

TNC DRIVERS ADVISORY COMMITTEE
FINAL DRAFT MEETING SUMMARY
September 14, 2020 • 3:30 PM – 5:00 PM
Via Zoom Call

Advisory Committee Members	Organization	Present
Mark Williams	TNC Program Manager, PBOT (non-voting member)	Yes
Alma Raya, Vice Chair	At Large Member of the Public	Yes
Vacant	At Large Member of the Public	
Chuck Coleman	At Large Member of the Public	Yes
Vacant	TNC Driver	
Duane Hanson, Chair	TNC Driver	Yes
Alan Doud	TNC Driver	No
Orlando Lopez Bautista	TNC Driver	Yes
Mario Salazar	TNC Driver	Yes
Stephanie Strahan	TNC Driver	No
Hank Kaplan	Bennett Hartman Attorneys at Law, LLP	Yes
Sally LaJoie	LaJoie Mediation and Consulting, LLC	Yes
Leah Bazzani	Bennett Hartman Attorneys at Law, LLP Intakes	Yes
Eliot Rose	Metro	No
Debbie Brooks	Port of Portland	Yes
Caleb Weaver	Uber	Yes
Anna Richter Taylor	Uber	Yes
Richard Fedesco	Moda Center/Trailblazers	Yes
Ken Puckett	Providence Park/Portland Timbers	No
Dave Benson	PBOT Parking Group Manager	Yes
Matthew Erickson	Private for-Hire Program Manager	No
Saffy Chan	PBOT	Yes
Tracy M. Smith, Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza, Recorder	Inhance LLC	Yes

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Other Attendees: Dave White, Climate Change Truth inc.; Karen Christensen, Port of Portland; Owen Christofferson, Uber/Lyft; Efren Zamudio, Strategies 360.

INTRODUCTIONS AND REVIEW OF MEETING AGENDA: TRACY M. SMITH, FACILITATOR

- Tracy called the meeting to order at 3:30 PM

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: TRACY M. SMITH, FACILITATOR

- No announcements from Committee members.

APPROVAL of 06/30/2020 MEETING SUMMARIES: DUANE HANSON, CHAIR

- No revisions or objections made to the June 30, 2020, Meeting Summary.

VOTE: Unanimous approval.

ACTION: No action taken.

TECHNICAL ADVISORY PANEL & PUBLIC COMMENT: DUANE HANSON, CHAIR

- Caleb Weaver: This pandemic has sharpened focus on the discussion over benefits and protections for Rideshare drivers and has made clear the gap that exists in the social safety net for riders and drivers. Last month, Uber put forth an announcement and policy framework that would establish a new system that benefits worker protections for drivers. Uber wants it to be clear that they believe this is an issue that needs to be tackled from both companies working in conjunction with the government. We believe there's a series of policies that can and should be established to ensure that all drivers have access to worker's compensation or a worker's compensation equivalent for any injuries on the job. We believe people doing this work ought to have a benefits pool and I can share more information with the Committee. I want to emphasize it is a general framework and we are a global company and implementing this would be done in cooperation with the state government but also with local governments as well.
 - Duane Hanson: What is a benefit pool?
 - Caleb Weaver: Contributions would go into a benefit account to purchase a variety of different benefits. It's taking existing models in other industries and making the benefit proportional to the work that's done therefore creating a benefits pool that would be sufficient to offset the cost of health insurance, if that's what they needed, or retirement contributions.
 - Duane Hanson: So, similar to Medicare or Medicaid?
 - Caleb Weaver: It could be, however, creating that benefits account could be flexible to the needs of the driver.
 - Tracy M. Smith: Caleb, send me that information, and I'll email it to the Committee and Technical Advisory Panel (TAP).
- Caleb Weaver: Last week an Uber announcement was made on a global commitment to reduce the climate impact for-hire transportation, similar to Lyft's commitment, to become an all-electric fleet by 2040. We have committed to making \$800 million in resources available to drivers to help transition to

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electric vehicles (EVs) in the next five years. In addition to drivers in the U.S. and Canada who drive electric or hybrid vehicles, drivers will receive an extra \$.50 for every Uber Green they complete, and riders can choose. For drivers with zero-emission vehicles, they will receive an additional \$1.00 totaling a \$1.50 for every Uber Green trip. These are the steps Uber's taking in the next decade or two.

- Duane Hanson: Will this \$800 million pool be made available to drivers effective immediately?
- Caleb Weaver: Yes, we're starting on that immediately and it won't be in the form of money, but here in the U.S., General Motors (GM) will make the Volt available at a discount to drivers.
- Dave White: I drive for Uber and Lyft and transitioning to EVs will have zero impact on the atmospheric CO2 rise. We've been working on emissions on CO2 for 30 years and there's no effect for the \$2.8 trillion we've wasted working on emissions. The atmospheric CO2 going up has nothing to do with the emissions of CO2, but the massive loss of photosynthesis. There used to be 390 billion tons of photosynthesis, but now only have 8.6 billion tons left which are the sole reason why atmospheric CO2 is going up. If Uber wants to spend money, they should spend money planting more trees and that'll consume the CO2 in the atmosphere. Please review the included PDF.

PBOT PROGRAM UPDATES: MARK WILLIAMS, PBOT

- **Committee Vacancy Updates:** We have two open vacancies and have completed the primary screening. We anticipate both positions being filled by the next meeting.
- **Reporting Road Hazards:** PBOT provided a phone number and email address to report road hazards. There's also access with your smartphone to pinpoint the hazard and those responsible for cleaning up the debris and potholes would be directed to the exact location. If there are any questions, reach out to me.
- **Updated Reporting Information:** 24/7 hotline for maintenance and repair issues. Call 503-823-1700; email PDXroads@portlandoregon.gov
Or report concerns online or on smartphone using PDXReporter.org
 - Duane Hanson: Would the smartphone access be similar to the Waze app when you click yes when a pothole is sited, would it be that simple?
 - Mark Williams: We'll let you all know exactly how it works.
 - Duane Hanson: It sounds like it'd be a great benefit, thank you.

BENEFITS AND COMPENSATION SURVEY: ALMA RAYA, VICE CHAIR

- In the last meeting, we reviewed the survey from the Benefits and Compensation Subcommittee. A lot of changes have happened from the pandemic and now fires, and we understand that questions had to be re-worded to fit the circumstances for most drivers now. Last week the survey was sent to the Committee to review and the only way this will work is if drivers fill it out with the most accurate information. A reminder that the survey is confidential, but if any drivers have a great way of tracking their expenses and miles, we'd like to continue that conversation and it'll be optional for the driver to provide their contact information.

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- Tracy M. Smith: Reminder we also want to determine a launch date and prenotification postcards and email dates. Our goal is to get as many drivers to participate in this survey and am hoping that prenotifications will help increase that participation rate.
- Mark Williams: The survey will also be translated into the 10 Safe Harbor languages.
- Duane Hanson: Do we have proposed dates for the launch?
 - Mark Williams: We discussed October 2020 to allow time for printing and mailing of postcards. We now have firmer dates on how long it'll take P&D to print the cards, which could be 7-10 days to print. The Committee also needs to consider how much time to allow for the postal delivery of prenotifications before we launch the email survey. I suggest looking after the second week of October, so we'll have the survey translated into the 10 Safe Harbor languages and have postcards printed.
 - Alma Raya: I suggest the postcard be sent a week to ten days in advance, so we don't have too much time in between where people may forget they received a postcard.
- Duane Hanson: What if we waited until after the presidential election on November 3, 2020, to allow for more revisions since I found out that drivers can view their earnings further than a week. I apologize for that misinformation; however, we could now include the questions we omitted back into the survey. I suggest getting the election behind us before launching the survey.
 - Alma Raya: At this point that makes sense since those they have evacuated their homes and may need to still figure out their mail.
 - Duane Hanson: I suggest Friday, November 6, 2020.
 - Tracy M. Smith: There are no objections, so we'll update those dates into our project plan.
 - Mark Williams: And that allows us plenty of time to complete our tasks.
- Alma Raya: Did Committee members get a chance to review the survey? Since we're extending the deadline, could members still take the survey?
 - Tracy M. Smith: I recommend adding Duane's revisions to the survey and then inform John Horvick to send out a second test link. I'll email Duane tomorrow to get your comments/changes and copy everyone on that email.
- Caleb Weaver: I have technical comments on the survey to bring to your attention to get you valuable information. The Xchange Leasing program is no more. I have verified this with my team and there are no drivers in Portland that have a vehicle through that program. Lyft has a program called Express Drive which is available, but no one will respond Yes to that question.
 - Duane Hanson: Caleb, send that link to Tracy M. Smith to distribute to John Horvick and the Subcommittee.
- Caleb Weaver: Regarding Question 15, the answer would be "No" because neither Uber nor Lyft provides that information before a trip unless there's a surcharge in place, but no estimate is provided upfront. It's your discretion to include that, but the answer will probably be No since there's nothing there. Duane mentioned the weekly earning summaries are available from the time someone starts and

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both companies send out yearly earning summaries, which drivers can refer to answer some of these questions.

- To avoid confusion, the word “deactivation” to the company, refers to being permanently let go. To avoid confusion, terms like “losing access” or “access suspended” seem more appropriate language for what the question seems to be implying.
- On Question 7, there were some non-Rideshare options listed as being Rideshare such as Uber Eats which is food delivery.
- Mark Williams: Caleb raised a valid point and we may need to rephrase some questions, which is why we wanted to share it with the TAP to make any comments.
- Tracy M. Smith: I’ll summarize Caleb’s comments and email everyone.
 - Duane Hanson: Could Caleb help rewrite that deactivation question?
 - Caleb Weaver: Yes, I’d be glad to and appreciate hearing wanting to get as much participation from drivers and feel it is important to get good results. We’re not looking to get involved or control the survey, but if we can help out, we’re happy to.
- Tracy M. Smith: Caleb, please send me any additional comments and I’ll email it out.

OMBUDS REPORT: SALLY LAJOIE, OMBUDSPERSON

- Third report filed with 16 complaints from June 2020 to the end of August 2020 with three additional complaints since the report was filed. We are getting a better mechanism with the company reps we’re working with and now have a process with Lyft receiving information, which is progress.

There are new areas of complaints including PPE’s and wanting to use a shield instead of wearing a face covering. One complaint was a driver having to purchase their own PPE and not receiving it from the company, which has not been resolved. And a complaint where the driver wanted to use a shield instead of wearing a mask did get resolved. Also, through our process, we’ve seen a spike in fraud with three new complaints where either their account was hacked, or money wasn’t transferred.

Areas we are not seeing resolution that the drivers want, are deactivations or disputes regarding drivers’ records. Several drivers had disputes with the entity that cited them for their infraction, rather than the TNC company. And unfortunately, we weren’t able to help them, but only to confirm it was accurate on their record and to inform them when they could reapply.

Deactivations from rider complaints typically result in closure of our file, we have not had the ability to resolve as the the drivers want. There were four deactivation complaints: 1) complaint from an Uber Eats driver, unfortunately not within the scope of the Ombuds program as it is just for drivers with passengers, 2) a complaint on getting low ratings, 3) a rider complaint where the driver disagreed, and lastly, 4) a lengthy complaint with an intoxicated rider starting conversations around protests and the driver having a very different report than the rider. We’ve haven’t been able to resolve most of these deactivations, other than help present the driver’s version of events to the companies and unfortunately don’t always have enough information or process. We’re doing what we can within the range that we have.

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Three complaints were for compensation: 1) a driver not receiving a promotion that was geographically limited, complaint closed. 2) Complaint on how service fees are calculated, the complaint remains open. This complaint has become more about the accessibility of understanding people's service fees and lack of transparency. 3) Complaint on not being able to accept cash "tips" but may have been mistaken for cash "trips," complaint closed. And our oldest complaint deals with the DMV and drivers downgrading from a CDL, which I believe PBOT is working with DMV to get codes, therefore the case remains open.

None of the complaints are the same, but there's a common theme with frustration and feeling that the drivers are not believed. Drivers feel like decisions are already made when it comes to rider complaints, which makes it hard for drivers to prove otherwise. This leads to our recommendations, such as dashcams which can help avoid rider complaints or deactivations. Anything can lead to a rider complaint, so being ahead of it and having that accessibility to dashcams could enhance safety programs and both rider and driver could feel secure during transport. We also had some procedural suggestions on page eight of the Ombuds Report since the Lyft services fees were difficult to understand. And lastly, we had a recommendation to have a 24-hour service line for true emergencies (not appropriate for emergency/911), such as someone hacking into a driver's account, withdrawing money, and not being able to contact the company to get their account shut down.

Last week Duane, Alma, Leah, and I reviewed all recommendations made from January 2020 to now. Not taking away from driver's recommendations, there was a Topic Submission submitted that we'll discuss today mandating pay rates through a contract before accessing the drive with 30 days to consider contracts before signing.

- Orlando Lopez Bautista: In terms of the people's small claims, is there any follow up to see the outcome?
 - Sally LaJoie: We've thought about contacting those we've given materials to, but a simple inquiry would be good for our team to track. We've reached out to one driver who expressed they were going to pursue it but was overseas and we've only recently received a response that they were interested in pursuing. Many people have not pursued arbitration or small claims, but it would be interesting to see, because we don't get any notifications unless they notify us voluntarily.
 - Orlando: I'm curious to see if those that were deactivated or lost access if they pursued it or just looked for another job?
 - Sally LaJoie: We can report on that at the next meeting.
- Chuck Coleman: Thank you Ombuds team for your spectacular work and being an incredibly valuable asset to this Committee. It's stressing seeing drivers get hurt financially when a rider makes a complaint and they're immediately suspended without getting paid with no options of defending themselves. This may be something the Committee should consider discussing in the future.
 - Sally LaJoie: The report talks about people who have been deactivated, but we haven't followed up with drivers who were suspended because most people that contact us are already permanently deactivated. We don't hear from people who had significant rider complaints who weren't deactivated for example, for the three days of lost pay during an investigation. Basically, within that

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grouping, it'd be interesting to know how often people are suspended and reactivated where we can have a sample of lost pay. We can ask the company what their process is and if there are categories of complaints that lead to that.

- Caleb Weaver: We'd be happy to have conversations with Sally and the Committee, but this is one of the hardest components in operating this business. Removing a driver's access is the last thing we want to do because from a business perspective it costs us money. Our biggest expense, outside of COVID times, is getting new drivers to sign up and drive. When removing someone, it is a bad business decision and only does so in urgent circumstances where there's a safety component that requires some concern. And in time of suspension, it is used to see if the allegation can be corroborated or disproved. A very significant percentage of complaints are made by drivers about riders, where we do have community standards that can prevent rider access to the app as well.
 - Sally LaJoie: You mentioned the only time they're deactivated is for a safety component?
 - Caleb Weaver: If the deactivation is urgent and without warning, it will be due to a safety concern such as drunk driving, physical harm or assault, or dangerous driving. We'll be happy to discuss in more detail about when those deactivations are.
- Alma Raya: Is this up to the discretion of whoever's working? Is there a survey question for people to fill out when they have a complaint because I've heard other stories not related to safety?
 - Caleb Weaver: There's a very strict criterion the customer service uses when a complaint comes in and everything is categorized. So yes, a person reviews it, but it does go through a decision matrix that's been laid out and no one will ever permanently lose access without a human review.
- Chuck Coleman: If someone has a serious allegation and has proof on their dashcam, does it get reviewed?
 - Caleb Weaver: Yes, we want all available information.
- Tracy M. Smith: Recommend if this topic needs an additional conversation to complete a Topic Submission for future meetings.

AGENDA ITEM

DISCUSSION ITEM: REVISED SERVICE AGREEMENT LEADING TO DIMINISHED COMPENSATION: DUANE HANSON, CHAIR

- When you're ready to get online to start driving and a pop-up shows stating the company has improvised the terms of your service and to drive that day you must accept. The drivers either accept right away or read through the 40-page contract, which most don't do, and then don't realize they've just accepted a 10% drop in pay. It's repeatedly come up from drivers and I wanted to get a dialogue started with this Committee.
 - Chuck Coleman: I've had that happen to me and if I took the time to read it'd take forever. I'm not a lawyer and don't always understand half of what I'm reading. It boils down to supply and demand and as long as people keep signing up and willing to work for fewer wages all that does is drive wages down.

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- Mario Salazar: This happens all the time and if we don't accept those new agreements, we can't continue to drive.
- Duane Hanson: It is frustrating and what could be done about it?
- Orlando Lopez Bautista: You don't have an option to review it beforehand and your only option is to accept so you can start working and if you don't then you can't earn anything.
- Duane Hanson: Let's backtrack to the dashcams and the companies providing it. Perhaps it could be available to us for a low rate like when we're picking up our first aid kit and fire extinguisher. Our first check could pay for the dashcam and with it in the vehicle could eliminate all these problems. In my opinion, it's like damage control for riders to see the camera they wouldn't try anything knowing they were being recorded.
- Tracy M. Smith: Will the Committee, in a future meeting, want to take further action on this?
- Mark Williams: If the Committee wants to make a formal recommendation to the bureau director, they can choose to move to discuss this recommendation to the next meeting, have a formal vote, and take public comment on that recommendation.
 - Duane Hanson: I'd like to see the new service agreements move forward, but I'd also like to see the options from the Ombuds program. Regarding options for mandating the companies engage in the process review with the TNC Ombudsperson when a complaint is filed. I'm unsure if that's happening, but there's a lack of transparency and would like to see a process.
 - Alma Raya: Agree and seems straight forward if we could have a vote for both today.
- Sally LaJoie: When you have that discussion, maybe you want to discuss what "engage in a process review" is and what's required.
 - Mark Williams: I suggest that the Committee come back with specific language so for those that want to make public comment know what we're asking the bureau director to consider.
- Motion to move forward to discuss the amendment to the service agreements.
 - No objections. APPROVED.
- Motion to move forward to discuss to mandate the company's process review with the TNC Ombuds when a complaint is filed.
 - No objections. APPROVED.

CHAIR ADJOURNED THE BUSINESS MEETING AT 5:03 PM.

NEXT MEETING: Mark Williams will let everyone know the date and location of the next meeting.

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ACTION ITEMS

#	Deadline	Action Item	Responsible	Status
1.	09/14/2020	Share information, links, and edits for survey	Caleb Weaver	Completed
2.	09/14/2020	Send Caleb's comments/info/links with Committee	Tracy M. Smith	Completed
3.	10/19/2020	Test PDXReporter.org and inform Committee	Mark Williams	
4.	10/19/2020	Report any deactivated or lost access drivers follow up	Sally LaJoie	
5.	10/19/2020	Compose specific language for next agenda topics (service agreements and TNC company review with TNC Ombuds program)	Committee	

Submitted by,

Jamie Lynne K. Souza, Recorder