



PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

AGENDA

Tuesday, December 20, 2016

3:00 – 5:30

Commonwealth Building, Steel Bridge Conference Room

421 SW 6th Ave Portland, OR 97204

Schedule	Topic	Lead/Presenter	Notes
3:00 pm	Introductions and Review of Meeting Agenda	Mike Greenfield, Chair	
3:05	Housekeeping Items <ul style="list-style-type: none"> • Communications Received • Proposal to revisit November 21 Action Items • Proposal for City Desk • Schedule of Future Meetings • Other Housekeeping Business 	Jim Owens, Facilitator	<p>City Council has approved Steve Hext as Vice Chair Andria Lins to replace Ryan Hashagan as the Pedicab/Quadricycle representative.</p> <p>To address the question of whether a quorum was present, staff proposes that the Committee revisit actions taken by vote at the November 21 meeting.</p> <p>Staff to provide an update on input from the City attorney’s Office on the concept of a City Desk.</p>
3:10	Announcements from Members	Members	Opportunity to share news from the industry
3:15	Approval of Meeting Summary	Mike Greenfield	<i>Action Requested:</i>

			<i>Approval of 21 meeting summary</i>
3:20	PFHT Program Staff Report <ul style="list-style-type: none"> • Program Status Report • Proposed First Quarter 2017 Agenda Topics • Other Matters 	Mark Williams, PBOT	Update on program implementation and proposed early 2017 topics
3:30	Public Comment	Mike Greenfield	Opportunity for public comment on items not otherwise scheduled on the agenda for public comment
3:40	Amendments to Bylaws to Define Quorum, Decision Requirements, Public Notice and Miscellaneous Housekeeping Edits	Jim Owens	<i>Action Requested: Approval to schedule action on proposed Bylaws amendments at January meeting</i>
3:50	Pedicab and Quadra Cycle Regulations <ul style="list-style-type: none"> • Presentation of proposed regulations • Public comment • Committee action 	Mark Williams	<i>Action Requested: Approval of proposed Code amendments</i>
4:00	Vehicle and Driver Category and Service Type/Permit and/or Certification Fees <ul style="list-style-type: none"> • Proposal to Revisit Staff Recommendation 	Jim Owens	<i>Action Requested: Agreement to consider revised staff proposal at January or February meeting</i>
4:10	Accessibility Subcommittee Recommendations <ul style="list-style-type: none"> • Presentation of Code amendments and Administrative Rule • Public comment • Committee action 	Jim Owens Mark Williams	<i>Action Requested: Approval of proposed Code amendments and Administrative Rule</i>
4:20	NEMT <ul style="list-style-type: none"> • Presentation of revised Code language • Public comment • Committee action 	Mark Williams	<i>Action Requested: Approval to schedule action on proposed Code amendments at January meeting</i>
4:40	Miscellaneous Code Revisions	Mark Williams	<i>Action Requested:</i>

	<ol style="list-style-type: none"> 1. Background Screening 2. Driver Training 3. Company Operation Responsibilities and Prohibitions 4. Vehicle Operating Requirements 5. Driver Qualifying Factors 6. Civil Penalty Table 7. Driver Reporting 8. Child Support Suspensions <ul style="list-style-type: none"> • Presentation of revised Code language • Public comment • Committee action 		<i>Approval of proposed Code amendments</i>
6:00 pm	Adjourn		

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 Steve Novick Commissioner Leah Treat Director

Roster -- Private For-Hire Transportation Advisory Committee – 12.14.16

POSITION	APPOINTMENT*	AFFILIATION	TELEPHONE	EMAIL
PBOT (non-voting member)	Mark Williams	PFHT Program Manager	503-856-2486	Mark.williams@portlandoregon.gov
Tourism Industry	Tamara Kennedy-Hill	Travel Portland	503-275-9777 503-791-1810 (c)	Tamara@travelportland.com
Portland Commission on Disabilities	Joe Vanderveer	Advocate	503-349-3568	Joe.vanderveer.pcod@gmail.com
At-Large Community Member with a Disability	Dan Payton	Self-employed	435- 214-6128	dan@oregonpublicsafety.com
Riding Public	Mike Greenfield, Chair	Retired State of Oregon Executive	503-236-8874	orgreenfield@comcast.net
Port of Portland	Mark Leutwiler	Port of Portland	503-415-6106	Mark.leutwiler@portofportland.com
TriMet	Margo Moore	TriMet	503-962-4984	MooreM@trimet.org
Taxi Company	Steve Hext, Vice-Chair	Broadway Cab		hext@broadwaycab.com
Taxi Driver	Kyle Collins	EcoCab	503-380-7788	Kyle.ecocab@gmail.com
Transportation Network Company (TNC)	Kaleb Miller	Lyft		kmiller@lyft.com
TNC Driver	Tan Huynh	TNC driver	503-810-8314	Tanski02@yahoo.com
Executive Town Car Company	Michael Holland	Northwest Towncar	563-590-1443	michaellholland@hotmail.com
Executive Town Car Driver	Jonathan Bolden	Town Car Fiesta	503-935-7203	Onelovejb77@gmail.com
Shuttle Company	Kamaran Darbandi	Gelndar Airport Shuttle	503-475-4901	Kamaran.darbandi@yahoo.com
Shuttle Driver	Idris Khoshnow	Hillsboro Airporter & Car Service	503-515-3111	hillsboroairporter@gmail.com
Limousine or Party Bus Company	John Case	Classic Chauffeur	503-238-8880	mail@cclimo.us
Tour Bus Company	Skyler Lanning	Wildwood Adventures	503-396-3929 479-595-4663 (c)	Info@wildwoodtours.com

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Pedicab Company	Andrea Lins	Brew Cycle Portland		andrea@brewgroupdpdx.com
Non-Emergency Medical Transportation Company	Kirk Foster	Wapato Shores	503-201-6457	wapatoshores@yahoo.com
Staff				
Facilitator	Jim Owens	Cogan Owens Greene	503-278-3452 (o) 503-201-4205 (c)	Jim.owens@coganowens.com
Associate	Elise Scolnick	Cogan Owens Greene		pelise2@yahoo.com
City Attorney's Office	Ken McGair	City Attorney's Office		Ken.Mcgair@portlandoregon.gov
PBOT	Dave Benson	PBOT Parking Group Mgr.	503-823-5444 503-793-9320 (c)	Dave.benson@portlandoregon.gov
PBOT	Mary Everson	PFHT Regulatory Program	503-865-2791	Mary.everson@portlandoregon.gov

**Appointment terms expire January 31, 2019*



DRAFT

PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

MEETING SUMMARY

NOVEMBER 21, 2016

Portland Building
1120 SW 5th Avenue, Rm. C
Portland, OR

Advisory Committee Members	Organization	Present
Mark Williams	PFHT Program Manager, PBOT (non-voting member)	Yes
Mike Greenfield, Chair	Retired State of Oregon Executive	Yes
Tamara Kennedy-Hill	Travel Portland	No
Joe Vanderveer	Portland Commission on Disabilities	No
Dan Payton	Self-employed	No
Idris Khoshnaw	Shuttle Driver	Yes
Steve Hext	Broadway Cab	Yes
Kaleb Miller	Lyft	Yes
Tan Huynh	TNC driver	No
Michael Holland	Northwest Towncar	No
Kamaran Darbandi	Gelndar Airport Shuttle	No
John Case	Classic Chauffeur	Yes
Skyler Lanning	Wildwood Adventures	No
Andrea Lins(replacing Ryan Hashagen)	Brewcycle	Yes
Kirk Foster	Wapato Shores	Yes
Jonathan Bolden Sr.	Fiesta Towncar	Yes
Mark Leutwiler	Port of Portland	Yes
Kyle Collins	EcoCab	No
Margo Moore	TriMet-Accessible Transportation	No

Project Team / Staff Representatives	Organization	Present
Dave Benson	PBOT	Yes
Ken McGair	City Attorney's Office	No
Mary Everson	PBOT PFHT Regulatory Program	Yes
Matthew Erickson	PFHT Program Manager	Yes
Nikole Cheron	OEHR	No
Erica Niebel	Commissioner Novick's Office	No
Jim Owens, Facilitator	Cogan Owens Greene	Yes
Elise Scolnick, Recorder	Cogan Owens Greene	Yes

Other Attendees: Steve Entler; Bryan Crowe; Jon Isaacs; Jody Walzer; Bryce Bennett

INTRODUCTIONS AND REVIEW OF MEETING AGENDA: MIKE GREENFIELD, CHAIR

Chair Greenfield called the meeting to order at 3:00 PM. The Advisory Committee members, guests and staff introduced themselves. The purpose of today's meeting was to continue to go over the status of additional code amendment actions and review recommendations for proposed administrative rules including Pedicabs and Quadra Cycle regulations, Vehicle Driver Category and Permit Type, accessibility amendments, NEMTs and more. Chair Greenfield explained the process for the benefit of new committee member, Andrea Lin with Brewcycle, who is replacing Ryan Hashagen.

Kaleb Miller expressed concerns for the process. There are the following challenges:

1. Meeting notes often are distributed late, hindering adequate time for review.
2. Changes to draft materials should be redlined.
3. Minutes are not posted on the website and should be for the public.
4. Challenges are not clearly articulated for the Advisory Committee.
5. On occasion, experts have contributed to code language and there has been no transparency and Advisory Committee is not able to question the experts.
6. The Advisory Committee has been doing some rubber stamping. Not all representatives are at all of the meetings. There is not time to go back to respective organizations for feedback.

Mr. Miller asked that there be a continuance of today's meeting and that:

1. Every proposed code revision should include a problem statement to identify the basis for the proposed changes.
2. There should be a clear and agreed upon protocol for when materials will be sent out.
3. Contact information should be provided on the experts used to draft language or have them attend meetings.
4. All materials should be posted on the website at least 3 business days prior to the Advisory Committee meeting at which they are discussed.

Miller stated that with 7 members in attendance today, it seemed like a skeleton crew to get important code changes through.

Mr. Williams: We are going over things that we have already discussed at previous meetings. It would not be reasonable to cancel the meeting today.

Miller: The challenge is with the process and understanding the changes that have been made for today's discussion.

Williams: *He said he can walk the Committee through and articulate changes made to specific items.*

Foster: It would be great to get the information at least a full business day before the meeting. He struggles to get time to review and compares the document versions by hand. It would be helpful to have redlines done so the Committee can track the changes more easily.

Williams: *Code changes don't have redlines as it is new language, which is in bold. We had previously seen it at a high level.*

Miller: Without proper vetting we can't vote on these changes. Even small changes can have vast consequences.

Hext: Stated he sent the same concerns in an email to Mr. Williams today at lunch. More time is needed to go through these items. Maybe we can table the votes until later.

Owens: To clarify, this is a brand new process. We are feeling our way as we go. He suggested that staff has bit off a lot with the code amendments, many of which are editorial. They are trying to have a package ready for City Council by the end of the year. Council doesn't want to see them one-by-one, but as a package. Twice monthly meetings are not ideal for absorbing all the information.

Problem statements and putting the materials on the website are good ideas. The new staff is just getting up to speed. Owens took responsibility for not having redlines as there have been many drafts and many edits; redlines would make some documents unreadable. We can provide clean copies and redlines in the future.

This meeting is an advertised one and canceling it is the Advisory Committee's choice. We have seen the changes before you today at previous meetings. This is not the process that we would have recommended, but it is what City Council has stipulated.

Miller: Shouldn't we have the time to digest the changes, as they would look like in code? To Mr. Williams: Miller stated that "you and your staff work very hard."

Bolden: He tries to keep up on the material review but it's hard with items that come to the Advisory Committee late. The process is structured but we should have more time for review. The process is great to hash things out.

Hext: The objective is to get suggestions to CC by the end of the year. He said he got an email about a new transportation study. He wants to see how the Advisory Committee process meshes with the new transportation study. We are pushing ahead and there is something else going on that may be a train wreck. He knows that the Mayor and Commissioner Novick are out at the end of the year. There is going to be new leadership. It is not a good reason to hurry through if they are on their way out.

Greenfield: Bringing new things to this committee representing a group is a risky proposition as not all opinions are present or consistent. If we go through the items on the agenda and anyone has a problem with it, we can table it for more information and future consideration. Does that work?

Miller: Stated he agrees we owe all Portlanders our best and brightest work on this. We shouldn't push it through just to meet City Council's timeline.

Williams: *We are not trying to get this through before Commissioner Novick's term is over. We are beyond that now. We were trying to get it done before the holidays. We can do a better job in getting the information out. The turnaround time of two weeks between meetings is tough. We can redline and*

highlight changes. Let's move forward with what issues we can, and then come back on those that we don't agree on.

Foster: Often the City's website is very challenging and bookmarks often change. Low utilization may be due to that. It may be IT's problem to revise. Versions should be archived on the site and identified by date. He agrees with Hext that we should check off the items that we can now, and then revisit other issues.

Williams: *There are challenges with the web site. Server space is limited and IT has a formula for upkeep.*

Foster: This is a better process to work through issues much faster than we had in the past. A revision date should be on the different versions to make it easier to.

Owens: When City Council revised the PFHT program, there was a lot of housekeeping to be done. The real intent for the Advisory Committee is to wrestle with challenging policy issues. As industry representatives, you should not be dealing with the housekeeping items, but with the substantive issues. He thanked the Advisory Committee for sharing their concerns.

Benson: *The entire PBOT website is in architecture right now. We should have a new site within two months.*

Leutwiler: Agrees with needing more time for document review. Question for Kaleb Miller-Is meeting once a month better for you?

Miller: Yes, absolutely. That makes a big difference. If monthly meeting, we have enough time for review with our constituents and to the best of our ability. We don't have to rush then.

Leutwiler: Will we go back to monthly meetings?

Williams: Yes.

Miller: If we don't take the time to make sure the intent is matched to what we want to do in the small things, it could cause a large complication later on.

Greenfield: *As we go through the agenda items today, we can certainly table items for discussion at future meetings.*

ANNOUNCEMENTS FROM MEMBERS:

Hext: Spoke about an email he got about a study of the PFHT industry and asking for material. He asked if it meshes with the committee's work.

Williams: *A market study was approved by City Council last year. It won't have a significant effect on what we are doing here. If code changes are needed in the future, we could come back at a later date for changes. One significant question being asked in the market study is the cost of operating WAV vehicles, which we'd like an answer to as soon as possible.*

Hext: Asked if the study is private? There have been studies of our industry before and have resulted in a tsunami. As far as he could see there were no questions on the cost of WAV vehicle operations. He forwarded the Lancaster Engineering study questions to Mike Greenfield, who forwarded them to Mr. Williams. He stated that "maybe we need to just slow down just a little."

Foster: Asked Mr. Williams to mail out the study questions to the Advisory Committee.

Williams: *Said that yes, he can mail them out. The referenced study was done in 2012. Different entities are doing different parts of the market study.*

Greenfield: Perhaps the consultant could talk to the Advisory Committee about what they are doing.

Williams: Yes.

Khoshnaw: All the transportation industries are suffering more than last year due to traffic congestion and competition. The new Port parking lot is adding 15 minutes to the time to pick up customers. This is a burden to drivers and companies, because they are making fewer trips than before. More enforcement is needed. Please take these concerns under consideration.

Bolden: Will there be another access way at the airport where we can turn right or will still have to go all the way to NE 82nd Avenue?

Leutwiler: The airport has record numbers; which are significantly up. We're seeing a lot of congestion. There is going to be some restriping and signal changes at NE 82nd and Airport Way. There are only certain things we can do. Traffic engineers are doing their best to work out fixes.

Bolden: It's taking longer to get to his customers now. He said he has to leave for pickup much earlier.

Khoshnaw: Suggested letting vans park at rental car parking garage. Taxis and rental cars are coming into the terminal garage at the same time, leading to congestion.

Leutwiler: Everyone is trying to service their customers.

HOUSEKEEPING ITEMS: JIM OWENS

- Updated proposed code language was distributed to the members of the committee via email. Copies were available at the meeting as well.
- Communications-None
- Jim Owens reported that the next meeting will be December 20, 2016 at 3 PM, location TBD, to go through items that will be submitted in a packet to City Council for their review and adoption in December.
- **ACTION: Summary for November 7, 2016 meeting was unanimously approved without amendment.**

PROGRAM STATUS REPORT: MARK WILLIAMS, PBOT

Nothing to report.

PUBLIC COMMENT - NON-AGENDA: MIKE GREENFIELD

- Steve Entler: We, as the public, don't get minutes or documents mailed to us and they are not on the web site. He said he arrived at the last meeting a bit late and all copies were gone. This is frustrating as he cannot significantly comment on them if materials are not available. Some of the items discussed can have far reaching impacts on his industry.
- Bryce Bennett, Uber: Said he has substantial concerns around background checks and every driver carrying a permit in their car. Would like to see more conversation of these things that are of concern to his industry.

PEDICABS AND QUADRA CYCLES: JIM OWENS, FACILITATOR; MARK WILLIAMS, PBOT

The language before the committee today is what was discussed at the last meeting. The proposed language is the draft dated 11/16/16.

Andrea Lins agreed that the information provided is all that was discussed at the subcommittee meeting.

Questions and Member Comments

- None

Public Comment

- None

ACTION: Motion to schedule the proposed amendments for approval at the next meeting was approved by acclamation. No objections.

VEHICLE AND DRIVER CATEGORY AND SERVICE TYPE PERMIT AND/OR CERTIFICATION FEES: JIM OWENS, FACILITATOR; MARK WILLIAMS, PBOT

The items before the Advisory Committee are the same as discussed at prior meetings, with the exception of no longer charging driver fees. These amendments are up for review and approval at today's meeting.

Questions

Miller: At the last meeting the prices were wrong and changed and these are not reflected on today's version. Vehicle permit fees should read \$250.00, not \$280.00.

Foster: There are a couple fees that are not identified. Are background fees (\$75) only for the initial screening?

Williams: *If City Council approves this, there are no more driver permit fees. All fees would now be absorbed in the vehicle permit fees. The background check fee is only if the City does the background check.*

Foster: Clarifies William's statement. He suggested that the City add language about an annual certification fee for the vehicle.

Khoshnaw: On the Type A vehicle fee. Is there also a company fee?

Williams: *There is an application fee for new companies. Renewal fees are for vehicles.*

Hext: Is this a second reading of this language.

Owens: *Yes, this is a second reading.*

Hext: Underlying this is the industry's concern about fees and meeting City revenue needs. He doesn't know if taxis should be paying the same fees as TNCs. It feels like the fees this year are a lot higher than last year, though we aren't doing anything different than in the past. It's a fair question. It has been suggested a couple of previous meetings that the \$0.50 surcharge should be revisited. we are going to vote on taxation and fees, it should be discussed.

Williams: *It's not just the budget. There is an equity issue, not just revenue. The budget is only part of it. It was appropriate to put providers in separate categories (of service). WAV surcharge requirements only apply to Category A services. But if Category A wants to be in Category B as well, drivers will have to pay a fee. If you are in Category B and you want to perform in Category A, then drivers would be subject to the surcharge. He stated he didn't want anyone to think that the budget is the only reason for the fees.*

Hext: The gross amount companies are paying has skyrocketed. Just like the City asks for industry data, the industry should have the right to know the budgetary requirements of the City so we can make an informed decision.

Greenfield: Anything regarding the City's budget is public record and available.

Hext: if you are paying in one category, you are already paying your dues. His impression was that the surcharge was experimental. For decades the taxi industry was on a flat rate. We are paying a lot more now.

Greenfield: What he is seeing is the requirement for 20% WAV fleet availability. We have to see what that will cost now.

Benson: There are public documents that we can provide to educate the Advisory Committee. The surcharge is a customer-born tax, not a fee levied on the company. If there are fee adjustments, they are to the customers, not the companies. We have to collect enough to regulate the other Category B companies. The surcharge does not subsidize Category B businesses.

Hext: The customer pays all costs in the end.

Benson: Said he is only reiterating the surcharge law as passed by City Council. It was Council's attempt to be fair to all providers.

Hext: Historically, taxis have also been NEMTs. Now they must also pay the fee as an NEMT, as well as surcharge for other trips. If we are paying NEMT fees, then we shouldn't have to pay surcharge too.

Benson: You can weigh in on that and vote no and tell City Council why. There will be a chance to testify and for Council to decide.

Williams: You are paying an equal amount for share of services provided.

Hext: There has to be a way to get at the budgetary cost and fair assignment of fees. You're asking us to vote on something blindly. It's good to take the fee off drivers as we're going to have driverless vehicles soon. The fees are huge for people coming into the market.

Williams: It is now cheaper for the Category B permit holder than it was. Fees are \$250, not \$280, saving \$30/year. There are now no driver fees either. The City is not asking for separate driver permits for types of service such as NEMT, limousine, etc. now. He doesn't know how we can cut it back any further.

Greenfield: To Hext: Do you want a spreadsheet with costs and fees?

Benson: Said he'd be happy to get a budget analyst to come to a future meeting.

Khoshnaw: For phone or on-demand shuttles, the fee is negotiated on the phone or at the airport. If the \$0.50 fee is added, the customer will go elsewhere. The company will actually pay for the surcharge, not the customer. If you collect from the customer by credit card, you have to pay the fee on the credit card charge. The \$0.50 is hard to collect from the customers in our industry.

Lins: There are so few Category B's versus the many Category A's. It shows you how many are going to be regulated. It makes sense to charge the fees. Maybe anyone doing a Category A should be able to do a Category B without an extra fee. You can move down, but you can't move up in category.

Greenfield: Do you want to make a motion? Let's hear from everybody, and then make a motion.

Miller: Anything not used in the account can be used... (Inaudible). Are we running at a surplus now?

Benson: Yes. Anything we don't use goes into a set-aside fund for future program costs.

Foster: Can we give taxi NEMTs the option of paying the surcharge across the board and not paying the per vehicle fees? It may be a bookkeeping nightmare for your folks, though.

Williams: Based on the numbers, we believe they would be paying more in surcharge than the \$250 fee.

Foster: How many rides do they do yearly? You can figure it out from there. For his business, he would be paying more with a surcharge than by per vehicle fee.

Hext and Foster discuss Foster's business model. Foster uses an hourly rate as a subcontractor.

Owens: The first piece was simplifying code: defining either on-demand or reservation services. The 2nd piece was that where there are common requirements between A's & B's, we proposed simplification. The 3rd piece was eliminating vehicle permit fees for Category A's. The 4th piece was to eliminate driver permit fees; and the last was the fee discussion. If you don't like one piece, don't throw away the baby with the bath water.

Public Comment

- Entler: His customers have been paying the surcharge fees all along this year, except for the NEMT rides. He would be amenable to combining the categories.
- Bolden: What were the \$0.50 fees for in the first place?
- Williams: *Sixty-seven to seventy percent of the market is taxis and TNCs that provide the majority of the rides. We looked at how many rides were generating income. The budget follows anticipated rides but we don't have adequate data yet.*
- Greenfield: Highlighted the issues to be addressed and the options for voting on the changes.

ACTION: Motion to vote on the entire package made and seconded.

- Discussion

Owens: To clarify, some amendments are to code and some are administrative rules. The group could hear from a Budget Analyst and discuss further recommendations to code. Even if today it was determined that the surcharge was too high and needs to be lowered, it would be awhile before it could be changed. The other parts of the proposal are more firm.

Hext: If he wanted to make a proposal to move taxis to Category B, would that be for the Advisory Committee or City Council to decide?

Owens: It would be a City Council decision.

Hext: So there is no impact that can be made here?

Owens: If taxis ask for a fee instead of surcharge, then TNCs will ask for the same thing and we'd be back where we were a year ago.

Hext: There are enough difference in how the market has evolved that changes may be warranted.

Williams: *Are you asking to go back to the old fee system?*

Hext: Our drivers pay us a flat rate, not on a per trip rate. We are paying a ton more money to the City now. We are a competitive business. Why would make our customers pay more?

ACTION:

Vote: 5 in favor, 2 opposed to approval of proposed Code amendments and administrative rule.

Williams: We promised that we would go back with fee review and adjustments yearly.

Hext: It's just too much.

Owens: As a follow up, we want more policy discussions here. TNCs wanting the same thing would be a highly charged topic. We would have to have public forums for discussion on this.

Hext: To clarify, we just voted to pass the proposed language, as is, to the City Council?

Greenfield: Yes. We are an advisory committee. After we get more financial information, we can have a more informed discussion.

Hext: That's the only reason I opposed that, that we had a huge increase a few years ago, then again for the surcharge.

Greenfield: We can reconsider at a later time.

Benson: This was a learning year for us. We can adjust, but don't know yet where it's going to line up.

ACCESSIBILITY SUBCOMMITTEE RECOMMENDATIONS: JIM OWENS, FACILITATOR; MARK WILLIAMS, PBOT

Owens: This is the second reading of proposed code amendments. At the last meeting, action was taken on Items A and B. The recommendation was to reconvene and review the remaining items (C. Performance Guidelines and top of page 2, subsection (c) standards for customer service and communication with customers) with the subcommittee. Revisions include dealing with the visually-impaired customers by having voice capability for credit card machines.

Driver training standards: added training requirement for WAV service.

Williams –There was also a per ride incentive discussion. We can make changes if we need to. We have to see what works and what the costs will be for any options.

Miller: Discussion on dispatch tool (app). In order to participate in the accessibility fund component, you would require providers to use the app?

Williams: *Each driver would download the app. Each vehicle that goes through certification will also get an identification number so that the driver incentive and vehicle incentive can be determined. The other benefit is that a customer can get any provider they want. If a consumer cannot view the phone app, they can call and request a specific company vehicle or another vehicle that may be closer.*

Miller: He encouraged the City to talk with providers to see what technical challenges might arise. An API may pose problems with future payment, maintenance and privacy. There may be a platform that no one can use in the long run. API's are not plug and play.

Williams: *He is committed to working through the technical problems. He questioned if TNCs would be committed to having WAV and other vehicles on the road at all times.*

Miller: Said he was concerned about a technological solution that may not be functional in the long run. It's an important part of the proposed program.

Williams: *Said he would love to talk to someone who may have answers or better ideas. He wants a program that is secure and works.*

Benson: *We are committed to having this work and need to be accountable for the expenditure of the WAV funds. How we do that is totally open. Please give us suggestions.*

Foster: All he does is buy software and has been disappointed. There are inherently glitches and it takes considerable time for fixes to be realized, sometimes years. We should explore an API that links with all of our companies' software. We should run a parallel old school way, but still pursue the app.

Williams: He personally thinks an app should not connect to anyone else's software. The City is looking at a web login; a web portal with no cross platform connection. If Uber and Lyft came to him with a perfect app, he would approve it for them, but not other providers.

Foster: When the latest Google update came online, his company's current app stopped working. An app should be pursued by the City, but we should also have an old school way to connect riders and providers for now; even a simple app. We can move to the full app when it is ready. He doesn't want to delay the program waiting for an app.

Hext: Agreed with Foster. He stated his company is on its 3rd app iteration.

Owens: Items C. through F. are code amendments. On the bottom of page 3 is the pilot project for the accessible transportation fund. We can go on and later figure out how this is going to work.

Hext: What if his company wants to contract with Mr. Foster's company and they won't do it? How are we going to ensure there are WAV vehicles available? Regarding the cost of WAVs, we need to make sure that specific liability insurance requirements are considered; i.e. loading/unloading insurance, system failure for missed service (dialysis, stranded passengers). People in wheelchairs are so much more vulnerable. We need to make sure that these things are quantified and addressed going into this program. He gave an example of an instance of death of a consumer of WAV service.

Williams: The City is looking at ways to provide WAV services much better than they have been provided. Do we need to table this discussion, reconvene the Accessibility Subcommittee and talk about this more as there are new issues being raised?

Owens: We can break this into 2 pieces:

1. the accessible transportation fund/subsidy, and
2. code language pieces

ACTION: Motion to approve proposed Code amendments C through F approved unanimously.

Questions:

- Foster: Said he is not opposing, just wants an old school program until app approved. For insurance, it is a real concern. If the city is running the API, the liability will fall on the City. This must be addressed by legal counsel.

Public Comment:

- Entler: How is voting done for the Advisory Committee?
- Owens: A quorum of those voting members
- Jon Isaacs: Spoke about quorum of those present. This should be cleaned up in the charter. Regarding the fee - Committee should outline what is going to the WAV fund, how much is in there, define the surcharge and where it goes. If the surcharge is reduced, it should be replaced, not just taken out ...

NEMT RECOMMENDATIONS- MARK WILLIAMS, PBOT

Tabled due to lack of time.

MISCELLANEOUS CODE REVISIONS: MARK WILLIAMS, PBOT

The discussion of proposed changes as listed in the **Agenda, dated November 21, 2016** was tabled due to lack of time.

ADJOURNMENT

Greenfield: This has been one of the most constructive meetings of the Committee. He thanked the members.

Meeting adjourned at 5:28 PM.

NEXT MEETING: December 20, 2016, 3:00 PM, Portland Building, Room C

Respectfully submitted, P. Elise Scolnick

DRAFT

**ACCESSIBILITY SUBCOMMITTEE PLANNING GROUP RECOMMENDATIONS
11.10.16 UPDATED**

12.14.16

Context:

These recommendations have been developed by the Committee's accessibility subcommittee and considered at the November 7 and 21 Committee meetings. They were approved unanimously at the committee's November 21 meeting but are being reconsidered due to a lack of a quorum.

Changes to draft recommendations presented on November 7, as recommended by the subcommittee, are highlighted.

A. Requirement to Provide Accessible Service

Existing Code: Required of taxis (16.40.190), TNCs (16.40.290), and shuttles, with no distinction between on-demand/reservation shuttles and fixed-route/airporter shuttles (16.40.490); not required for other types of PFHT vehicles.

Recommendation:

- Maintain current requirements that taxi, TNC and shuttle companies provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.
- While subject to the requirement to provide accessible service, do not require shuttle companies to retrofit vehicles in their existing fleets to be wheelchair accessible.

STATUS: Approved by PFHT AC 10/24/16

B. Compliance with ADA

Existing Code: While addressed elsewhere in City Code, compliance with the ADA is not specifically required in Section 16.40.

Recommendation: Within Section 16.40, explicitly state that all private for-hire transportation companies providing accessible services are required to comply with the American Disabilities Act.

STATUS: Approved by PFHT AC 10/24/16

C. WAV Service Performance Guidelines

Existing Code: Directs that WAV Service Performance Guidelines be established by the PFHT Advisory Committee in consultation with Commission on Disability and address:

- a. Vehicle specifications
- b. Wheelchair loading and securement
- c. Customer service and communication with customers
- d. Driver training

- e. Estimated wait times

RECOMMENDATIONS:

a. Guidelines Generally

- PBOT to develop program for certifying compliance with Guidelines.
- PBOT to adopt WAV Service Performance Guidelines by Administrative Rule (vs Code).

b. Functional Standards

In developing functional standards, PBOT should:

- Combine subsections a) Vehicle specifications and b) Wheelchair loading and securement into single subsection on Functional Standards.
- Recognize that not all vehicles in circulation may meet all standards.
- Establish functional standards for WAV vehicle capacity, loading/unloading, and other features essential to safe and convenient transport of wheelchair users. Functional standards should address but not be limited to:
 - Interior vehicle configuration that allows for optimal passenger seating for at least one additional passenger.
 - Protocols for safe loading (out of traffic). *Ride Connection to provide examples.*
 - Safety features, e.g., 4 point tie down, shoulder belt.
 - Accommodation of forward-facing of wheelchairs.
 - Prohibition on transporting wheelchairs facing sideways.

c. Standards for Customer Service and Communication with Customers

Recommended Administrative Rule provisions include:

- Dispatch services (whether app, phone, or internet) are required to provide direct access to WAV vehicles and to match the vehicle to the need.
- Mechanisms for direct communication between provider and driver to passenger (e.g., confirm need for WAV, provide information on vehicle size and capacity, location and ETA) must be provided in all Category 1 vehicles. Providers must notify the passenger if expected ETA changes and do so as early as possible.
- Category 1 companies must provide request and cancel ride options and complaint mechanisms that are accessible across all platforms and across all disabilities.
- Directions on apps must follow WC3 guidelines and American Disabilities Act Section 503 requirements. Apps must include an accessibility feature with instructions on how to request a WAV.
- Apps or in-vehicle mechanisms (e.g., paper and pen, I-pad) must be provided for communication with hearing impaired/deaf passengers.
- Payment options must be provided for passengers who have visual impairment and drivers must ensure that they are operable. For example, if there is a passenger-operated credit card machine, the driver should ensure that it has a voice mode.

d. Driver Training Standards

Recommended Administrative Rule provision:

- WAV drivers are required to complete procedural, safety (including defensive driving), and communications training, including communications and assistance to persons with various forms of disability, based on company-administered training programs and standards certified by PBOT.

e. Standards for Estimated Wait Times

- No change to existing requirement of 30 minutes.

D. Vehicle Age Limitation Exemption

Existing Code: Limits accessible vehicle operation to 10 years, regardless of when the vehicle was purchased or put into service.

RECOMMENDATION:

- Include accessible vehicles as eligible for application for a two-year Vehicle Age Exemption (VAE).
- To be eligible for VAE, accessibility lifts/ramps and other accessibility devices must be ADA compliance and maintained in good working order.

E. Use of SAT (NEMT) Vehicles for PFHT Use

Existing Code: Not addressed

RECOMMENDATION:

- Address in NEMT Code revisions; specify that WAV SAT vehicles can be used for hailed rides for persons with disabilities but not for ambulatory riders.

F. Periodic Evaluation and Reporting

Existing Code: Not addressed

RECOMMENDATION:

- Establish regularly-scheduled assessments of conformance to performance standards and the program's achievement of its objectives; establish a clearly-described process to be able to adaptively manage as needed
- Require periodic reporting by PBOT on program performance to City Council. Include annual report from Advisory Committee on its actions over the past year, topics to be addressed in the coming year, and any policy issues for City Council consideration.
- Include Portland Commission on Disability in the review of the data, evaluation of the PFHT program, and development of reports to City Council.

PILOT PROJECT FOR ACCESSIBLE TRANSPORTATION FUND

Existing Code: Authorizes establishment of Accessible Transportation Fee and Fund.

RECOMMENDATIONS:

Program Design Considerations:

- Institute a two-year Accessible Transportation Fund pilot project, with evaluation and adjustment as needed after Year 1.
- Establish a reimbursement program that includes both vehicle subsidy and driver incentive to a level adequate to ensure sufficient accessible vehicle capacity.
- For purposes of WAV service reimbursement, determine the average cost of providing WAV service through an independent contractor retained by the City. Considerations include weight and width of vehicles, size of vehicles, vehicle's fuel economy rating.
- Solicit a contract for an open API (application interface) program.
- As a condition of participation in the incentive program, require companies to provide the City with documentation on each WAV trip provided.
- Institute a program of routine auditing to authenticate the WAV trips provided.

Proposed Administrative Rule

Pursuant to sections 16.40.190 (7) and 16.40.190 (7), the Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service.

Effective (date), the accessible service fee will be (amount) and will remain effective until reviewed and evaluated by the PFHT Advisory Committee and adjusted by the Director. At any time, the Bureau Director may adjust the fee as necessary as to meet the increase and/or decrease in demand for WAV service within the City of Portland.

- A. Incentive Program. The incentive program and incentive rates will be established by the Director and may be adjusted as necessary as to meet reimbursement/incentive requirements and/or budgetary restrictions and limits. Incentive funds can be issued to companies and/or individual vehicle owners that meet all of the requirements of section C of this rule.
- B. Eligibility Requirements. Access to Accessible Transportation Funds will only be granted to companies and/or drivers that meet all of the requirements of this section. The number of companies and/or drivers may be limited by the Director in order to balance and maintain a meaningful distribution of funds, and meet program objectives. Applications must be renewed annually and only those demonstrating the ability to meet established performance standards will be considered. Prior acceptance to the program does not guarantee an automatic renewal. Failure to demonstrate the consistent ability to maintain established performance standards will result in immediate removal from the program.
- C. Company, Vehicle and Driver Requirements. In order to receive Accessible Transportation Funds, the following requirements must be met:
 1. Company Eligibility. All companies requesting access to funds shall:
 - i. Be a current private for-hire company certified by the City;
 - ii. Be in good standing with no unpaid debts or penalties;
 - iii. Be subject to the city surcharge outlined in section 16.40.910 (E) (1):
 - iv. Use only drivers and vehicles meeting all the requirements of subsection 2,

and 3 of this section:

- v. Consistently meet performance standards outlines in section D; and
- vi. Demonstrate the ability to provide WAV service pursuant to all relevant sections of chapter 16.40.

2. Driver Eligibility. All drivers requesting access to funds shall:

- i. Be a current private for-hire driver certified by the City;
- ii. Be in good standing with no unpaid debts or penalties;
- iii. Annually complete and pass a bureau approved specialized training course designed to help drivers better understand and assist persons with disabilities;
- iv. Have access to, and authorization to operate a WAV vehicle meeting all the requirements of subsection 3 of this section;
- v. Use only vehicles meeting all the requirements of subsection 3 below; and
- vi. Consistently meet performance standards outlines in section D.

3. Vehicle Requirements for Subsidy Funds. All vehicles used to provide WAV service for companies and or drivers approved to receive Accessible Transportation Funds shall:

- i. Be certified by the City to provide private for-hire services within the City of Portland;
- ii. Have vehicle, vehicle lift or ramp inspected annually to confirm that the vehicle meets ADA standards;
- iii. Be maintained in good condition and meet all the requirements outlined in the Vehicle Age Exemption Administrative Rule;
- iv. Be subject to all relevant sections of Chapter 16.40.

D. Performance Standards. All drivers, companies and are vehicles must meet all relevant performance standards listed below, notwithstanding all relevant requirements of this chapter.

- 1. All Bureau required training must be attended and successfully completed by all established dates.
- 2. Drivers may not deny rides.
- 3. Drivers that receive a below standard average customer service rating within any calendar month will be temporarily suspended and required to complete additional training courses.



PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

BYLAWS

2.7.16

December 14, 2016 Proposed Revisions

Context

Revisions are proposed to the Advisory Committee's Bylaws to:

1. Clarify what constitutes a quorum of the Advisory Committee for purposes of conducting business.
2. Clarify what constitutes a majority for approval or denial of motions.
3. Add timeframe for public notice
4. Housekeeping edits

I. PURPOSE AND ROLES

The Private For-Hire Transportation (PFHT) Advisory Committee (Committee) is a citizen advisory body, representing those with interests in private for-hire transportation in the City of Portland. The Committee provides public input into the development and outcomes of policies, budgets, regulations, and procedures that affect the City's PFHT program.

The purpose of the Committee is to advise the Director of the Portland Bureau of Transportation (PBOT/Director), Commissioner-in-Charge of Transportation, and Portland City Council on a PFHT program that implements the City's goals and regulations for private for-hire transportation as defined in City Code Chapter 16.40. The Committee will provide public input into the PFHT program by:

- Providing expertise and feedback to the public, Director, and City Council on Portland's PFHT market, PFHT regulations and policies, taking into consideration the full range of City goals and objectives;
- Providing recommendations for regulatory, code, and administrative rule changes affecting the PFHT operators and PFHT service, including service to persons with disabilities.
- Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;
- Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council; and
- Providing input to ensure the budget of the City's PFHT Program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.
- In collaboration with PBOT, preparing a joint annual report to City Council on the functioning of the PFHT program.

A. Duties and Responsibilities

Members agree to fulfill their responsibilities through attending and participating in Committee meetings, studying the available information, and participating in the development of recommendations. Members agree to participate in good faith and to act in the best interests of the Committee and its charge. To this end, members agree to place the interests of the City above any particular political or organizational affiliations or other interests. Members accept the responsibility to collaborate in developing recommendations that are fair and constructive for the City.

Members acknowledge that their role is to provide advice and frame policy choices and that final decisions on Committee recommendations rest with the Director, Commissioner-in-Charge, and/or City Council.

In addition to attending and participating in Committee meetings, specific Committee member responsibilities include:

- Review background materials and analysis to understand the issues to be addressed in the review process.
- Work collaboratively with one another to explore issues and develop recommendations to City Council.
- Consider and integrate general public input into Committee recommendations as appropriate.
- Integrate equity considerations into Committee deliberations and recommendations.

All members of the Committee shall serve without pay, except that City employees may receive their regular salary during the time spent on matters of the Committee.

B. Membership and Term

The PFHT Advisory Committee shall consist of nineteen diverse members with expertise, knowledge and interest in of PFHT in the City of Portland. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators and PFHT drivers in the City of Portland as defined by City Code Section 16.40.960 (B). The PBOT representative will be a non-voting member.

Members may not have alternates.

Appointment to the PFHT Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge. Members of the PFHT Advisory Committee shall serve no more than two, complete three-year terms.

The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

C. Officers and Subcommittees

The officers of the Committee shall consist of a Chairperson (Chair) and a Vice-chairperson Vice-Chair) appointed by the Commissioner-in-Charge. The Chair shall be responsible for conducting the meetings of the Committee. The Vice-Chair shall act as Chair when the Chair is not available. The Chair and Vice-Chair

will be active and voting members of the Committee. The Director's representative will act in the absence of the Chair and Vice-Chair.

The Chair will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Committee's operating procedures. The Chair will also serve as liaison between the Committee and the City. In consultation with the Facilitator and City staff, the Chair will develop meeting agendas, establish subcommittees if needed, and ensure an efficient advisory process.

The Committee may divide its members into subcommittees which are authorized to act on behalf of the Committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

D. City Role

PBOT will provide technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Committee. PBOT will also provide public notice of Committee meetings, post materials to a Committee webpage, and prepare meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.

A representative designated by the Director will serve on the Committee as a non-voting member.

E. Facilitator Role

The City may contract with an independent, neutral third party whose role is to facilitate Committee meetings, help develop Committee recommendations, and produce Committee reports. As a neutral collaborative process provider, the Facilitator will not act as an advocate on any issue, any interest group, or any member of the Committee.

The Facilitator will both facilitate Committee meetings and provide coordination between meetings. The Facilitator will serve as liaison among Committee members and between the Committee and the City; in that role, the Facilitator will assist with ensure efficient and timely communications with and within the Committee. Information disclosed in confidence will be kept confidential by the Facilitator. In addition, it is the responsibility of the Facilitator to:

- Ensure a welcoming meeting environment where all Committee members can participate.
- Ensure a safe environment for minority opinions.
- Conduct meetings in a manner to foster collaborative decision-making and consensus building.

Members will not interfere with the Facilitator's conduct of meetings. Concerns regarding how meetings are being facilitated may be brought to the attention of the Chair and the Facilitator in manners and at times that they do not disrupt meeting activities, e.g. during breaks in meetings or between meetings.

II. PROTOCOLS AND OPERATING PROCEDURES

A. Protocols

All members agree to act in good faith in all aspects of the Committee process. This includes being honest and refraining from undertaking any actions that will undermine or threaten the deliberations and functioning of the Committee. It also includes behavior outside of meetings. Expectations include:

- Members should try to attend all meetings. If members cannot attend a meeting, they are requested to advise the Facilitator and/or Chair. After missing a meeting, the member should contact the Facilitator for a briefing. Members who do not attend a meeting may not seek to revisit issues from the missed meeting that were noticed on the agenda and on which discussion was completed at the missed meeting.
- Members agree to be respectful at all times of other representatives, staff, the Facilitator, and audience members. They will listen to each other to seek to understand the other's perspective, even if they disagree.
- Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed.
- Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
- Any written communications, including e-mails, blogs and other social networking media, will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
- Members are advised that e-mail, blogs and other social networking media may be considered public documents. E-mails and social networking messages meant for the entire group will be distributed via the Facilitator or Chair.
- Requests for information made outside of meetings will be directed to the Facilitator or Chair. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.

B. Communications

Members agree that transparency is essential to the Committee's deliberations. In that regard:

- Members are requested to include both the Chair and Facilitator in communications from/to interest groups (other than a group specifically represented by a member) commenting on the Committee's deliberations; these communications will be included in the public record as detailed below and copied to the full Committee as appropriate.
- While not precluded from communicating with the media, Committee members agree to generally defer to the Chair and PBOT staff for all media communications related to the Committee process and its recommendations.
- Committee members agree to not negotiate through the media, or to use the media to undermine the work of the Committee.
- Committee members agree to raise all of their concerns, especially those being raised for the first time, at a Committee meeting and not in or through the media.

C. Frequency of Meetings and Quorums

The Committee shall meet at least five times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

A quorum shall be necessary of voting members to make decisions that represent the position of the Committee and to conduct any other Committee responsibilities. For these purposes, a quorum shall be a majority of voting members of the Committee. In subcommittees, a quorum shall be a majority of the members of the subcommittee.

For the purposes of voting, a quorum must be present and a majority of the voting members present shall be required to approve or deny a motion.

D. General Operating Procedures

The Committee may develop written recommendations to the Director pertaining to any provision of Chapter 16.40 and all matters pertaining to PFHT.

Meeting agendas will be developed by the Chair and Facilitator in consultation with PBOT staff. Members may request inclusion of agenda items for discussion and development of recommendations through written request to the Chair and Facilitator at least three weeks prior to the next scheduled Committee meeting. Members recognize that City priorities for Code implementation and operation and management of the PFHT program may take precedence over member issues and that requesting inclusion on a Committee meeting agenda does not guarantee that issue will be taken up when requested.

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Meetings will be conducted in a manner deemed appropriate by the Facilitator and Chair to foster collaborative decision-making and consensus building. Robert's Rules of Order will be applied when deemed appropriate. A consensus decision-making model will generally be used to facilitate the Committee's deliberations and to ensure that the Committee receives the collective benefit of the individual views, experience, background, training and expertise of its members. ~~Consensus is a participatory process whereby, on matters of substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose. Consensus means that no representatives voiced objection to the position and they agree not to oppose the position. When consensus cannot be reached, the Chair may initiate or entertain a motion to vote on the issue. If no consensus is reached on an issue for proposed Committee recommendation, minority positions will be documented after a vote takes place. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.~~

E. Operating Procedures For Code Amendment/Administrative Rule Recommendations

When developing recommendations for amendment to City Code or for administrative rules to implement Code, procedural requirements in Section 16.40.970 will be adhered to. These include:

Public Notice

Before a recommendation is adopted, the Committee must first provide a minimum of one week of notice of the proposed recommendation to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed recommendation, and the location where copies of the full text of the recommendation may be obtained.

Announcement Meeting

In addition to the general notice required in Subsection 16.40.970 C., the Committee must also announce the proposed recommendation at a regularly-scheduled Committee meeting (the "Announcement

Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

Testimony Meeting

At the Testimony Meeting, the Committee will receive oral and written testimony concerning the proposed recommendation.

Committee Action

Upon completion of the Testimony Meeting, the Committee may then vote to either:

1. Adopt the proposed recommendation as originally proposed;
2. Adopt a slightly modified version of the originally proposed recommendation;
3. Move that a substantially modified version of the originally proposed recommendation be considered at a later Commission meeting and with additional public testimony; or
4. Withdraw the proposed recommendation altogether and allow no further vote on it.

If no Committee member seconds a Committee member’s motion, then the proposed recommendation is considered not approved~~does not take effect~~. Any Committee member may make the motion to adopt a proposed recommendation.

If a Committee member seconds the motion to adopt the proposed recommendation, the Committee will then consider and discuss the proposed recommendation, taking into account any public testimony received. Upon completion of the Committee’s discussion, the Chair will then call for a vote on the proposed recommendation. If a majority of the Committee votes to adopt the recommendation, it is thereby adopted and forwarded to the Director.

If a Committee member seconds a motion under Subsection 3 above, then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified recommendation will be discussed. After the additional testimony is received at the future hearing date, the proposed recommendation will be subject to the above discussion, testimony and voting procedures

F. Public Status of Committee Meetings and Records

Committee meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). PBOT will provide notice to the public regarding the dates, times and locations of Committee meetings.

Committee records, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications of the Committee are not confidential because the meetings and records of the Committee are open to the public. “Communications” refers to all statements and votes made during Committee meetings, memoranda, work projects, records, documents or materials developed to

fulfill the charge, including electronic mail correspondence. The personal, private notes of individual Committee members might be considered to be public to the extent they “relate to the conduct of the public’s business,” (ORS 192.410(4)).

G. Amendment of Bylaws

The Committee may vote to recommend to the Commissioner-in-Charge amendment or repeal of these Bylaws per the Operating Procedures for Code Amendment/Administrative Rule Recommendations in Section E above.



PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

BYLAWS

2.7.16

December 14, 2016 Proposed Revisions

December 19, 2016 Additional Revisions

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Context

Revisions are proposed to the Advisory Committee's Bylaws to:

1. Clarify what constitutes a quorum of the Advisory Committee for purposes of conducting business.
2. Clarify what constitutes a majority for approval or denial of motions.
3. Add timeframe for public notice
4. Housekeeping edits

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- Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;
- Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council; and
- Providing input to ensure the budget of the City's PFHT Program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.

- In collaboration with PBOT, preparing a joint annual report to City Council on the functioning of the PFHT program.

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~~Members may not have alternates.~~

~~When a member is unable to attend a meeting, s/he may designate an alternate with a minimum of 24 hours of notice to the Chair and Facilitator. Alternates do not have proxy authority to vote on a member's behalf but may be counted for purposes of determining a quorum.~~

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Appointment to the PFHT Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge. Members of the PFHT Advisory Committee shall serve no more than two, complete three-year terms.

The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or

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The Chair will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Committee's operating procedures. The Chair will also serve as liaison between the Committee and the City. In consultation with the Facilitator and City staff, the Chair will develop meeting agendas, establish subcommittees if needed, and ensure an efficient advisory process.

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II. PROTOCOLS AND OPERATING PROCEDURES

A. Protocols

All members agree to act in good faith in all aspects of the Committee process. This includes being honest and refraining from undertaking any actions that will undermine or threaten the deliberations and functioning of the Committee. It also includes behavior outside of meetings. Expectations include:

- Members should try to attend all meetings. If members cannot attend a meeting, they are requested to advise the Facilitator and/or Chair. After missing a meeting, the member should contact the Facilitator for a briefing. Members who do not attend a meeting may not seek to revisit issues from the missed meeting that were noticed on the agenda and on which discussion was completed at the missed meeting.
- Members agree to be respectful at all times of other representatives, staff, the Facilitator, and audience members. They will listen to each other to seek to understand the other's perspective, even if they disagree.
- Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed.
- Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
- Any written communications, including e-mails, blogs and other social networking media, will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
- Members are advised that e-mail, blogs and other social networking media may be considered public documents. E-mails and social networking messages meant for the entire group will be distributed via the Facilitator or Chair.
- Requests for information made outside of meetings will be directed to the Facilitator or Chair. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.

B. Communications

Members agree that transparency is essential to the Committee's deliberations. In that regard:

- Members are requested to include both the Chair and Facilitator in communications from/to interest groups (other than a group specifically represented by a member) commenting on the Committee's deliberations; these communications will be included in the public record as detailed below and copied to the full Committee as appropriate.
- While not precluded from communicating with the media, Committee members agree to generally defer to the Chair and PBOT staff for all media communications related to the Committee process and its recommendations.
- Committee members agree to not negotiate through the media, or to use the media to undermine the work of the Committee.
- Committee members agree to raise all of their concerns, especially those being raised for the first time, at a Committee meeting and not in or through the media.

C. Frequency of Meetings and Quorums

The Committee shall meet at least five times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

A quorum shall be necessary of voting members to make decisions that represent the position of the Committee and to conduct any other Committee responsibilities. For these purposes, a quorum shall be a majority of voting members of the Committee. In subcommittees, a quorum shall be a majority of the members of the subcommittee.

For the purposes of voting, a quorum must be present and a majority of the voting members present shall be required to approve or deny a motion.

D. General Operating Procedures

The Committee may develop written recommendations to the Director pertaining to any provision of Chapter 16.40 and all matters pertaining to PFHT.

Meeting agendas will be developed by the Chair and Facilitator in consultation with PBOT staff. Members may request inclusion of agenda items for discussion and development of recommendations through written request to the Chair and Facilitator ~~at least three weeks prior to the next scheduled Committee meeting.~~ Members recognize that City priorities for Code implementation and operation and management of the PFHT program may take precedence over member issues and that requesting inclusion on a Committee meeting agenda does not guarantee that issue will be taken up when requested.

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Meetings will be conducted in a manner deemed appropriate by the Facilitator and Chair to foster collaborative decision-making and consensus building. Robert's Rules of Order will be applied when deemed appropriate. A consensus decision-making model will generally be used to facilitate the Committee's deliberations and to ensure that the Committee receives the collective benefit of the individual views, experience, background, training and expertise of its members. ~~Consensus is a participatory process whereby, on matters of substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose. Consensus means that no representatives voiced objection to the position and they agree not to oppose the position. When consensus cannot be reached, the Chair may initiate or entertain a motion to vote on the issue. If no consensus is reached on an issue for proposed Committee recommendation, minority positions will be documented after a vote takes place. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.~~

E. Operating Procedures For Code Amendment/Administrative Rule Recommendations

When developing recommendations for amendment to City Code or for administrative rules to implement Code, procedural requirements in Section 16.40.970 will be adhered to. These include:

Public Notice

Before a recommendation is adopted, the Committee must first provide a minimum of one week of notice of the proposed recommendation to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed recommendation, and the location where copies of

the full text of the recommendation may be obtained.

Announcement Meeting

In addition to the general notice required in Subsection 16.40.970 C., the Committee must also announce the proposed recommendation at a regularly-scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

Testimony Meeting

At the Testimony Meeting, the Committee will receive oral and written testimony concerning the proposed recommendation.

Committee Action

Upon completion of the Testimony Meeting, the Committee may then vote to either:

1. Adopt the proposed recommendation as originally proposed;
2. Adopt a slightly modified version of the originally proposed recommendation;
3. Move that a substantially modified version of the originally proposed recommendation be considered at a later Commission meeting and with additional public testimony; or
4. Withdraw the proposed recommendation altogether and allow no further vote on it.

If no Committee member seconds a Committee member’s motion, then the proposed recommendation ~~is considered not approved~~~~does not take effect~~. Any Committee member may make the motion to adopt a proposed recommendation.

If a Committee member seconds the motion to adopt the proposed recommendation, the Committee will then consider and discuss the proposed recommendation, taking into account any public testimony received. Upon completion of the Committee’s discussion, the Chair will then call for a vote on the proposed recommendation. If a majority of the Committee votes to adopt the recommendation, it is thereby adopted and forwarded to the Director.

If a Committee member seconds a motion under Subsection 3 above, then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified recommendation will be discussed. After the additional testimony is received at the future hearing date, the proposed recommendation will be subject to the above discussion, testimony and voting procedures

F. Public Status of Committee Meetings and Records

Committee meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). PBOT will provide notice to the public regarding the dates, times and locations of Committee meetings.

Committee records, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications of the Committee are not confidential because the meetings and records of the Committee are open to the public. "Communications" refers to all statements and votes made during Committee meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence. The personal, private notes of individual Committee members might be considered to be public to the extent they "relate to the conduct of the public's business," (ORS 192.410(4)).

G. Amendment of Bylaws

The Committee may vote to recommend to the Commissioner-in-Charge amendment or repeal of these Bylaws per the Operating Procedures for Code Amendment/Administrative Rule Recommendations in Section E above.

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
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Steve Novick Commissioner **Leah Treat** Director

PRIVATE FOR-HIRE MARKET STUDY SCOPE

The purpose of this study is to help the City better understand the current market as it relates to the private for-hire industries due to the introduction of “ride share” platforms and applications. This comprehensive will include comparisons between Portland’s private-for-hire market and markets in six other comparable cities: Seattle, WA; San Francisco, CA; Denver, CO; Austin, TX; Kansas City, MO; and Charlotte, NC. The cities are chosen such that a variety of comparisons will be possible, including comparisons of different regulatory practices; how things may vary from region to region; how the robustness of a transit system may impact the private-for-hire market, and other factors.

The economic and working conditions creating problems for Portland taxi drivers are consistent with conditions found in other cities and counties. Changes in the taxi industry during the past 18 months have created conditions that directly impact the economy of each and every driver. For each city included in this study the following data will be collected and analyzed:

- Taxi and TNC average hourly wages (part time vs. Full time)
- Minimum wage requirement in each jurisdiction
- Est. population in each city
- Number or permitted taxi drivers
- Total number of rides delivered by taxi companies one year prior to TNC’s entering the market, and one year after TNC’s entered the market
- Average “kitty” rate in each market
- Number of Taxi drivers that own their vehicles
- How many Taxi companies have a profit sharing model with their drivers
- Number of hours drivers are working
- Number of vehicles permitted by taxi companies
- Average cost of insurance per vehicle.
- The number of crimes reported involving TNC’s and Taxis in a period of one year.

In addition, this study will collect and analyze significant data regarding wheelchair accessible service (WAV) in each city. Recent anecdotal data suggest that individuals with disabilities may be underserved in certain communities, late nights and other peak demand service periods, and areas of the city farther out from downtown. For each city included in this study the following data will be examined:

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- The number of WAVs that exist in each market
- The number of WAVs rides delivered each year
- The ratio of WAVs used for on demand, reservation or contracted service
- Does the City subsidize WAV service?
- Does the City have a central dispatch system for all WAV service?
- The difference between the cost to operate a regular size (standard mini-van type vehicle) *ADA compliant* WAV vehicle over a standard taxi.
- The difference between the cost to operate a full size ADA compliant commercial wheelchair lift (800lbs capacity, 34 inches or larger) accessible service WAV vehicle over a standard taxi.

Phase 1 – Project Kickoff and Ongoing Project Management

The consultant will meet with the City to discuss the industry and to gain a better understanding of the challenges that exist. The City will also provide relevant data to be used for the City of Portland in this Study. Tasks associated with this phase will be ongoing throughout the project.

Phase 2 – Data Collection and Analysis

Robust data collection and analysis of taxi and TNC markets will be conducted as described above, with a number of different factors examined pertaining to the private-for-hire markets in Portland and six comparable cities. This phase will be conducted over approximately eight weeks following execution of the contract.

Phase 3 – Driver interviews

The consultant will conduct interviews with ten drivers in order to understand the challenges that face individual drivers, the lifestyle and financial ramifications of their career, and how these factors might differ between different markets and employers. This phase will be conducted over approximately eight weeks following execution of the contract, concurrent with Phase 2.

Phase 4 – Final Report & Presentation of Results

The consultant will prepare a draft report within four weeks of completion of Phases 2 & 3 for review by the City. Following the City's review, the consultant will implement suggested revisions and feedback to produce a final report within two weeks. The consultant will prepare and deliver up to three presentations to City staff and/or Council as needed.

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The final report will present the results of the analyses through judicious use of charts, maps, tables, and other infographics. Sections of the report can and will be used in combination with other reports and presentations produced by the city. In each event, the contractor will be referenced.

Private for-Hire Transportation Advisory Committee

Proposed Language for – Pedicab and Quadricycle

11.16.16 Draft

Proposed Code revisions:

1. Change from Quadra Cycle to Quadricycle throughout.
2. Revised definitions: Pedicab and Quadricycle:
A Pedicab means a tricycle that:
 - I. Transports or is capable of transporting passengers on seats attached to the tricycle;
 - II. Is powered by human power; and
 - III. Is used as a private for-hire service.A Quadricycle means a four-wheel pedal-powered unit that:
 - I. Transports or is capable of transporting passengers four or more passengers on seats attached to the Quadricycle;
 - II. Is powered by human power or electrical assist; and
 - III. Is used as a for-hire transportation service

3. Revised language on Receipts

Receipts: When providing private for-hire services, Pedicabs and Quadricycles must display the words “Receipt Available Upon Request” in a location visible to all passengers. All Pedicab and Quadricycle passengers shall be provided, upon request, with a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Pedicab or Quadricycle company, Pedicab or Quadricycle driver, Pedicab or Quadricycle company contact information, and the City of Portland’s PFHT complaint phone number. Upon request, paper receipts must be produced on a carbon copy type receipt book and each receipt must be identified with an individual receipt number. The carbon copy portion of the receipt must be stored at the Pedicab or Quadricycle company for at least 12 months. Carbon copy portions of receipts must be made available for audit upon request.

4. Revised License Requirement for Quadricycle

In order to be permitted to operate a Quadricycle, the applicant must have a valid driver’s license in a United States jurisdiction.

5. Added Parade exemption

16.40.745 Pedicab and Quadricycle Services Permits Required.

The operation of a Pedicab or Quadricycle Company is a privilege and not a right. For Pedicab or Quadricycle Services to be provided in the City of Portland, the Pedicab Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Pedicab and Quadricycle Vehicles and Pedicab and Quadricycle Company Drivers have met all certification and operating requirements. No permit issued pursuant to this Chapter is required of a person who is operating a Pedicab or Quadricycle as an entry in a parade or otherwise permitted special event, where the Pedicab or Quadricycle entry is specifically noted and approved in said special event permit, and

Private for-Hire Transportation Advisory Committee

where the Pedicab or Quadricycle rides are not being offered on-demand or by reservation to members of the general public. In the case a Pedicab or Quadricycle is being used during a special event, the City shall be provided with the following:

- I. Copy of the event permit; and
- II. A description defining the role of the Pedicab or Quadricycle during the parade.

6. Added Age Exemption language

Pedicab and Quadricycle Vehicle Certification. The Pedicab or Quadricycle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab or Quadricycle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40. Vehicles shall be certified by the Director and affiliated with a permitted Pedicab or Quadricycle Company prior to being used to provide Pedicab or Quadricycle services. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab or Quadricycle. Pedicab and Quadricycle vehicles are exempt from vehicle age limit restrictions that may apply to other sections of this Chapter.

PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

MISCELLANEOUS CODE REVISIONS

11.20.16

1. Background Screening (all sections)

Adds Federal search to the requirement

- 1.** A local, national and federal criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Company by a third party accredited by the National Association of Professional Background Screeners that shall, at a minimum, include:
 - A. Social Security Trace including all aliases for the past ten (10) years; and
 - B. Municipal, County, State, Federal and National Criminal Record Searches for all aliases for the past ten (10) years. The primary source search must be performed in a Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
 - C. National Sex Offender Registry search; and
 - D. All motor vehicle records associated with the applicant driver for the past five (5) years available pursuant to records laws of each state

2. Driver Training (all sections)

Requires drivers to complete all Bureau approved safety and training courses prior to receiving a permit or certification.

Driver Training. The affiliated company must assure that all Drivers successfully complete Director approved trainings within 30 days of Driver certification by the Director in each of the following subject areas:

3. Company Operation Responsibilities and Prohibitions (all sections)

Requires that company anti-drug policy include anti-discrimination.

Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a Zero Tolerance Policy for intoxicants, and adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable local, state or federal law. This policy shall be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

Requires that crash reporting include date, time, name of driver and claim status.

Clarifies data requirements:

A. Reporting Requirements. Each Company shall regularly report the following to the Director:

- 1.** The name of the driver, the date and time of any crash and its claim status that arise out of operating as a permitted Company
- 2.** (open or closed) on a form approved by the Director;

Data reporting:

- i. Number, date and time of unfulfilled requests (Rides the company was unable to fulfill).
- ii. Number of declined rides (Rides declined by drivers).
- iii. Number of canceled rides (Rides canceled by the customer)

4. Vehicle Operating Requirements

Adds requirement that driver display permit.

16.40.180 Driver Conduct, Requirements and Prohibitions

City of Portland Driver Permit. Drivers must carry and display a valid, original, City of Portland driver permit while operating a PFHT vehicle.

5. Driver Certification Requirements (all sections)

Clarifies that all convictions are based on conviction date, not the arrest date.

- 1. Based on the conviction date, within a three year period the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined in ORS 801.477; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
- 2. Based on the conviction date, within a 3-year period the applicant’s driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
- 3. Based on the conviction date, the applicant has more than two traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
- 4. Based on the conviction date, during a 3-year period the applicant’s PFHT driving privileges were revoked by the Director;

Clarifies that drivers must meet Code requirements at all times while permitted or certified, and not just on the certification date.

Clarifies that business license requirement for independent contractors, not employees.

6. Civil Penalty Table

Revamps civil penalty table.

	1st Offense	2nd Offense	3rd Offense	Subsequent Offenses
Class A	\$1250	\$2500	\$5000	Suspension/Revocation of Certification

Class B	\$1000	\$1500	\$2500	Suspension/Revocation of Certification
Class C	\$500	\$750	\$1000	Suspension/Revocation of Certification
Class D	\$250	\$500	\$750	
Class E	30 Day Suspension			
Unclassified	\$250	\$500	\$750	7 to 30-day Suspension and is compoundable

7. Driver Conduct Requirements and Prohibitions (all sections)

Prohibits transferring credentials.

Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited. All TNC drivers are required to meet all driver certification requirements within this chapter at all time times while providing private for-hire service

Adds arrest or conviction for any criminal offense.

Driver Reporting. Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence

Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;

8. Administrative Suspension Exemptions

Proposed Administrative Rule to be adopted by Portland Bureau of Transportation pursuant to Portland City Code 16.40.970 K.

TRN-14.30 – ADMINISTRATIVE SUSPENSION EXEMPTIONS

The following suspensions will be excluded only when determining continuous driving history for all drivers providing private for-hire services in the City of Portland. All other suspensions unless otherwise noted here are subject to the terms defined in Chapter 16.40.

- A. Any suspension for a calculated period of 30 days or less that appears on a driver’s motor vehicle record for failure to report an accident/collision as defined by ORS will not be considered as a break in continuous driving history.
- B. Any suspension for a calculated period of 30 days or less that appears on a driver’s motor vehicle record for failure to meet insurance reporting requirements will not be considered as a break in continuous driving history.
- C. Any suspension for a calculated period of 60 days or less that appears on a driver’s motor vehicle record for failure to pay child or dependent support or care payments will not be considered as a break in continuous driving history.

12.14.16

Context:

Staff is proposed the amendments indicated to bring this section of Code in alignment with other sections of Code. These amendments have been prepared in consultation with the NEMT representative on the Committee.

16.40.700 NEMT Services Permits Required

The operation of a NEMT Company is a privilege and not a right. For NEMT services to be provided in the City of Portland, the NEMT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated NEMT Company Vehicles and NEMT Company Drivers have met all certification and operating requirements.

A. NEMT Company Permit Requirements. No person or entity shall conduct business as a NEMT Company, as defined in OAR 410-136-3000, in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

B. NEMT Driver Certification Requirements. No person or entity shall conduct business as a NEMT Driver in the City of Portland without certification by the Director prior to being authorized to provide NEMT services on behalf of an affiliated NEMT Company. Drivers not meeting all required conditions will not be certified as NEMT Driver and will not be allowed to operate as a NEMT Driver. Failure to comply with this section shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

C. NEMT Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a NEMT Vehicle in the City of Portland without certification by the Director prior to being used to provide NEMT services by an affiliated NEMT Company. Vehicles not meeting all required conditions will not be certified as NEMT Vehicle and will not be allowed to operate as a NEMT Vehicle. Failure to comply with this section shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.705 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

A. Application. An applicant for a NEMT Company permit shall submit to the Director:

1. A completed application on a form supplied by the Director;

2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
5. If the applicant NEMT Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant NEMT Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant NEMT Company’s Zero-Tolerance Drug [and Nondiscrimination Policy](#);
8. The applicant NEMT Company's User Terms of Service;
- ~~9.~~
- ~~9.10. The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, NEMT Dispatch App general use information;~~
- ~~10.11. Contact information of the NEMT Company’s Agent of Service and Customer Service Support;~~
- ~~11.12. A description and photo or rendering of the unique branding and exterior color scheme that the applicant NEMT Company proposes to use for its fleet of affiliated NEMT Vehicles;~~
- ~~12. Company proposed fare rates, and;~~
- ~~13. A nonrefundable application fee.~~

B. All fines and penalties must be paid prior to issuing or reissuing a NEMT

Company permit.

C. Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

D. Insurance. All NEMT Company permit holders shall comply with NEMT insurance requirements pursuant to Section 16.40.130. All NEMT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

E. Director Review Process. After receiving a completed NEMT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

F. Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a NEMT Company permit.

G. Application Denial. The Application shall be denied for any of the following:

1. The NEMT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. [When providing service within the City of Portland](#) the NEMT Company applicant provides dispatch services to anyone other than affiliated NEMT drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
3. [When providing service within the City of Portland](#) ~~the~~ [Portland](#), the NEMT Company applicant leases, permits, or otherwise allows other entities not affiliated with the NEMT Company and certified by the Director to operate NEMT Services;
4. [When providing service within the City of Portland](#), ~~the~~ NEMT Company applicant affiliates with and provides dispatch services to drivers operating vehicles without NEMT Vehicle certification by the Director.
5. The application has a material misstatement or omission; and
6. The NEMT Company application is incomplete.

H. Denial Appeal. If the application is denied, the applicant NEMT Company may

appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

I. Providing NEMT Services. NEMT Services, as defined in OAR 410-136-3000, shall only be provided by a permitted NEMT Company.

J. Certification of NEMT Drivers. The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT for Director certification that drivers meet requirements in Section 16.40.170, on a form approved by the Director. Drivers shall be certified by the Director prior to providing NEMT Services on behalf of the affiliated NEMT Company. ~~and~~ NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as a NEMT Driver. Such requirements include:

1. A local, national and federal criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

- U. Social Security Trace including all aliases for the past ten (10) years; and
- V. County, State, Federal and National Criminal Record Searches for all aliases for the past ten (10) years. The primary source search must be performed in a Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
- W. National Sex Offender Registry search; and
- E-X. All motor vehicle records associated with the applicant driver for the past five (5) years available pursuant to records laws of each stateCriminal and Driver-Background Checks;

~~1.2.~~ Automobile Liability Insurance for independent contractors;

~~2.3.~~ Valid Driver License;

~~3.4.~~ NEMT Driver Business License Number when operating as an independent contractor; and

5. Successfully complete NEMT City prescribed driver training and testing prior to providing private for-hire service.

~~4.6.~~ Driver training and testing within 30 calendar days of a NEMT Driver's certification by the Director.

K. Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one

Commented [NE117]: ???

month prior to the certification expiration on a form approved by the Director

L. NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to operate as a NEMT Driver.

M. Certification of NEMT Vehicles. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to providing NEMT Services. Vehicles not meeting all required conditions will not be certified as a permitted NEMT vehicle and will not be allowed to operate as a NEMT Vehicle. Such requirements include:

1. Vehicle [ASE](#) safety inspection;
2. Vehicle registration and licensing;
3. [Vehicle properly equipped and in good condition as defined by the Kelly Blue Book Vehicle Condition Guide](#)~~Vehicle condition~~;
4. NEMT Company general liability and automobile liability insurance;

N. Term of Certification of NEMT Vehicles. Certifications for NEMT Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

O. NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

P. Denial Appeal. If a NEMT Driver or NEMT Vehicle certification is denied, suspended or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

Q. Right to a Permit. The NEMT Company's ability to satisfy the criteria for a NEMT Company permit does not create a right to a NEMT Company permit.

R. Transferring Permits. Transferring permits shall be prohibited. The Company must immediately alert the City in the event ~~the~~ all or part of the business ownership and/or assets are transferred to another party.

S. Removal of NEMT Drivers and Vehicles from affiliated NEMT Company. NEMT Companies shall provide to the Director regular notification of affiliated NEMT Drivers that have been prohibited from providing NEMT Services by the affiliated NEMT Company and NEMT Vehicles that have been removed from the fleet of the affiliated NEMT Company.

T. Operating at the Port of Portland. NEMT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland Permit/Certification and specific permission or approval from the Port of Portland.

Failure to comply with this section is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.710 NEMT Services Permit Fees and Civil Penalty Fines.

A. Permit Fees. NEMT Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

B. Permit Issuance. No NEMT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

~~16.40.715 NEMT~~ 16.40.715 NEMT Company Insurance Requirements

A. In order to provide protection to the public, the NEMT Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

B. Providing NEMT Services. The NEMT vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the NEMT Company. Evidence of insurance requirements shall be received and approved by the City prior to a NEMT Company receiving a NEMT Company permit.

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E.C. Additional Insured and Notification of Policy Changes. The NEMT Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance

coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

~~F.D.~~ **F.D.** Ensuring Driver and Vehicle Insurance. NEMT Drivers shall be responsible for ensuring the NEMT Driver and NEMT Vehicle have appropriate insurance coverage as required by State law.

~~G.E.~~ **G.E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

~~H.F.~~ **H.F.** Commercial Business Insurance. NEMT Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.

~~I.G.~~ **I.G.** Automobile Insurance. All NEMT Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

1. Combined Single Limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.

~~J.H.~~ **J.H.** Certification of Auto Insurance. NEMT Companies shall provide proof of current, valid insurance for Director certification that all affiliated NEMT Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

I. Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

J. Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

K. Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance

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coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

M.K. Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

N.L. Additional Policy Conditions: Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for or comply with the following:

1. Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D - H. The same certificate of liability and additional insured endorsement requirements will apply.
2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

[Failure to comply with this section is Class A violation subject to penalties provided in Sections 16.40.930 to 16.40.950](#)

16.40.720 NEMT Company Operating Responsibilities and Prohibitions.

A. A permitted NEMT Company shall comply with all requirements and standards as defined in OAR 410-136-3000 or otherwise required by state or federal law.

~~B. Zero Tolerance for Drug and Alcohol Use and Discrimination and Discrimination. All permitted NEMT Companies shall employ at all times a Zero Tolerance Policy for intoxicants, and non-discrimination policy on the bases of based on a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable federal or state law, for all NEMT Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.~~
Zero Tolerance for Drug and Alcohol Use. All permitted NEMT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all NEMT Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation. Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Taxi Companies shall employ at all times a Zero Tolerance Policy for intoxicants, and adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin,

disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable local, state or federal law.

C. User Terms of Service. It must be stated within a disclaimer or limitation of liability in a NEMT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.

D. Fare Rate Transparency. In the event All-NEMT fare rates are billed directly to the passenger, fare rates shall be established by the NEMT Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for WAV service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be

submitted by the permitted NEMT Company and approved by the Director prior to implementation.

E. Receipts. In the event NEMT fare rates are billed directly to the passenger, aAll NEMT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of NEMT Company, NEMT Driver, NEMT Company customer service support contact information and the City of Portland's PFHT complaint phone number.

F. Limitation or Prohibition on Dynamic pricing. Dynamic pricing is prohibited at all times for NEMT service.

G. Agent of Service Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

H. Customer Service Support Requirements. NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

I. Reporting Requirements. Each NEMT Company shall regularly report the following to the Director:

1. The name of the driver, the date and timeReport of any crash and its claim status

that arise out of operating as an NEMT (open or closed) required to be reported to the State of Oregon;

2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated NEMT driver involving the operation of NEMT service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the NEMT Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.

J. ~~Data Requirements.~~

~~1. Any permitted NEMT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:~~

- ~~a. Number, date and time of fulfilled requests (including WAV);~~
- ~~b. Number, date and time of unfulfilled requests (including WAV);~~
- ~~c. Number, date and time of trips;~~
- ~~d. Trip origin zipcode;~~
- ~~e. Trip destination zipcode;~~
- ~~f. Trip wait time, and;~~
- ~~g. Trip duration and miles traveled.~~

~~2. NEMT Companies shall submit data, in aggregate form, pursuant to any applicable data sharing agreement with the City and permitted companies.~~

~~3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third~~

~~parties.~~

~~4. In the event disclosure of such data is required by law, the City will provide NEMT Companies notice prior to any disclosure of such data.~~

~~K.J. Upon request, the NEMT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.~~

~~L.K.~~ NEMT Company Records Management and Mandatory Compliance.

1. NEMT Companies will be required to keep documentation of all certified NEMT Drivers and NEMT Vehicles, as well as detailed records of all ~~trips~~ ~~trips~~. Such records shall be kept on file during the term of the NEMT Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, NEMT Company records shall be provided to the Director and/or law enforcement officers.

2. NEMT Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers ~~shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers~~ pursuant to Chapter 16.40.

Failure to comply with this section is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.725 NEMT Vehicle Certification Requirements

A. NEMT Vehicle Certification. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the

Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to being used to provide NEMT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Vehicle.

B. Term of Certified NEMT Vehicle. Certifications for NEMT Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The NEMT Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

C. Application Process. Applications for NEMT Vehicle certification shall be made

directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director a NEMT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a NEMT Vehicle, on a form approved by the Director.

D. Vehicle Registration, Licensing, and Insurance. All NEMT Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

E. Vehicle Age Requirements. No vehicle will be allowed to operate as a NEMT Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a NEMT Vehicle, [However, WAV vehicles that meet the requirements described in section 16.40.35 may apply for a Vehicle Age Exemption-](#)

F. Vehicle Safety Inspections. Each NEMT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

G. NEMT Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the NEMT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

H. Vehicle Condition. Each NEMT Vehicle shall meet the following requirements:

1. Be kept in safe condition and good repair;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher; and

4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

I. NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

16.40.730 NEMT Vehicle Operating Requirements and Prohibitions

A. No vehicle shall operate as a NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and properly displays a valid City of Portland Permit NEMT Driver.

B. Vehicle Registration, Insurance, and Business License. A non-digital ~~fax or photocopy~~ of the vehicle's registration and proof of insurance shall be kept in every NEMT Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a NEMT Driver's business license registration, when operating as an independent contractor, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

C. Identification of NEMT Vehicles. Every NEMT Vehicle shall meet the following identification requirements to operate as a NEMT Vehicle:

1. Using numbers and lettering no less than 3" in height, ~~e~~Every NEMT Vehicle must prominently display on both sides of the vehicle the following information:

- a. The full name of the NEMT Company;
- b. The company-assigned NEMT Vehicle number;
- c. The telephone number of the NEMT Company where services can be requested; and

d. the letters "NEMT."

The consumption of alcohol and smoking of any substance, including but not limited to e-cigarettes, vapor cigarettes or prescription drugs that may impair your ability to operate a vehicle safely, shall be prohibited in any NEMT Vehicle. ~~consumption any intoxicant or smoking of any substance shall be prohibited in any NEMT Vehicle.~~ Failure to comply with this section is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

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F. Vehicle Operating Conditions. In determining whether a NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

1. All NEMT Vehicle equipment and devices shall be properly equipped and maintained in good working order.
2. At all times, NEMT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
3. The NEMT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
4. NEMT Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
5. The NEMT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and ~~may shall only not~~ be equipped with studded tires when allowed by Oregon Law ~~studded tires outside the dates of November 1st and March 31st or pursuant to State law.~~
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

G. Mandatory Compliance. NEMT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

Unless otherwise noted, failure to comply with this section is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.735 NEMT Driver Certification Requirements

A. NEMT Driver Certification. When adding drivers, the NEMT Company shall

~~immediately~~ ~~regularly~~ provide a list of applicant drivers affiliated with the permitted NEMT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a permitted NEMT Company prior to operating a NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Driver. NEMT Companies shall regularly provide a ~~current~~ list of ~~all un~~-affiliated NEMT Drivers and NEMT Vehicles ~~when changes are made~~.

B. Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

C. Application Process. Applications for NEMT Driver certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director NEMT Driver and Vehicle Application Lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a NEMT Driver on a form approved by the Director.

D. NEMT Driver Criminal and Driving Background Checks. ~~A local, national and federal~~ ~~A local and national~~ criminal background check and driving history review of all drivers shall be ~~conducted~~ ~~completed~~ annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
3. ~~Dru Sjodin~~-National Sex Offender Public Registry.

E. NEMT Driver Criminal and Driving History Disqualifications. A driver will not be certified as a NEMT Driver and cannot provide NEMT Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;

3. The applicant is a match in the ~~Dru Sjodin~~ National Sex Offender Public Registry;

4. During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:

a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

~~5. Based on the conviction date, within a 3-year period the applicant had greater than 5 traffic violations as defined in ORS 801.557; more serious traffic violations as defined in ORS 801.477; more motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more of any combination of serious traffic violations or motor vehicle accidents as provided above;~~

~~6. Based on the conviction date, within a 3a 3-year period the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.~~

~~7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;~~

~~8. Based on the conviction date, during a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;~~
~~5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;~~

~~6. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;~~

~~7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;~~

~~8. During a 3-year period preceding the filing of the application, the applicant's PEHT driving privileges were revoked by the Director;~~

~~9. The applicant must have at least one year's worth of uninterrupted continuous driving experience with a valid driver's license in a United States jurisdiction. A driving history containing a single break of no longer than 7 calendar days will be considered continuous. The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;~~

~~10. The applicant is less than 21 years old; or~~

~~11. The applicant is unable to obtain car insurance for any reason.~~

F. All NEMT Driver Criminal and Driving Histories are subject to review by the Director.

G. NEMT Driver Training. NEMT Drivers shall successfully complete Director approved trainings ~~within 30 days of NEMT Driver certification by the Director~~ in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;

2. Vision Zero principles of traffic safety;

~~3. Portland area attractions, and;~~

~~3. Customer Service; and-~~

~~4. Other topics related to the industry~~

H. Insurance Requirements. All NEMT Drivers affiliated with a NEMT Company shall maintain current, valid automobile insurance that meets the State of Oregon requirements.

I. Business License Requirements. All NEMT Drivers operating as independent contractors affiliated with a NEMT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a NEMT Vehicle. Any NEMT Driver operating as independent contractors without a valid City of Portland Business License cannot be certified as a NEMT Driver and will not be allowed to operate as a NEMT Driver until such Business License is obtained.

J. NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant

drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to provide NEMT Services.

K. Suspension or Revocation of Certified NEMT Drivers. If a NEMT certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified and the driver shall be removed immediately; immediately. NEMT Drivers and NEMT Vehicles without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

Failure to comply with this section is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

16.40.740 NEMT Driver Conduct, Requirements and Prohibitions

A. Transferring Credentials. Transferring NEMT Driver or NEMT Vehicle credentials from one driver or vehicle to another shall be prohibited.

B. NEMT Drivers shall carry: Class C penalty

1. A non-digital fax or photo copy proof of NEMT Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a NEMT Driver;

2. a City of Portland Business License, when operating as an independent contractor as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a NEMT Driver. Upon request of the Director or law enforcement officer, NEMT Drivers shall present proof of a valid NEMT primary automobile insurance policy and vehicle registration; and

3. a valid state issued drivers~~driver's~~ license while operating as a NEMT Driver.

C. Driver Conduct. No NEMT Driver shall:

1. Allow another person to use his/her NEMT Driver certification

2. Drive or allow another person to drive a NEMT Vehicle without a valid driver's license and company certification or permit while the vehicle is being used to provide NEMT Services;

3. Operate any NEMT Vehicle while consuming, or while under the influence of

intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;

4. Operate any for-hire transportation vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger [or other community members](#) while operating a for-hire transportation vehicle;
7. Consume [any intoxicant, smoke any substance, or use any device that produces a smoke like vapor](#) ~~any intoxicant or smoke of any substance~~ while operating a NEMT Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any [substance, or use any device that produces a smoke like vapor](#) inside a NEMT Vehicle;
9. Defraud a passenger in any way;
10. Be discourteous to a passenger;
11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
13. Operate any NEMT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
14. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver, or;

~~15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period. Provide private for-hire services without a valid City of Portland permit or certification. Class B penalty~~
15.

D. Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

E. Street-Hails, Taxi Stands ~~and~~ Hotel Zones. ~~and Loading/Unloading Zones.~~

1. A NEMT Driver shall not accept street-hails, except as approved pursuant to

Sections 16.40.190, 16.40.290 and 16.40.490.

2. Other than for drop off, a NEMT Driver may not park a NEMT Vehicle in a Hotel Zone ~~or Loading/Unloading Zone~~ prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Section 16.40.140 and available for review by the Director or law enforcement officer;

F. Mandatory Compliance. NEMT ~~shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers~~ ~~Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers~~ pursuant to Chapter 16.40.

G. Driver Reporting. Every NEMT Driver shall report any of the following events to the Director and to all affiliated NEMT Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, ~~that occurs during, or arises out of, the driver's operation of a~~ ~~for hire transportation vehicle;~~
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

With the exception of subsection B of this section, which is a Class D violation, failure to comply with all other parts of this section is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950. The Director reserves the right to treat any one or combination of violations more seriously to include temporary suspension or permanent revocation.

Failure to comply with this section is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

~~H. Suspension or Revocation of Certified NEMT Drivers. If a NEMT Driver or NEMT Vehicle certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicle without current, valid certification by the Director shall not be allowed to operate as a NEMT~~

Driver or NEMT Vehicle.

16.40.745 Pedicab Services Permits Required.

A. The operation of a Pedicab or Quadricycle Company is a privilege and not a right. For Pedicab or Quadricycle Services to be provided in the City of Portland, the Pedicab or Quadricycle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Pedicab Vehicles and Pedicab and Quadricycle Company Drivers have met all certification and operating requirements. No permit issued pursuant to this chapter is required of a person who is operating a Pedicab or Quadricycle as an entry in a parade or otherwise permitted special event, where the Pedicab or Quadricycle entry is specifically noted and approved in said special event permit, and where the Pedicab or Quadricycle rides are not being offered on-demand or by reservation to members of the general public. In the case a Pedicab or Quadricycle is being used during a special event, the City shall be provided with the following:

1. Copy of the event permit.

1.2. A description defining the role of the Pedicab or Quadricycle during the parade.

A. Pedicab and Quadricycle Company Permit Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

B. Pedicab and Quadricycle Driver Certification Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Driver in the City of Portland without certification by the Director prior to

~~C.~~

being authorized to provide Pedicab or Quadricycle Services on behalf of an affiliated Pedicab and Quadricycle Company. Drivers not meeting all required conditions will not be certified as Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab or Quadricycle Driver. Failure to comply with this section shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

~~**D-B.**~~ Pedicab and Quadricycle ~~Vehicle~~ Vehicle Certification Requirements. No vehicle shall be operated to conduct business as a Pedicab or Quadricycle Vehicle in the City of Portland without certification by the Director prior to being used to provide Pedicab or Quadricycle services by an affiliated Pedicab or Quadricycle Company. Vehicles not meeting all required conditions will not be certified as Pedicab and Quadricycle Vehicle and will not be

allowed to operate as a Pedicab Vehicle. Failure to comply with this section shall be a [Class B](#) violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.750 Pedicab [and Quadricycle](#) Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

A. Application. An applicant for a Pedicab [or Quadricycle](#) Company permit shall submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
5. If the applicant Pedicab [or Quadricycle](#) Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant Pedicab [or Quadricycle](#) Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant Pedicab [or Quadricycle](#) Company’s Zero-Tolerance Drug [and Nondiscrimination](#) Policy;
8. The applicant Pedicab [or Quadricycle](#) Company contact information, and;
9. A nonrefundable application fee.

B. Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

C. Insurance. All Pedicab [and Quadricycle](#) Company permit holders shall comply with



1120 SW Fifth Avenue, Suite 1410 Portland, OR 97204 503.82.DRIVE (823.7483)
Fax 503.865.3022 TTY 503.823.6868 www.portlandoregon.gov/transportation

Steve Novick Commissioner Leah Treat Director

Name and Address

In the matter of violation of PCC chapter
16.40 by

Driver Title or Company Name

Notice of
Penalty
Opportunity to Request hearing

December 19, 2016

Re: Penalty for violation of section Code:

Dear Name:

This is a violation of the following regulations:

Regulation Cited

Per Portland City Code Civil Penalty Table 16.40.930, you are hereby assessed a for this violation.

Please Remit Payment to:
City of Portland - Accounting Division
1120 SW Fifth Ave, Suite 1250
Portland, OR 97204
(Check or money order only)

If you conclude that this determination is not consistent with City Code, you may request an appeal before a Code Hearings Officer under the provisions of Portland City Code Chapter 22.10. To arrange a hearing, your written request must be received within 10 calendar days of the date of this determination **and must include a description of what you believe makes this determination invalid along with copies of any evidence you wish to submit.** Hand-deliver your written request to:

City of Portland Code Hearings Office
1900 SW 4th Avenue
Room 3100
Portland, OR 97201

Monday – Friday from 8:30am to 12:00pm and 1:00pm to 4:30pm
<http://www.portlandoregon.gov/hearings/>
Phone 503-823-7307
Fax 503-823-4347

You will receive an acknowledgement from the Code Hearings Office if you submit an appeal request. Please note that if you request an appeal, the decision in this letter will be stayed (be in effect) until the Hearings Officer makes a final determination.

All appeal requests are subject to a fee of \$10 collected by the Hearings Office and payable by cash, check, credit and debit card (credit and debit will have a convenience fee added). You may request a low-income fee waiver at the time of your appeal submission.



Matthew Erickson | Private for-Hire Program Manager
City of Portland | Private for-Hire Transportation Program
1120 SW 5th Ave., Suite 1410 | Portland, OR 97204
Phone: 503.865.2486 | Fax: 503.279.2687

cc: Regulatory Specialist, Regulatory Program Specialist

PORTLAND PRIVATE FOR HIRE TRANSPORTATION ADVISORY COMMITTEE COMMUNICATIONS

11.18.16 - 12.19.16

Hi Fellow Committee Members,

I thought I would forward this link to you. It is somewhat similar to my proposal to the Committee to create a list of sexual related complaints that don't rise to the level of arrest.

I understand that the City attorney finds the idea not workable in Portland, so I'm not going to waste a lot of time working on this. I just wanted to let it be known that the NYC City Council is sponsoring this legislation.

Because these matters occur with only a driver and a passenger in the vehicle and ultimately result in a he said/she said standoff, they seldom rise to the level of arrest and conviction. Even if the existing company terminates the driver, he can easily move to another company and continue his abuse.

The proposed NYC legislation does not require companies to report initially, but eventually will come to that.

I especially like the line in the article that says "A ride in a taxi should not be an invitation to a sexual assault..."

Lastly, of all the protection afforded to passengers by the City, I suggest that very little reaches as high as efforts made in this area:

For example, we protect passengers from riding with a driver that...

-does not have a copy of a meter certification (or rough equivalent) in the car

-does not have a copy of a business license in the car

-hasn't handled their mail forwarding in a timely manner

...and yet these predators can move freely amongst permitted companies and continue to subject (mostly female) citizens to harassment or worse.

Steve Hext, General Manager

Broadway Cab

Direct: 503-727-6154

For Dispatch: 503-333-3333

8725 NE Emerson Street

Portland, OR 97220

From: Daniel Cranford

Sent: Monday, December 19, 2016 7:59 AM

To: Steve Hext <shext@broadwaycab.com>

Subject:

https://www.buzzfeed.com/charliewarzel/nyc-law-would-create-database-of-ride-hail-sexual-assaults?utm_term=.vsdLZV3vY#.am8gRkqxW

Thanks!

Daniel Cranford
Broadway Cab
Operations Manager

Kaleb, I the items you listed below are accurate. I took a shot at the two sections to get it started. Please take a look and let me know what you think. Please track your edits.

Mark Williams | Regulatory Division Manager

Hi Mark,

Sounds like you and I would need to connect Monday or Tuesday at the latest to review to the outstanding items from our call. I believe the outstanding items are:

1. Discuss language that captures/includes a company that's subsidizing a third party for WAV rides.
2. Flush out the language on the driver rating system.

I think that covers both outstanding items. Please let me know if I've missed anything.

Best,

Kaleb Miller
GM Portland