

**PRIVATE FOR-HIRE TRANSPORTATION BOARD OF REVIEW
MEETING MINUTES FOR December 15, 2009**

1. Call to Order: 1:35 p.m. by Kathleen Butler

a. Roll Call

Present: Case, Wilkes, Miles, Huggins, Seiler, Whelan, Slaughter, Blosser*,
Ochosa, Butler, Bauhs, Corona, Putman

Absent: Hashagan (excused)

Others / Audience: *Jeff Hampton, alternate for Tourism Industry Chair. The list of other attendees is available from the Revenue Bureau.

2. Agenda

**Motion to add item to Agenda-Discussion of Grant Application for Safety Fund:
Seiler**

Seconded: Putnam

Passed unanimously

Motion to accept Agenda: Putnam

Seconded: Bauhs

Passed unanimously

3. Approval of Minutes

Motion to approve minutes: Seiler

Seconded: Wilkes

Passed unanimously

**4. Discussion and Approval of Administrative Rules: Continued from October 14,
2009**

Butler brought forward the remaining administrative rules sections for approval:

Section 16.40.190-02: The Board discussed and approved, in paragraph C, change the from "...approved by Trimet" to "accepted by Trimet". Revised text presented for approval:

16.40.190-02 Safety Certificates

PFH 16.40.190-02 Safety Certificates

- A. Any mechanic that meets the conditions specified in 16.40.030.B is authorized to issue Safety Certificates pursuant to 16.40.190.G.
- B. For every vehicle being safety inspected the Bureau will provide an inspection form to be completed by a certified mechanic. Upon successful completion of the inspection, the Bureau will issue a Safety Certificate. The inspection form will be posted online and applicants may also personally request an inspection form at the Bureau, by mail or by facsimile.
- C. To ensure proper working condition, the lift mechanisms on wheelchair accessible vehicles must also be inspected separately from the inspection checklist required in subsection A. above. The lift inspection must be performed by an organization approved by Tri-Met to perform ADA certification inspections.
- D. A successfully completed inspection by a certified mechanic that meets the requirements of this Code and the applicable administrative rules is considered valid for a period of six months from the date of the inspection and may be presented to the Bureau as evidence of compliance with PCC 16.40.190.

Motion to approved section: Case

Seconded: Putnam

Passed Unanimously

16.40.460-01- Prearranged Defined

Proposed language was read by Butler:

PFH 16.40.460-01 Prearranged Defined

For the purposes of 16.40.460, "prearranged" means that the reservation for services was made and documented with the validly permitted driver or transportation company at least 60 minutes prior to the transportation of the customer.

Motion to approve as read: Corona

Seconded: Bauhs

Passed Unanimously

16.40.480-01 Minimum Livery Fare

PFH 16.40.480-01 Minimum Livery Fare

No livery transportation provider may charge less than \$50.00 per trip for routes listed in 16.40.480.A.

Motion to approve: Butler
Seconded: Corona
Passed Unanimously

It was noted by the Chair, Board members, City Attorney and audience members that section 16.40.480 B of the Code language was left in the published version of the Code only as an oversight because of the several different versions circulating during Council consideration. This section was discussed at Council and highlighted for removal, but remained in the final published version. This section conflicts with the approved language in other sections, is incorrect, and has been identified for removal as a housekeeping measure.

16.40.490-01 Safety Fund Grant Process

Discussion: Suggestions of two tier fee system, no fee and a percentage of funds applied for. Fees are for the purpose of covering the administrative costs of considering the request. It was suggested that if the application was brought forward by either the company or driver standing committee then the fee could be waived.

Language change-add to A3: The application fee is waived for applications submitted by a standing committee.

Language change: Change timeline for application decision from 75 to 90 days.

Motion to approve as amended: Butler
Seconded: Bauhs
Passed Unanimously

16.40.600-01- Initial Terms of Permits, Decals and Taxiplates

Motion to approve section: Butler
Seconded: Corona
Passed Unanimously

16.40.380B- Vehicle Requirements.

The minutes from the last meeting did not indicate this section had passed. However, members of the Board remember that section passing. John Case requested this section be revisited. It was decided that this section could be revisited at a later time due to the full agenda for this meeting.

5. Hearing of Applications to the Board for Additional Permits (Relief from Moratorium)

Revenue Bureau Criteria for Recommending Additional Permits

- Demonstrated need by an established company for additional vehicles to fulfill

current or future contracts;

- Demonstrated need by an established company that operates “by reservation only”;
- Demonstrated need by an established company with no history of violation of the PFHT Code;
- Demonstrated need by an established company with owned vehicle (no issuance of permits to companies for vehicles owned by an independent contractor).

Process for today: Due to time constraints we will hear from companies who the Revenue Bureau has recommended. After, as time allows, the Board can consider testimony from other companies.

The first three requests are made jointly, under new Code requirements for company permits, in order that company and vehicle permits are consistent with vehicle ownership.

Lizzy Enterprises

Representative: Chris Lisignoli

Request is made, under new Code requirements for company permits, in order that company and vehicle permits are consistent. Lizzy Enterprises would receive two permits- one currently permitted under Prestige Limousines and one additional permit. Upon approval the Prestige Limousine vehicle permit assigned to this vehicle would be surrendered. Net gain = 1 new permit.

Prestige Limousines

Representative: Chris Casteel

Prestige Limousine: 4 new vehicle permits (2 SUVs and 2 vans). They missed deadline of August 31, 2009 to request permits for these vehicles. In the past it was not clear in previous communication with the Revenue Bureau that the vans were required to be permitted. This is housekeeping to approve vehicles which would have been permitted under the new Code had they met the August window. Net gain = 4 new vehicle permits.

James Bruce Enterprises

Representative: James Bruce

James Bruce Enterprises: 6 total permits. All these vehicles are currently permitted under Prestige Limousine. Upon approval Prestige will surrender these permits. No net gain of permits.

The net combined result of approving the applications of Lizzy Enterprises, Prestige Limousines and James Bruce Enterprises would be 5 permits issued in excess of the moratorium.

Motion to issue two vehicle permits (one of which is being relinquished by Prestige

**Limousine) to Lizzy Enterprises: Whelan
Seconded: Ochoa**

Discussion: Demand Study indicated a certain ratio of taxi permits vs. executive sedan permits, new sedan permits will bring that ratio further from those recommendations. However, the Code language specifically provides for a pressure release valve from the moratorium, particularly in cases where there is “customer demand”. The Revenue Bureau made recommendations based on comments shared from previous committee and Board meetings, understanding that a majority of Board members had directed the Bureau to present requests from companies who document demand for their services, or who received an unintended consequence during the transition to the new Code requirements. Other factors to be considered include the goal of having the LPT vehicle permits issued to the actual vehicle owner/insurance holder. The Revenue Bureau noted that there are no documented complaints or violations of “on demand” service or any other violation against any of the companies recommended for relief from the moratorium.

There were questions about the timeline, whether we are operating under a deadline. According to the Code language, no deadline is required, the Board is not required to take action, they are only required to consider them at this meeting. Concern was raised about the process and that more time is needed to consider the recommendations. In addition, it was suggested that the “shuffling” of permits from one company to another should be considered separately and that all executive sedan permit applications be considered at one time.

James Bruce Enterprises has been in business since 1994 and has provided executive sedan service for Prestige Limousines. He has owned his vehicles for over a year. He has paid for his vehicle permits for several years, although they have not been under his company name.

It was mentioned that this could be a good opportunity to bring these companies into compliance with the new regulations. It was felt that there needs to be a way for legitimate companies to meet the requirements for registration under the owner company name, and for companies to grow and expand their business, and that the moratorium can hinder that.

Current number of Executive Sedan vehicle permits: 183 (incl. Executive Sedans, Vans and SUVs)

Current number of Shuttle vehicle permits: 99

**Motion to delay action, step back and look at process and look at all requests by industry segment: Miles
Seconded: Wilkes**

It was asked if this would put the companies out of business. It would cause them to not

be able to renew their permits. There was discussion in favor of granting these companies the permits requested. They appear to be the type of companies that this Application to the Board process was instituted for.

Motion failed

Vote on motion to issue two vehicle permits to Lizzy Enterprises (no roll call taken):

In favor: 7

Opposed: 4

Abstained: 1

Motion to issue 6 permits to James Bruce Enterprises: Whelan

Seconded: Corona

No discussion

In favor (8): Case, Huggins, Whelan, Corona, Bauhs, Slaughter, Ochoa, Butler

Opposed (4): Wilkes, Miles, Seiler, Putnam

Motion carries

Elite Executive

Representative: Gheorghe Balaesh

He needs to use the SUV to meet clients' needs (extra luggage, strollers, etc.). He did not receive the City's notice concerning the deadline of August 31, 2009 to apply for a permit due to issues with his email account. His business is reservation only, minimum 2 hours notice. The Revenue Bureau received good documentation of customers and was a vehicle type that would have qualified for that August 31st deadline.

Motion to approve one additional permit issued to Elite Executive: Bauhs

Seconded: Corona

He has owned this SUV for more than a year. He provided the Revenue Bureau with a list of companies that he is contracted with. There is no evidence of investigation into code violations for this company. Net gain = 1 new vehicle permit

In favor (9): Case, Huggins, Seiler, Whelan, Corona, Bauhs, Slaughter, Ochoa, Butler

Opposed (3): Wilkes, Miles, Putnam

Motion carries

Lucky Limousine

Representative: Bonnie Fortune

Signed contract to provide transportation for Carey of Oregon. The previous transportation provider for Carey of Oregon was given \$310,000 in business last year.

A letter of recommendation from Carey of Oregon was provided.

**Motion to issue Lucky Limousine 4 new vehicle permits as requested: Corona
Seconded: Ochoa**

Concern was expressed because this is not a new contract. Someone else lost this business. The business is just changing hands without relinquishing the permits of those who lost the business. It was also expressed that the need for additional permits has clearly been demonstrated. We would like to address the issuing of additional permits when business is down for other companies. There should be a way to roll back the number until the Board or City Council changes it. One way to do that would be to have a rule that states as permits are abandoned; those would not be reissued unless they are below the established limit. Net gain = 4 new vehicle permits.

Board member Bauhs mentioned that the documentation received for this request is just the type of documentation the Board is looking to receive in requests for relief from the moratorium.

**In favor (8): Case, Huggins, Whelan, Corona, Bauhs, Slaughter, Ochoa, Butler
Opposed (4): Wilkes, Miles, Seiler, Putnam
Motion Carries**

Northwest Limousine

Representative: Karen McClintock

The company had an SUV but was not able to use it because they could not get a permit from the City. For that reason they decided to sell the vehicle. Now business needs require that vehicle type. Established, reservation only business. Net gain = 1 new vehicle permit.

**Motion to issue one new vehicle permit to Northwest Limousine: Ochoa
Seconded: Whelan**

**In favor (8): Case, Huggins, Whelan, Corona, Bauhs, Slaughter, Ochoa, Butler
Opposed (4): Wilkes, Miles, Seiler, Putnam
Motion Carries**

**Motion to table the Safety Fund agenda item until the next Board meeting: Seiler
Seconded: Whelan**

No discussion

Passed Unanimously

6. Positioning of Hotel Signs

Ramon stated that the hotel signs were turned the correct direction this morning.

Motion to adjourn: Miles
Seconded: Putnam
No discussion
Passed Unanimously

Meeting was adjourned at approximately 4:00pm. The next meeting will be in January (date to be announced).

Minutes submitted by:
Patrick Kramer, Regulatory Program Specialist