



DRAFT

PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE

MEETING SUMMARY

APRIL 24, 2017

3:00 PM – 5:30 PM

Portland Building, 1120 SW 5th Avenue
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	No
Tamara Kennedy-Hill	Travel Portland	Yes
Joe Vanderveer	Portland Commission on Disabilities	No
Myra Sicilia	At-large Disability Community Representative	No
Idris Khoshnaw	Shuttle Driver	Yes
Steve Hext, Vice Chair	Broadway Cab	Yes
Kaleb Miller	Lyft	No
Vacant	TNC driver	
Michael Holland	Northwest Towncar	No
Kamaran Darbandi	GelIndar Airport Shuttle	No
John Case (phone)	Classic Chauffeur	No
Skyler Lanning	Wildwood Adventures	Yes
Andrea Lins	Brewcycle	Yes
Kirk Foster	Wapato Shores	Yes
Jonathan Bolden Sr.	Fiesta Towncar	Yes
Mark Leutwiler	Port of Portland	Yes
Vacant	Taxi Driver	
Margo Moore	TriMet-Accessible Transportation	No

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

Other Attendees: Mary Coleman, Tracy M. Smith, Darin Campbell, Rachel Greenburg, Matt Neururer, David Galat, Teal Abel, Abdul Salad, Gutama Jura, Amy Ruiz, Bonso, Steve Entler, Gimachou (sp?)

INTRODUCTIONS AND REVIEW OF MEETING AGENDA: MIKE GREENFIELD, CHAIR

Chair Greenfield called the meeting to order at 3:02 PM. There was not a quorum present at the beginning of the meeting. The Advisory Committee members, guests and staff introduced themselves. Today's meeting agenda included State legislation update, investigation update, accessible transportation program status, NEMT code revisions, permit categories and fees, reimbursement for taxi cameras, City-Port coordination issues and a budget overview. The meeting was also to take public comment.

HOUSEKEEPING ITEMS: JIM OWENS

- There are 3 vacancies on the committee; disabilities representative, TNC and taxi driver representatives.
- Communication Received None received
- Schedule of Future Meetings
The next meeting will be May 22, 2017 and June 26, 2017 at 3 PM.
- Other Housekeeping Business:
- Chair Greenfield welcomed Traci Smith, the future facilitator for the Advisory Committee.

ANNOUNCEMENTS FROM MEMBERS:

- Mark Leutwiler told the Advisory Committee that new buildings are coming up at NE 82nd/Airport Way with a variety of businesses, including a gas station, car wash, convenience store.

APPROVAL OF MEETING SUMMARY:

ACTION: Approved by acclamation of the meeting summary.

VOTE: **Unanimous approval of meeting** summary of February 23, 2017.

PROGRAM STAFF REPORT: MARK WILLIAMS, PBOT

- Program Status Report: A newsletter about PFHT program is now being sent out to those who sign up for it online. He asked that people submit ideas for the newsletter content.
- In response to the software RFP, a vendor is going through the procurement process now. The software will allow online certification, updating of information, permit expiration reminders, a complaint system, and other administrative services for PFHT.
 - Khoshnaw: Currently detail is lacking on bills from the City to providers. Will there be ability to see bills and detail online? *Williams: PBOT will be sending out their own bills in the future, not through the City's Administrative Services department. Having their own billing system will allow for details to be provided.*
- Proposed Upcoming Agenda Topics None
- Other Matters : None

PUBLIC COMMENT-NON-AGENDA: MIKE GREENFIELD, CHAIR

- None

STATE LEGISLATION UPDATE: JIM OWENS, FACILITATOR

- There were 5 bills in the legislature related to for-hire transportation. Copies of the bills were sent to the Advisory Committee members. None of the bills are being considered any further. Chair Greenfield explained how people can go online to the Legislative web site and search and follow the actions on all legislation at the State.

INVESTIGATION UPDATE- MARK WILLIAMS, PBOT

- There is an ongoing investigation into "Greyball", software that may be used by TNC provider(s) to evade enforcement of compliance issues.
- Questions: Lanning: Is this something that is illegal or immoral? *Williams: Based upon the adopted 2016 code, if Greyball was used after that, it may be illegal.*

ACCESSIBLE TRANSPORTATION PROGRAM STATUS REPORT: MARK WILLIAMS, PBOT

- Proposed Dispatch Program: Consensus of the subcommittee was to move forward with recommendations and use a staff dispatch service, until technological dispatch remedy is available. All drivers would have to attend training and go through the dispatch system to get reimbursement for the subsidy. With the system, accurate data will be more easily collectible. In the future Mr. Williams hopes that there will be more use of technology for this program. An RFP for the dispatch service will likely be launched next week. Please forward the RFP to any providers that may be interested.

NEMT CODE REVISIONS – JIM OWENS, FACILITATOR

Report from Subcommittee: The subcommittee met several times over the last few months, reviewing the entire NEMT code provisions. Two items were sent to the Advisory Committee; a marked up copy for the changes, and a clean version of the same changes. Included are clarifying definitions, cleaned up code to be consistent with other PFHT code sections.

- Foster still had a concern that changing the regulations related to banning drivers getting 2 or more tickets in a year. He feels it is too strict. Otherwise he didn't have any other objections.
- Hext: Asked if the two separate parts of the NEMT code changes and permitting will be before the Advisory Committee.
 - *Williams said that there are still some portions of the code that need revision to be consistent with other parts of the for-hire codes.*
 - *Greenfield stated that there will be separate agenda items to review and vote on code changes and permitting.*

Questions:

- Lanning: On page 5, Section 16.40.710 “, referring to permit fees, are we referencing the committees proposal from 4/24/17, the subcommittees proposal? It states it may be modified.
 - *Owens: We want to have a separate discussion on this later on in the agenda. The subcommittee identified some options but wanted to move forward and not hold up the code amendment package. Permitting approach will be a different discussion.*
- Lanning: So the subcommittee's approach is to move on with this code language and have a separate discussion on fees?

Williams: Yes. Rates and fees are in another section of the code, not this one.

- Public Comment
 - None

ACTION: Motion by Lanning/Foster seconded, motion to approve the recommendations of the NEMT as proposed.

- Hext: For the record, he will vote against it because it is too large a policy change in the historical code and financial burden to providers. He re-proposed that all language that excludes other classes (of providers), i.e. taxis. He will not argue out in Committee. He submitted written testimony to Jim Owens for the record. Hext gave an historical overview of the provision of NEMT services.
 - Lanning asked Hext what specific provisions he opposes.
 - Hext: Spoke about historical inequities in the NEMT program, past solutions and the current proposals which will harm the taxi industry.

VOTE: 6 Aye, 1 Opposed, 0 Abstentions MOTION APPROVED

PERMIT CATEGORIES AND FEES- MARK WILLIAMS, PBOT

- Williams confirmed the history of the provision of SAT/NEMT service. Other types of SAT companies formed and paid NEMT permit, vehicle and driver fees. Fees are charged now to the consumer with the \$.50 surcharge. Now NEMT providers, but not taxi's, pay fees to the City. Taxis as subject to the surcharge. For equity, Williams sees a market for NEMT services. Taxi companies can provide these services under the current code without paying additional fees. He asked Hext to clarify his proposal.

- Hext clarified payment history. He proposes City collects fees from passengers, like they have since 1939.
 - *Williams: The City doesn't collect fees from passengers. His position is that if Taxi & TNC's provide NEMT service, they should pay the NEMT permit fee. Various options have been proposed:*
 1. A prorated payment of 25% of fees
 2. No payment of fees, but permit is required, with driver training
 3. Dedicated fleet dictates the fee due to the City.
 4. A prorated fee based on the number of NEMT rides provided in the previous year, based on collected data.

Discussion

- Khoshnaw: What about shuttles providing NEMT services? Would they pay fees?
 - *Williams: If the committee decides in their recommendation that taxis can provide this service under existing taxi fee, if a shuttle company provides NEMT services, fees should similarly be paid.*
 - *Greenfield: This is a general discussion. A more detailed discussion should be held at the next meeting.*
 - *Owens: The subcommittee struggled with this because federal law precludes NEMT providers from charging a surcharge.*
- Lanning: Option 5 is what came out of the subcommittee. Is the subcommittee at odds with their recommendation decision?
 - *Hext: We (taxi companies) are on different sides from the City. Taxis always have provided NEMT service and will continue. Now the City is proposing a monthly per trip fee to incorporate TNCs, which increased the costs. There are a lot of part time taxi vehicles providing the NEMT service. Cab companies are now paying over \$850/year/vehicle, instead of the past \$650/year/vehicle. City is seeking an increase of another \$250.00. A year and half ago, nobody argued about this. It is the City's contention that passengers are paying the additional fee and that nothing has changed.*
- Lanning: To clarify, for taxis, it's not 100% NEMT service. It may be 60%/40% regular taxi service and NEMT.
- Greenfield: Sought to clarify the payment scenario. TNCs needed to pay for the regulatory accessible transportation. The original proposal for taxis was payment of the full licensing fee for the NEMT. The surcharge was implemented to help cover the cost of underwriting the full cost of provision of wheelchair accessible vehicles. The challenge is how do to fairly assess and subsidize wheelchair accessible vehicles? The recommendation is assessing data over a year and charging a fee based on the percentage of WAV rides provided (Option 5).
- Lanning: Has the City assessed the cost to implement this proposal?
 - *Williams: Once a year collection of data makes it more cost effective.*
- Lins: What happens to the surcharge after the costs are recouped? It's a pass-through expense. The cost of business is the permit fee. What's the difference between paying the \$650 and the surcharge? It should all be passed to the consumer.
 - *Hext: If this is a regulatory fee increase, taxi companies don't have extra money lying around. Yes, it ultimately comes from the customer.*
- Cheron: Taxis act as NEMT provider of services; their services are subcontracted.

- Foster: Brokers assigns ride to providers. Ride Connection acts as a broker. Broadway Cab, Wapato Shores act as subcontractors. No one addressed the fact that taxis can't charge surcharge for NEMT rides, so the City doesn't get revenue for these services, unless there is a per vehicle fee (for contract work). The subcommittee proposal was an attempt to capture money from the taxis for the NEMT rides as they forego the surcharge of a hailed ride during the time serving as a NEMT. The proposal was a compromise for a more equitable option; hence the fee for a prorated share of rides.
 - *Owens: This has been a complicated topic to try to resolve. We tried to come up with a way to allow companies to provide both types of services. Alternatively, providers can provide one type of service exclusively.*
- Greenfield: Is there any objection to having discussion and taking action at the next meeting? The discussion and action would be on Option 5. Details of Option 5 are to be brought forth by the City.
- No objection to the future discussion and action was presented.

REIMBURSEMENTS TO TAXI COMPANIES FOR CAMERAS – MARK WILLIAMS, PBOT

- Steve Entler was invited to come speak about the cameras in vehicles topic. There was no staff report today. Mark Williams will work with Steve Hext on a staff report for the next meeting on this topic. Hext stated that there may be an issue of obsolescence for certain cameras.

CITY-PORT COORDINATION ISSUES-MARK LEUTWILER, PORT OF PORTLAND

Back in December and January, Leutwiler said there were 7 or 8 inclement weather incidents that affected the Port and City. He wanted to share the impacts on the Port. Ground transportation service fell short during the storms. Passengers were waiting at 3:30 AM for taxi and shuttle rides. He questioned what was happening in the City during this time. He didn't see taxis, shuttles or other services on the road with chains during this time. Did drivers not have chains or studded tires? Service fell very short of expectations. Is there a way to better plan for the future winters?

- Entler: The roads were a mess. He pointed out that PBOT was not functioning at their best to get the roads passable. Just getting out of driveways was a challenge for providers/drivers.
- Foster: said it was a cost issue for his company, Wapato Shores. They put studded tires on their vehicles as they provide life-sustaining transportation services. It was a huge cost and loss to his company. Snow tires are a huge investment for rare events. Advance planning is important, though costly. We can't charge more for this. Companies have to be willing to invest in the equipment.
- Khoshnaw: Even with snow tires or chains, it takes 5 hours to drive from Beaverton to the airport. Most companies didn't want to risk the extended time or potential damage to their vehicles from other cars. Also, the aftermath is broken windshields from gravel on the road. He also mentioned the need for a warning before being issued citations for any vehicle infractions.
- Bolden: He was disturbed by how the City handled the roads during the snow storms. There was no difference in the roads after Seattle Department of Transportation (SDOT) came down to help the city of Portland. He wants to see more use of salt and less of gravel. He had two windshields that got cracked.
 - *Williams: Oregon Department of Transportation (ODOT) handles all the state highways and Multnomah County handles the bridges. Cracked windows are considered a safety issue, so should be repaired as soon as possible.*

Public Comment

- Abdul Salad: Taxi companies are being underrepresented on this Advisory Committee. You need to hear from us. With regard to the weather, taxi drivers are trying to do their best, but the road conditions were severe and difficult.
- Campbell: It is up to the owner/operator drivers whether to put studded tires on their cars or not. It is a \$600-700 expense to put those on and have to be installed early in the season. The cost never paid off for him. The risk of being on the road, even with studded tires, is great. He got a ticket for going through a red light on the ice. During the weather events, medical trips were prioritized for patients and medical personnel during the storms.
 - *Greenfield: Do you want to get into the issue of fare refusal now?*
 - *Jim Owens: Maybe we should frame it now and bring it up at a future meeting.*
- Leutwiler thanked those who spoke up on the weather.
- Leutwiler: Taxi vs. TNCs issue at the airport--taxis are now allowed on a rotation basis at the airport, but TNCs don't have to rotate and can be there daily. There are currently early discussions taking place with taxi companies and TNCs on this issue.
- Owens: There are also two other topics that need to be discussed. He asked Leutwiler to frame these issues.
- Leutwiler: There has been an uptick in fare refusals by drivers at the airport.
 - *Williams: There has been the same issue in downtown. There have been reports, but no enforcement as yet.*
 - *Greenfield: It doesn't sound like a policy advisory issue for the Advisory Committee to address.*
- Khoshnaw: There is a vacancy for the taxi and TNC representatives. We need to get these people on board the Advisory Committee as soon as possible.
- Lanning: Taxi drivers represent a disproportionate number of transportation vehicles, versus companies.
 - *Williams: City Council set the composition of the Advisory Committee for representatives of each industry. Council wanted to see a driver representative as many drivers are from immigrant communities and different cultures and they need to be represented.*
- Greenfield thanked those that testified about the weather events and for their provision of services during that time.
- Owens: At the next meeting will discuss the taxi and TNC rotation issue at the airport.

PFHT BUDGET OVERVIEW –MARK WILLIAMS, PBOT

Dave Benson will be at the next meeting. City Council will not object to ride fees per Mark Williams. The City will take on translation of key for-hire documents in a variety of languages.

- Entler: There is money coming in, but PBOT is hiring more and more people being hired for enforcement, using the funds.
 - *Williams: Historically, the large taxi companies asked for more enforcement, so that is what is being done. He said he is proud of what is being done on enforcement, but there is still a lot to be done. We're out there and you know we are out there doing our job. Citations are up.*
 - Entler claimed that the same drivers are targeted repeatedly.

- *Williams: Without technology, there may be duplicate inspections. With TNCs, you never know who you will be getting, so chances of repeat inspections are not as great.*
- Entler: Since drivers use different vehicles, many times they can't find the paperwork in a new vehicle. How much of a safety violation is that to not have a City of Portland business license?
- *Williams: You'll have to ask City Council that question.*
- Entler: At the airport there are often unlicensed TNC drivers.
 - *Williams: We have to catch them in act of picking up passengers. We can't do anything unless we see them do that.*
- Bolden: Does a limo driver need a City of Portland business license. Does my permit have to be on the dashboard?
 - *Williams: Permits must be displayed, and business license just needs to be in the car or on the driver's person. Taxi drivers have to display their permit. Limo drivers need to have the permit in the car, but not necessarily displayed.*

OTHER BUSINESS-JIM OWENS/MARK WILLIAMS

- Abdul Salad: Regulatory inspections are getting to be a pain. Due to increasing traffic, it is harder to get to customers within a 30-minute timeline. When in traffic, it is out of the driver's control. Citations are expensive to companies. Drivers are facing many issues, and many drivers are from different cultures and unable to express their concerns. You need to provide a way for them to express their day-to-day concerns.
- Jura: He said it is hard to ensure all vehicles and drivers are meeting all the requirements. He has a new company. He wants a change in the way inspections are done now. Drivers are sitting waiting for fares. They are getting low-balled on fares. His drivers cannot afford the fines.
 - *Williams: Responded to testimony on inspections. To his knowledge there have not been fines for over 30-minute response times. Often when an inspector calls, they get no answer from a cab company. If the City calls and the companies don't meet the requirements, then the City will enforce.*

THE CHAIR ADJOURNED THE BUSINESS MEETING AT 4:50 PM.

NEXT MEETING: MAY 22, 2017, 3:00 PM, Portland Building.

Respectfully submitted, P. Elise Scolnick