



PRIVATE FOR-HIRE TRANSPORTATION BOARD OF REVIEW

Minutes for January 27, 2010 meeting

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

a. Roll Call

Present: Ryan Hashagan, John Case, Kat Wilkes, Steve Entler*, Michael Huggins, Aryn Seiler, Ramon Corona, Gail Bauhs, Jeff Blosser, Jon Putnam, Al Ochoza, Kathleen Butler

Absent: Chris Whalen, Jacob Slaughter, Shane Abma

Others/Audience: The list of other attendees is available from the Revenue Bureau.

*Alternate

2. Agenda

Motion to accept Agenda:

Seconded: Huggins

Discussion: None

Passed unanimously

3. Approval of Minutes

Motion to approve minutes: Bauhs

Seconded: Huggins

Discussion: Seiler noted that during a Taxi Driver Standing Committee (DSC) Meeting, the 4 drivers who were present voted to reject the minutes to the last Board meeting. Butler noted that the approval of the minutes is a decision of the Board and therefore does not affect the Board's decision to approve the minutes.

Passed unanimously

4. Board Member Comments

This is a new item that has been added to the agenda. It provides an opportunity for Board members to bring up questions, issues, concerns, desire for a report, or anything you may want the Board to explore.

Seiler: Reported that the 4 drivers present at the Taxi DSC meeting on December 30th, 2009 voiced their concerns about the agenda information provided, the amount of public input, and a potential conflict of interest during voting at the PFHT Board meeting on December 15, 2009. Seiler mentioned that these drivers voted to "reject" the minutes of the last PFHT Board meeting, an action with which she is not in agreement. She also mentioned that these drivers voiced their opinion that there is not enough enforcement. Seiler reported that there were only 4 taxi drivers present at this meeting.

Minutes for the December 15, 2009 Taxi DSC meeting were distributed.

Butler: Abma was consulted regarding the concerns brought forth. It was determined that notice requirements for that Board meeting on December 15, 2009 were met. If anyone has a disagreement

with that they may voice their concerns to the City Attorney's Office. However, one issue was discovered which we will resolve today under agenda item 6. Revenue Bureau recommendations were required to be sent to the Board 10 days in advance of the meeting. That requirement was not met. To resolve this issue there will be a vote to reaffirm the votes as a whole that were made on the applications for relief from the moratorium on December 15, 2009.

Board member Putnam asked if the concerned drivers mentioned names of those who they felt had a conflict of interest in the voting. Board members were encouraged to discuss any concerns about conflict of interest individually with Deputy City Attorney Shane Abma.

Board member Putnam asked: Are we going to have any work sessions on the moratorium? Putnam suggested the Board have a work session to more clearly define the moratorium. Butler suggested setting up a meeting to discuss the moratorium once all the renewal data for this year is compiled.

Huggins spoke of a customer service initiative by the Port of Portland. Invitations were extended to company owners to attend customer service classes. The intent of the program is to reward good behavior of industries who service customers of the airport. There are opportunities for Ground Transportation providers to be included in that. The theme is "Roadway to Runway".

5. Public Comment

This is a new agenda item. It is intended to provide an opportunity for the public to address the Board with comments or concerns. Each person who speaks to the Board is required to state their name and affiliation. There is a 3 minute limit per person.

Butch Miller, Broadway Cab driver: A vote of no confidence was made because the public was not allowed to testify on the applications to the Board for permits, they were not identified prior to the meeting, and Elite Town Car, which was granted a permit during that meeting, advertises rates below City Code.

Jason Paulucci: What procedures do you have to go after a unpermitted cab company? Butler responded that enforcement is based on gathering evidence and issuing penalties for violations of the City Code. Should they refuse to pay penalties we are able to pursue them in court.

Tesfaye Aleme, Green Cab: Executive Sedan rates outside of "Fareless Square" need to be discussed and addressed.

Casey Martell, Rose City Pedicab: Concerned about Safety Inspections for Pedicabs. There are different brake types used in Pedicabs in Portland. Some brake types are less effective than others. There should be a higher minimum insurance requirement for companies operating Pedicabs with "band" brakes. Also, there should be a stopping test as part of the Safety Inspection. Butler noted that will soon begin discussions on separating Pedicabs and Horse Drawn Carriages from the rest of the Code. We will look at issues such as Safety Inspections and insurance requirements at that time.

6. Hearing of Application to the Board for Additional Permits (Relief from Moratorium)

Affirmation of votes (as a whole) made on December 15, 2009 on requests for relief from the moratorium.

**Motion to affirm: Corona
Seconded by: Bauhs**

**Roll Call:
(Vote to confirm that the vote made on December 15, 2009 meeting remains unchanged)**

**Yes(10): Case, Wilkes, Miles, Huggins, Seiler, Corona, Bauhs, Putnam, Ochoza, Butler
No (0)**

Referring to general concerns voiced about Board conflicts of interest, Ochoza noted that he did not directly benefit from any of the permits issued December 15th.

a. Recommendations from PFHT Administrator: Dufay listed the criteria on which the Revenue Bureau based their recommendations:

- 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).

Dufay stated that the Revenue Bureau recommends that no additional permits be granted for any industry.

Shuttle service as defined by City Code is fixed route and schedule. Over the years, shuttle service has strayed away from this and many now operate on demand at the airport. When shuttles operate on demand they compete with taxis. We are working on a way to transition shuttles currently working without a fixed route and schedule into a mode that is in compliance with City Code.

**Motion to set up a sub committee to work with shuttle companies devise a plan to more effectively regulate shuttles: Ochoza
Seconded by: Putnam**

Discussion: Single rides are an issue. In addition, methods of enforcement will need to be created to ensure shuttle companies are adhering to their approved routes and schedules. There also needs to be a process for the approval of routes and schedules submitted by shuttle companies.

Passed unanimously.

Al Ochoza will take the lead for the shuttle sub committee meeting. Butler invited all interested in participating to contact Al Ochoza.

b. Consideration of requests for new Executive Sedan Permits

c. Consideration of requests for new Shuttle Permits

One of the reasons for the City's reservations regarding issuing additional shuttle permits is the outstanding issues around how most shuttles are currently operating.

d. Consideration of requests for new Taxi Permits

Motion to follow the City's recommendation to deny all applications to the Board for relief from the moratorium: Putnam

Seconded by: Blosser

Discussion: Case felt that Gold Star Shuttle's application should be considered. The application was unique for a number of reasons including: Chinese speaking drivers would serve an underserved Chinese business traveler market, number of years in business and benefit to the Portland business community.

Case proposed an amendment to the original motion to deny all applications with the exception of Gold Star Shuttle. Putnam stated the motion was friendly.

Discussion: Gold Star does not run on a fixed route and schedule. It was suggested that maybe he could be issued a more appropriate permit type other than shuttle. Some of the clients that would be serviced by Gold Star would be Chinese speaking medical patients of OHSU. The second driver which would drive this vehicle, should the application be approved, speaks 4 dialects of Chinese. Tuan Junkeer, a longtime shuttle operator, recommended Gold Star's application be approved. Concern was raised about issuing Gold Star a shuttle permit when their operation does not fit the code's definition of shuttle service. Butler mentioned that the Board could consider issuing Gold Star a permit of a more appropriate type. Comments were made regarding the how a decision is made. Discussion about how we should look at the applications; either individually or as a group.

**Vote for approving an additional permit for Gold Star and denying all other applications:
Motion failed**

Motion to approve recommendations of the Revenue Bureau: Bauhs

Seconded by: Blosser

Discussion: Reservations expressed about issuing a permit to Gold Star Shuttle before the shuttle sub committee works out the shuttle issues.

Passed unanimously

Revenue Bureau staff has been mentioning our issues with shuttles as they have contact with shuttle operators and drivers. The Regulatory Division does feel that it would be a mistake to give out additional shuttle permits right now under these conditions.

7. Review and Discussion of Administrative Rule 16.40.380B: Vehicle Requirements

a. Communication from John Case.

Case mentioned that tinted windows in the front two doors are illegal according to Oregon Law. It was suggested that we develop an Administrative Rule to state "Front seat door windows are to remain clear as in no tinting or decals." This is a safety issue not only to Police who need to see the driver but also to motorists and pedestrians who want to make eye contact with the driver to make sure they are seen. It was questioned whether an Administrative Rule is necessary since it is already Oregon Law. The Regulatory Division has no authority to enforce it Oregon Law but an Administrative Rule would give the necessary authority.

**Motion to ask the Regulatory Division to add language to the Administrative Rules requiring front side windows of private for hire transportation vehicles to remain clear: Case
Seconded by: Corona**

Discussion: No Board Member discussion. It was decided that public comment will be taken at the public hearing which will take place at a later date as part of the process for adding an Administrative Rule.

Passed Unanimously

8. Aryn Seiler, re: Safety Fund Project Idea

Discussion was deferred until the next Board Meeting. Seiler felt that it may be better to review a handout outlining the Safety Fund Project Idea and then discuss it once people have had an opportunity to review it.

9. PFHT Administrator Report: 2010 Permit Renewal Update

Enforcement Report: Frank Dufay has conducted several investigations, in both taxi and town car services. Violations have been found and action is being taken. Taxis operating without permits have some of the violations found. Another part of the enforcement the Regulatory Division has been busy with involves our renewal process. Criminal and driving records were reviewed, and vehicle were inspected. Some drivers were not able to renew. Some vehicles that were brought in for renewal were in unsatisfactory condition and repairs were made. The results have been safer vehicles and drivers. A new complaint form was shared. This form is designed for anyone who wants to file a complaint about a violation of City Code by a PFHT driver, company, or vehicle. This form will be available online shortly.

10. Standing Committee Reports

1. Company Standing Committee

Case was appointed chair of that committee. Jeanne Capps-Reitz took minutes for the meeting. Among items discussed was the relief from moratorium issue, safety fund, and parking tickets for double parking being issued to drivers while they are loading and unloading passengers. Included in future agendas will be items to resolve outstanding limousine issues and making progress on revising limousine regulations.

2. Driver Standing Committee

Taxi DSC Meeting:

In addition to the meeting she reported on at the beginning of this meeting, Seiler reported on an additional, larger driver standing committee meeting. There were 31 taxi drivers in attendance. The main topic of discussion at this meeting was the potential use of safety funds for an educational campaign. The proposal is for a campaign about the benefits of using permitted companies and drivers. This campaign would be accomplished through advertising in various media forms. The vote was unanimous in favor the of Safety Fund Grant idea. (This campaign will be discussed at the March 10, 2010 PFHT Board meeting.)

LPT DSC Meeting: While Dufay commended the Taxi drivers for their turn out and participation at the TDSC, he encouraged LPT companies to urge their drivers to attend the LPT DSC. Dufay and the committee chair, Jacob Slaughter, were the only ones in attendance.

11. Other Items

Steve Entler asked for a vote count on the affirmation of the Board vote on the granting of permits in relief of the moratorium. He stated his desire to be sure enough Board members who voted "aye" on December 15, 2009 are present at this meeting. Roll call confirmed that, while there are two absent today who voted "aye" in the previous meeting, there is still a 6 to 4 majority in attendance today who voted "aye" on December 15.

12. Adjourn

Motion to adjourn: Blosser

Seconded by: Bauhs

Passed Unanimously

Meeting was adjourned at approximately 3:35pm. The next meeting will be March 10, 2010.

Minutes submitted by:

Patrick Kramer, Regulatory Program Specialist