



PRIVATE FOR-HIRE TRANSPORTATION BOARD OF REVIEW

Minutes for May 27, 2010 meeting

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

Roll Call

Present: Ryan Hashagen, John Case, Kat Wilkes, Michael Huggins, Aryn Seiler, Jay Rogers (alternate for Ramon Corona), Dave Kussman (for Gail Bauhs), Jeff Blosser, Al Ochoa, Chris Whalen, Chris Hinzmann (alternate for Jacob Slaughter), Kathleen Butler, and City Attorney Shane Abma.

Absent: Raye Miles, Jon Putman

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

2. Agenda

Motion to accept Agenda: Ochoa

Seconded: Seiler

Discussion: None

Passed unanimously

3. Approval of Minutes

Kussman: Typo on page 4 of minutes, space should be added.

Motion to approve minutes: Seiler

Seconded: Ochoa

Discussion: None

Passed unanimously

4. Board Member Comments

Seiler: Are pub crawl buses over 15 passengers regulated by the City? Dufay stated that currently they are not. Regulatory plans to include language in the next Code update that change the exemption from over 15 passengers to a weight limit exemption (vehicles exceeding 26,000, being otherwise regulated).

Whelan: Would like to talk about driver appearance standards at the next Board Meeting.

5. Public Comment

(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: Believes the taxi to executive sedan ratio is over the ratio suggested in Sorin Garber's Demand Study. Miller stated bribery at hotels is creating additional demand for executive sedans; not consumer. Believes anti-bribery ordinance is needed.

Jason Paulucci: Paying doorman for fares undermines transportation quality in Portland. Paulucci suggests a receipt be provided to any driver paying doorman for fares.

Tesfaye Aleme (Green Cab and Shuttle): Agrees that there must be a coordinated approach to the problem. He is not able to penalize his drivers for paying doorman for fares if other companies do not follow suit.

Ryan Anderson: Has concerns about permitting process. States that drivers who applied before him were called back before he was. Feels the pedicab skills test contains too many questions more relevant to other industries, wants more input from the pedicab industry on the pedicab specific test.

Butler: Anytime anyone has service issues with the Regulatory Division they should contact her immediately and she will look into the situation. We do background checks on every one of our applicants. We will be happy to look into what happened to delay your application process. There is certainly no preferential treatment for anyone.

Michael James: Asked about interstate commerce. He feels we are not able to regulate interstate commerce.

Butler: Invited Mr. James to come in and meet, with Attorney Abma as well, to help answer his questions. The Board has discussed this issue several times already.

William Cover: Is it illegal to train drivers without a permit? He also offered input on the Pedicab Skills test.

Abma: No. As long as they are not accepting money and only operating during that training.

Butler: We did ask for training materials and other information from the Pedicab industry. We welcome any input on that, and would like to replace the current questions with those more relevant to pedicab transportation.

Entler: States that he has not been able to locate any Washington ordinance that prohibits signage on executive sedans. He also has issues with Shuttle signage that states Door to Door Shuttle, We go anywhere, \$14 PDX to Downtown. Is anything being done about it?

Butler: We will be talking about Shuttle in the committee report and during the discussion of the Rate and Fee Study.

Whelan: Whelan provided definition of executive sedan in Washington regulations RCW 46-04-274.

Mike James: Limousine is defined differently in Washington also.

Benjamin Edwards: Are there changes being made to Pedicab regulations? He brought up concerns about safety of some Pedicab operators. He is concerned that focus of regulation is getting the fees and having a permit and not on safety.

Butler: We are currently reviewing the Pedicab regulations to identify necessary improvements. We are working with the Pedicab industry, and this conversation includes additional safety standards for the pedicab vehicles. Please do submit any specific suggestions you have to us, as we plan to submit revised Code and Admin rule language this fall.

Hashagen: The most important regulations to be enforced are basic, such as: Not riding on sidewalks, not riding on busy streets and not overloading Pedicabs. He would like to have a Pedicab ad hoc committee to discuss how we do Pedicab enforcement between now and the next Board meeting. If we are not able to do this then he would like to introduce this topic for the next Board meeting.

Tesfaye Aleme: A driver permit should be asked for in any enforcement.

6. Standing Committee Reports

a. LPT Driver Standing Committee Meeting

Hashagen: Well attended meeting. Discussed out of state ID issue which has been addressed, financial hurdles, and training issues. City staff was not present. Pedicab operators discussed ideas for possible code revisions.

b. Company Standing Committee

Case: A meeting was not held in May due to lack of an agenda. Taxi vehicle replacements and limousine regulations were discussed in the April meeting.

c. Taxi Driver Standing Committee Meeting

Seiler: This meeting has been rescheduled for June 7th at 4:30pm at Radio Cab.

d. Shuttle subcommittee Meeting

Butler mentioned that Ochoa, Huggins and Case have worked hard on this issue and their effort is appreciated. We are still working towards a proposal. Attendance was good. Many comments were brought forward from driver and company representatives. The goal of the meeting was to identify ways to help transition Shuttle operators into a business model which is compliant with City Code. We hope to have another meeting to develop a specific transition proposal. All Shuttle operators were encouraged to attend the next meeting.

e. Wheelchair Accessible Vehicles

This topic was tabled until next meeting.

7. Enforcement Activities

a. Enforcement Report

Dufay reported that enforcement efforts continue to improve and expand. He has rearranged his schedule to enforce at the most effective times. We have been busy in executive sedan enforcement and we are seeing an apparent decrease in illegal on-demand executive sedan rides at the downtown hotels. There has been enforcement of unpermitted taxis and two penalties have been issued to unpermitted companies. We have approximately 40 cases currently at the active investigation stage or penalty stage. We are working on a new interagency agreement with Parking Enforcement to renew their enforcement help. We appreciate the help of company reps and drivers who have made reports of violations for us to follow up on. Almost \$7,000 in fines has been collected this year, with about \$14,000 outstanding. Insurance documents have also been under close scrutiny. We are also looking at the best way to move forward on the "bribery" issue at hotels. As a result of the increased enforcement companies operating on the margins have been getting their permits suspended and in some cases revoked. Over time this will result in higher standards for the industry.

Whelan: Suggested Parking Enforcement should have clear guidelines and training.

Butler: We are aware of past issues. Parking Enforcement has asked for training on what their function will be. We will start out with functions that involve minimal interaction. Not all Parking Enforcement Officers will be involved in PFHT enforcement. There will be only a select, specially trained few that will be doing this enforcement.

b. Safety Grant Proposal-Public Information Campaign

This is a public awareness campaign to educate citizens and tourists about PFHT in Portland. Messages to be included in the campaign may include: It's ok to hail a taxi, executive sedans need permits, explanation of shuttle service. The message could also include the benefits of using permitted vehicles; background and driving records are reviewed for all drivers, vehicles are safety inspected, insurance is verified. All industries can be involved. This is not intended to be just a cab project. We had an initial meeting to brainstorm and met with a consultant to get their thoughts. The meeting was very positive overall. The cost of advertising can be controlled through low cost public service announcements, utilizing local print media. The next step will be determining how to make the safety fund money available. Members from each industry were encouraged to come to the next meeting. Al Ochoa expressed interest in participating in the next meeting.

c. Update on Proposal to Regulate Horse Drawn Carriages

The Regulatory Division has been commissioned to develop some regulations for horse drawn carriages. This is in response to the death of an older horse that was operating under high temperature and humidity conditions. We need some minimal regulations on horse drawn carriage transportation primarily focused on temperature/humidity. Regulations are being contemplated for temperature, annual physicals for the horses, horse retirement ages, and

permitted/prohibited streets. Veterinarians, the industry and animal welfare advocates have been consulted. A proposal will be given to the Mayor's Office followed by gathering further feedback from the industry and animal welfare advocates.

Whelan raised an issue with regulating temperature and how it could adversely affect the company and their customer. The customer may be using this service as part of their wedding day and the company may need to cancel the horse drawn carriage service due to a weather restriction. This might lead to the bride suing the company and putting the company out of business. Seiler mentioned that that the bride who was being pulled by the horse that died had their wedding ruined and also opens up the company for a lawsuit. Butler mentioned that a 90 degree maximum seems to be the accepted practice from other cities and is supported by veterinarians.

8. 2009 Rate and Fee Study

This study began in the middle of PFHT Code Revisions. This necessitated the revision of the study to reflect the new regulations which has caused a delay in finishing the study. Butler distributed a list of issues raised by the Rate and Fee Study which were not resolved by the Code Revisions. The list includes issues of Shuttles and "bribery".

Board member discussion followed. In response to the idea of capping kitty fees, Whelan expressed that taxi drivers as independent operators need to take responsibility for generating their own business. He suggested that a class may be offered to educate them on how to grow their business.

Ochosa suggested that written comments could be collected and distributed prior to the "bribery" work session.

There was an item on the list that suggested clarifying SAT service. This seems to derive from some complaints that SAT are operating like taxis.

Public comment included reports that customers are being overcharged by taxi drivers who may be giving "bribes" to hotel doormen. Anyone having an experience like that was encouraged to contact the Regulatory Division with specific details so they can follow up.

9. Meeting with Hotel Industry Representatives

Butler suggested inviting Hotel Industry, Companies and Drivers to a work session to discuss ideas on how to move forward with some possible solutions to the "bribery" issue. This may help with some other related issues as well. These issues revolve around the lack of coverage downtown due to the large amount of taxis at the airport. "Bribes" to doorman had been seen to be primarily a problem with executive sedan drivers. However, as a result of increased enforcement of executive sedan regulations, this practice by executive sedan drivers has been reduced. There now seems to be an increasing number of taxi drivers providing money to doormen for fares. This

has resulted in taxi drivers who are waiting in line in Taxi Zones being bypassed by taxi drivers who pay the doorman.

Jeff Hampton suggested meeting only with the Board and hotel industry because of the contentious subject at hand. He expressed that when considering what direction to take to address this issue the Board should carefully consider just how widespread the issue really is. He believes that the gratuity issue involves a minority of hotels. Hampton proposed that sanctions should be considered on drivers who cut ahead in line.

Butler clarified that all Board meetings are public meetings. She made the clarification that the committee is made up solely of Board members and the public may make comments. Butler added that the attendance of the hotel managers at the Board work session would be extremely valuable to the conversation.

An ad hoc Hotel Issue Board meeting was scheduled for Thursday June 17 at 1:30pm in the conference room at 111 SW Columbia St, 8th floor.

10. Requests for Relief from the Moratorium: Discussion of Process for July Meeting

Requests to be considered at the July Board meeting were distributed to Board members.

Discussion was opened regarding the process for reviewing these requests. The Board will decide on these requests at the July Board meeting. The Revenue Bureau will provide the Board with recommendations for each request in advance of the July meeting. It was expressed that the applicant should have an opportunity to be at the meeting and address the Board if they wish. Our recommendation will likely be to not issue any requests for Shuttle permits due to outstanding Shuttle issues still being addressed. The names of the applicants will be made public before the meeting.

11. Other Business

Continued enforcement was encouraged. Driver permit size was discussed. It was expressed that it would make it easier for executive sedan and Pedicab drivers to carry their permits with them if the driver permits were a smaller size.

Motion to adjourn: Seiler

Seconded by: Hashagen

Passed Unanimously

Meeting was adjourned at approximately 3:20pm. The next meeting will be July 14, 2010

Minutes submitted by:

Patrick Kramer, Regulatory Program Specialist