said that this is difficult for her as well.

Elka expressed frustration on who the PAC advises and how.

Kendra expressed concern about not being able to email fellow PAC members in the context of taking up space and time at meetings. She asked if there's another way to support fellow members other than via email. Tiel commented it's unacceptable to treat volunteers like this.

Evelyn asked who wrote Oregon Public Meeting Law? Mark Lear said state legislature. Evelyn commented that email is a frequently used tool to share news and resources, and it's a necessary platform for PAC members to communicate. She said communication in the 21st century needs to be accessible and public, and that the PAC needs processes to collaborate. Mark Lear recommended an interim process for the person responsible for drafting the letter, but everyone makes individual edits and make changes during meeting time. Zoe asked if PAC can meet in smaller groups. Francesca said yes, as long as it follows Public Meeting Law.

Evelyn asked what other Type 1 committees there are across the state as a way to get a sense of how the PAC fits in. She also asked about who decides the next steps. Michelle said the city attorney, City Council, and the PBOT director will decide next steps. Ms. Tjaden said, regarding comparing the PAC to different committees, the committee should be compared to a comparably sized city that goes by a similar form of government with councilors.

Tiel commented that public records law is less of barrier than public meeting law. She suggests giving city email to everyone, but if a few people email, the fact that it's a public meeting would be difficult. Jim commented that as

someone who works for the City, this is what it's like, and that if the PAC is not a Type 1, then they won't have as much power.

Brenda asked when will council meet to decide. Francesca: Not for a few months. Brenda expressed that the PAC should attend the council meeting when they are deciding.

Josh R. commented that when the decision's being made, for a few months, the PAC should be proactive with ability to collaborate. Ms. Tjaden commented that laws aren't keeping up with changes in technology. The City's in position to follow the law, which looks at if technology is used to contribute or influence a decision.

Michelle commented that she will relay everything the PAC has said to folks working on this.

Francesca commented that before coming, she said the advisory body has right to decide what type of body they are. The legality of this needs to be determined, however, legal processes need to be followed. Francesca passed out Conflict of Interest forms for PAC to fill out.

Michelle introduced Mark Lear, who manages the legislative group at PBOT, and who presented on the PBOT budget and budgetary decisions. He went through major funding sources in the near future:

1. Regional flexible funds – federal money from Metro
2. Fixing our Streets 2 (extension) – Mark commented that he wants feedback from committee
3. Regional investment measure

Mark discussed how plans become projects, and went through the Transportation Systems Plan that compiles all the desired projects around the city, as well as the prioritization criteria for those projects. He mentioned that the evaluation criteria used includes race and ESL areas in the city, and explained how projects are measured and how money is placed where there are deficiencies compared to number of households. Mark explains that bodies like the PAC are important because letters and input help prioritize projects.

Mark goes over grants/external PBOT revenues, including Oregon Department of Transportation, Metro, Federal sources, and other sources, and explained what programs that money is spent on. Presentation will be posted online.

Pat asked about bicycle sales tax, and Mark replied that the revenue is supposed to go back for bike improvements; however, so far, collection costs have eaten up that fund. Clint points out that its statewide, and overall has not generated a lot of revenue.

7:50 – 8:30: E-Scooter Pilot Study Briana Orr (PBOT)

Briana Orr will share key findings from PBOT's 2018 E-scooter pilot program and will engage PAC members on next steps, including discussing critical issues identified in the findings. Key questions/issues for the PAC: Seeking PAC input on how to address key challenges identified in pilot evaluation.

Briana: gave context of e-scooters in US and reminded PAC of previous PAC input on the subject. She commented that e-scooters are businesses operating in public right-of-way. She presented on PBOT requirements for riders and e-scooter company requirements for riders. Data found that Portlanders liked e-scooters, used them as transportation, and preferred low-speed streets and bike facilities. She explained that there were many complaints about riding on sidewalks, improper parking which impacted people with disabilities and with visual impairments, and the lack of helmet use. She went over e-scooter-related emergency medical service visits to hospitals, and e-scooter related injuries. Next steps for e-scooters include an open house comment period, a second pilot in spring 2019, and drafting an administrative rule.

Kevin asked why are e-scooters illegal on the East Bank Esplanade? Briana answered, because motorized vehicles are not allowed in parks by City code. Kevin asked if there will be changes in the second pilot? Briana: yes, there will be changes regarding what kind of data we want from companies. Also educating companies on local laws. Briana replied to Tiel's emailed questions regarding injuries, and she reported there were 2.2 injuries per 10,000 passenger miles travelled, noting that these are hard to compare across modes. Tiel suggested recommendation of tips on charging e-scooters in second pilot.

Pat asked if there are e-scooter repair places? Briana replied, companies had the option for people to alert them if there was need to repair.

Matthew spoke regarding people with disabilities, and for 2nd pilot, what encouragement is there to clear sidewalks and parked scooters? Briana replied that we want to put more responsibility on companies to educate users and keep track of where this is happening. They are also looking at putting responsibility on users; PBOT has levers to educate people and fewer to enforce.

Brenda asked if there have been conversations to change state law regulations that seem antiquated given the changes in technology and in helmet laws. Briana said both are state laws; PBOT would have a hard time to change those. There are no plans to change the laws yet, but companies have lobbied to change helmet laws in other areas (ex: CA). Otherwise, PBOT is working with Parks because it's their city code.

Evelyn asked if any funding is going back to the city to improve bike lanes. Briana said we'd hope for that in the future. Evelyn asked about design changes for users, and if design recommendations are within PBOT's ability to discuss with companies. Briana mentioned that this may be a competitive application process for the second pilot, so there could be more choices in design.

Josh C. voiced a question on behalf of Elaine: how does PBOT intend to measure impact of e-scooters on driving? Such that if people are scared of e-scooters that they choose driving instead. Briana replied it would be challenging to measure.

Clint voiced concern over data clarification and expressed serious concerns about private company providing accurate data. He strongly recommended for PBOT to include third-party data verification.

Brenda asked for motion to write letter to council on impacts of public meeting law. Tiel seconded, but Elka was unsure of what specific problem the letter would try to solve. Brenda suggested the letter would say there are concerns of the impact of the law on the functioning of the committee. Elka expressed that she was not ready to write letter until the PAC understands which problem the letter would try to solve. Brenda volunteered to write the letter and come back to the PAC in February with a draft. She would email the letter to Michelle.

References & Resources mentioned in presentations:

- [2018 E-scooter Pilot Findings Report](#)
- [PedPDX](#)
- [122nd Ave Plan](#)
- [NE 102nd Ave Safety Project](#)
- [East Portland Arterials Safety Strategy \(EPASS\)](#)
- Office of Community and Civic Life [Resolution 37328](#)