

RECOMMENDATIONS ON APPLICATIONS FOR NEW TAXI COMPANY PERMITS:**Union Cab, Portland Electric Cab and Always Cab Company**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Red Diamond	5826 NE 31 st Ave. #16, Portland, OR 97211	mreddiamond@yahoo.com
✓ ARNOLD ARUTYUNOV	7601 SW 188th Ave Beaverton, OR	
✓ MARTIN DOLAN	4718 SW 177 th Beaverton 97267	martindolan@dolan.griss.com
✓ STEVE ENTLER	2010 SE. MULBERRY DR. PORTLAND	RADIO CAB AND MENA
✓ Darin Campbell	3570 SW 90 th Ave Portland OR 97225	Darin.duck@hotmail.com
✓ David G. Gwyther	929 SW Salmon #300 PDX, OR 97205	DAVIDGGwyther@yahoo.com
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✓ BRANDA HIAIT		

November 7, 2012

To: Mayor Adams & Commissioners; ~~8557591224~~

Private for Hire Transportation Boards recommendations for Taxi service reforms and for the most part, I agree with the recommendations with a few additions and modifications.

I fervently believe that at least for the first five years these audit evaluations should and could be done annually. None of the non-driver owned and managed companies have even a relatively good record of accomplishment of being good to or looking out for the interest of their drivers or the needs of their customers, especially in the outlying areas.

Since I do not believe that objecting to these permits is going to achieve success I would rather spend my time working on the other issues affecting the driver's ability to be safe and to earn a reasonably good income. Missing from this report is a timeline for implementation of these standards. Although I believe the programs intent is good, their record of accomplishment for getting things done in a timely manner is ~~the slow~~ implementation of the ability to get rid of illegal cabs and the nine months we waited for this report. I would ask the Council for this to be accomplished by the end of the current term or at the very most a ninety day time frame for implementation in order to protect the drivers from the loss of income that will occur with the addition of the new permits without the accountability standards.

Specific recommendations that need addressed in these evaluations need to include but not be limited to:

- the ability to buy health insurance at an affordable rate
- the lack of personal injury protection (pip) and uninsured motorist coverage
- fines and administrative fees charged to drivers, including escalating insurance deductibles
- the weekly cost (kitties) paid to the cab companies for the benefit of working
- no financial ability to take a vacation or sick leave due to high or split kitties
- the need for a twenty-four hour code enforcement officer (self- supporting)
- the abhorrent conditions at the taxi holding area for the airport
- the lack of driver standing committees within the company
- the need for advanced dispatch with global positioning services (GPS) at all companies.
- the need for industry wide customer operated credit card machines
- The inability for companies to bid contracts that make the companies additional profits from contractors off driver labor in addition to the kitties.
- The elimination of taxi companies ability to own, employ, lease or manage S A T vehicles.

Some of these recommendations are included within the report but bear mentioning multiple times.

I would be willing to discuss these issues that affect all of the driver's ability to be safe and earn a good living with any of you for the purposes of clarification if needed.

Thank you for your time and consideration,

Brenda Hiatt
Broadway cab driver

CAPO

The Cabdrivers' Alliance of Portland, Oregon

5026 NE 31st Ave., #16, Portland, OR 97211, cabdriversalliance@gmail.com

Portland Cabdrivers Reject Taxi Reform Proposals and Permit Recommendations

To: Mayor Sam Adams and the Portland City Commissioners

From: Red Diamond, Taxi Drivers' Representative

November 7, 2012

Mr. Mayor and City Council members, thank you for this opportunity to speak on the matter of taxi permit recommendations and taxi industry reform. My name is Red Diamond and I serve on the Private For-Hire Transportation Board as Portland's taxi driver representative, a position I have held for the past two years.

In January of this year, Portland taxi drivers expressed great optimism with the release of the Taxi Labor Market Study. This study, conducted by the Revenue Bureau over the course of twelve months, showed that taxi drivers in Portland work for sub-minimal wages, 70 hours a week or more, with no workplace benefits whatsoever.

The lofty proclamations of support from Mayor Adams at that time led us to believe that help was on the way, that our plight was recognized, and a long overdue corrective course would soon be taken.

But on September 26, our hopes for meaningful gains were abruptly cancelled. You can't possibly imagine the shock and dismay we felt when, after nine months of waiting, city staff proposals called not for positive measures that might bolster our economic standing, but for a reckless expansion of Portland's taxi fleet by 132 new vehicles.

We have been betrayed.

These proposals don't merely fail in their efforts to improve conditions for Portland cabdrivers. They represent a violent degradation of our already tenuous economic status.

The fleet expansion you've proposed calls for an increase of 35% above the 382 currently permitted taxis in our city. How can you identify the economic hardships faced by drivers in January and then in September ask us to absorb a 35% loss of market share to new competition? Mr. Mayor, this policy is not merely misguided, it is hostile.

Consider the economic indicators you've used to justify fleet expansion. It is well known in our industry that employment rates and passenger volumes at PDX Airport are the two most reliable indicators of taxi service demand. This past August, the last month for

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which data were available when the recommendations report was released, unemployment in Oregon stood at an historic high of 8.9%.

And the Port of Portland website has easily acquired data showing that total passenger volume in 2011 was actually LOWER than passenger volume in 2001. That's 11 years with a total net loss to cabdrivers. And though the numbers rose in fiscal year 2012, total growth over this 12-year period was just 2.3%. That's not 2.3% per year. That's 2.3% total growth in 12 years – hardly an indicator for a 35% fleet expansion.

When measured against any economic metric accounting for inflation or cost-of-living adjustments, 2.3% growth over 12 years is a net loss. Every expense a working cabdriver might know – food, gas, rent, utilities, health care, the kitty, – everything went up by more than 2.3% in the past 12 years. Cabdrivers got left behind.

And yet your report states, “all indicators have now moved beyond the levels reached prior to the economic slowdown.” (p. 13). This statement is not merely false. It is purposely false. The substance of city staff reports suggests that data was selectively assembled to support a predetermined political agenda. Competing data sets were omitted, and the argument that somehow these proposals will be of benefit to drivers defies logic and common sense.

As Portland's elected taxi driver representative, I speak on behalf of the overwhelming majority of Portland's 900 or so working cabdrivers when I tell you that Portland taxi drivers emphatically and absolutely reject these proposals. Where innovation and fresh ideas could have shaped valuable public policy, you Mr. Mayor, have chosen the path of political expedience and favoritism. You have not only sustained a dysfunctional status quo, you have chosen to expand it.

Let me assure members of the City Council that my personal political leanings are anything but conservative. Indeed, the thing I dislike most about fiscal conservatives is when they make a valid point. Yet these proposals give fresh fodder to those who view government functions as intrusive, out-of-control, and endlessly expansive.

Even as city regulators demonstrate a sustained inability to grasp the fundamental workings of the taxi industry, you propose expanding their authority to meddle in the private sector. You propose increasing taximeter rates. Cabdrivers oppose meter rate hikes because, like all small business operators, we know higher prices drive away customers.

You also propose an increase of permit renewal fees by 333% and an increase in company permit fees of 500%. Historic trends suggest these fee increases will be passed on to drivers in the form of higher kitties.

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And with these additional fees, you propose to hire two new city employees to determine the value that drivers receive for their kitty payments and who – I kid you not – will be “dedicated to the routine monitoring of taxi company telephone busy signals.”

There is a far more eloquent way to improve taxi industry efficiencies than raising licensing fees and hiring new bureaucrats. Give the permits to the drivers and let us decide the value of services provided. The efficiencies achieved by creating a truly competitive free market for taxi services would easily exceed the cumbersome folly of new layers of regulation. If you're looking for good ideas, give the permits to the drivers.

We are deeply troubled by the fact that the mayor has been lobbied heavily by an affiliate of the AFL-CIO who have petitioned to start a new company with 50 permits. Every time I'm in the presence of an AFL-CIO organizer I am greeted with the same boast of how much influence they have over public officials. It is their principle selling point in organizing workers. Now they gather to collect the favors they've lobbied so hard for.

Mr. Mayor, there may or may not be 50 members in Union Cab. They've refused to identify themselves so we don't know who they actually are. But there are 900 cabdrivers in Portland. And when you do favors for the 50 at the expense of the 900, the result cannot hope to be good public policy. This is special interest policy and it should be opposed in the name of simple decency.

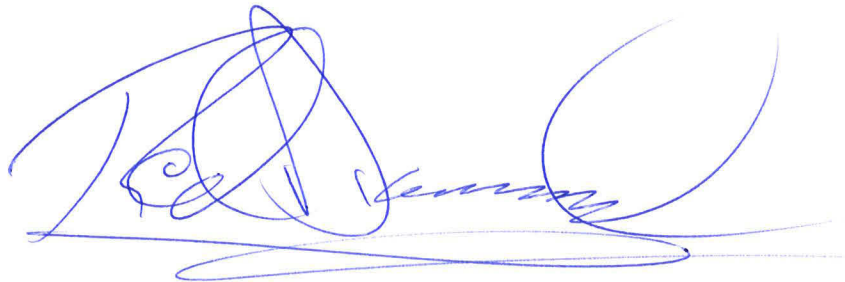
In closing, I will call your attention to the petition signed by over 300 cabdrivers that each city council member has now received, and I would direct you to the drivers' attorney Mr. Martin Dolan of Dolan Griggs, LLC who will further represent our position.

The message of Portland's hard working taxi drivers is clear: do not issue any new taxi permits to any taxi company at this time. It will cause great harm to all Portland cabdrivers.

Thank you.

Red Diamond,
Taxi Drivers' Representative

(503) 757-0326



November 7, 2012

Good afternoon and thank you for this opportunity.

My name is Negusie Sado. I am one of the Leaders in the African Refugees and Immigrants communities.

According to the census of 2000,

- 1. Foreign born population nationally grew 57%**
- 2. As the same time, the Foreign born population in Oregon grew by 108%.**

According to the Community based survey, the current African Refugees and Immigrants population in Portland Metro area is about 32,000.

Why do people come to this wonderful Country by such a large number?

My personal witness: I have lived in four different countries (Ethiopia, Kenya, Beirut & America) and have visited six different countries (Finland, Sweden, London, Cyprus, Mexico, Belgium) but found no other country like this wonderful country that is based on the Spirit of cooperation & tolerance.

- 1. People come to this wonderful City and Country because it is a land of opportunity. In America, we believe that the sky is the limit, for those who think positive, take responsibility and work very hard.**
- 2. People come here to work hard for opportunities of a better life.**
- 3. The United States is known as a country, where one can begin with nothing, and achieve their dream of financial independence.**
- 4. I want you all to know that, when we talk about the wonderful America and who made America the best Nation in the world, we are talking about its fair minded leaders who are determined to provide equal opportunity to all their citizens, from the inception of this country to our current Portland City Leaders. We talk about its citizens who believe in the spirit of cooperation, working together to build community, city, state, country and reaching out to the world community.**

Today I am here to thank you, our leaders in behalf of my community:

1. Thank you Mayor Adam and the Portland City Council for your fair leadership,
2. The majority of the Taxi Drivers from my community, are family men who are doing their very best to provide for their children and spouses. They are members of their community and contributing good citizens of this wonderful country, who are interested to make a positive impact in the lives of others. But it is very challenging to do any of the above effectively, when their income is below minimum wage per hour and their working condition is at the poorest level.
3. We thank you for ordering the Taxi drivers labor market study, long hours, low wages of January 2012.
4. This preliminary finding clearly shows that, there is a need to change the poor working and economic conditions for professional, full time taxi drivers.

We believe that your vote for the union cab is a significant step towards in making this highly needed changes for Portland Taxi drivers, their family and the safety of the community they serve.

Therefore, I am here in behalf of my community to ask you, our leaders, for a unanimous vote, in favor of the Union cab permit. Because:

1. Your unanimous vote sends a clear message, indicating that you don't tolerate, this very poor economic and working conditions, that is unfairly imposed on the professional taxi drivers.
2. Your unanimous vote will send a clear message to all, that you will not tolerate the big companies attempting to stop business competition and the existence of a small business under your leadership.
3. Your unanimous vote, assures these drivers and sends a clear message to all the citizens of this city, indicating that you believe in providing equal opportunity to all, without any discrimination based on color of the their skin and/ or a place of their origin,

Once again, thank you for working so hard, to make this city, a better place for all of us.
Thank you!

Moore-Love, Karla

From: Glancy, Lise [Lise.Glancy@portofportland.com]
Sent: Wednesday, November 07, 2012 12:20 PM
To: Moore-Love, Karla
Cc: Huggins, Michael; Dufay, Frank; Butler, Kathleen; Huddleston, Dawn
Subject: Port of Portland Letter on 2 pm Taxi Permit Agenda Item
Attachments: 11-7-2012 Port letter to City Council on Taxi Permits.pdf

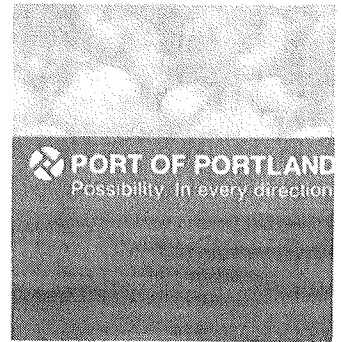
Karla

The PDX Landside Transportation Manager Michael Huggins will be testifying before City Council today on new taxi permits. Please distribute his written statement to Council.

Many thanks.

Lise B. Glancy
Regional Government Relations Manager
Port of Portland
503/415-6519
503/548-5532 FAX
lise.glancy@portofportland.com

11/7/2012



November 7, 2012

Mayor Adams and Council Members
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97201

Re: Additional Taxi Permits

Mayor Adams and Council Members:

I am a member of the Portland For Hire Transportation Board and the Manager of Landside Operations at Portland International Airport (PDX). At PDX, I oversee the PDX taxi, shuttle and town car transportation access program.

I am providing written comment on the For Hire Permit recommendations before you to ensure that City Council has all the information needed to make an informed decision on the recommendations. Fundamentally, I believe that the proposed increase in new taxi permits will not achieve the City of Portland's stated objective of improving driver living conditions, including a living wage, health, wellness benefits, and working conditions. The recommendation to add additional taxis will not address these issues, but rather will add more competition to the marketplace.

First, the Private for Hire Transportation Board has not had enough time to evaluate the City's recommendation, nor does it have access to all the files and notes presented to the City as they have not been made available for a thorough review. There has been one full board meeting (Sept. 26) and one special meeting (Oct. 10) on this issue. Not all members were able to attend this special meeting. Within the documents provided, there are several discrepancies in the logic relied upon to determine which taxi companies get new permits.

Second, concerns exist with the addition of permits to meet the City's needs. Where will these taxis stage? Taxi stands are already beyond capacity. Will taxis circle the streets looking for an available taxi stand space, park illegally, or leave the City? There has been no side-by-side evaluation of the data provided to the Portland For-Hire Board members by the Revenue Bureau. The information provided by each company in their respective applications varies greatly. There was no clear expectation presented to the companies on what documents were required to be provided.

The City stated that this recommendation would only consider the original requests made April 2011 to the For Hire Board (Introduction, 7th paragraph, page 3). Other

requests are to be reviewed at a later date. In Radio Cab's original application, received by the City on April 8, 2011, only eight (8) additional taxi permits were requested. Its request was later amended to add thirty eight (38) additional taxis and was subsequently granted by the City.

Always Taxi was denied permits because it was not compliant with City code and continued to operate without the proper authority. Portland Taxi was awarded permits, but in its application was able to demonstrate that it met demand by dispatching fares to Americab, an unpermitted taxi company. It also explained that it dispatched a number of fares to Radio Cab and Broadway during non-peak periods. Further, per City Code 16.40.270, "Minimum Standards of Service for Taxicab Companies", companies are to provide "service city-wide, 24 hours a day, 7 days a week. If more than 65 percent of the company's permitted taxicabs are found within 1 mile radius of the Portland International Airport's main entrance road at any given time (not including any taxicabs at a company headquarters), a rebuttable presumption exists that the company is not providing city-wide service." Portland Taxi documented that during the month of March 2010, it provided 1646 PDX trips while only providing 150 "total number of pick-ups citywide". This far exceeds City code yet it was rewarded with additional permits.

To underscore this point, in February 2010, PDX conducted an extensive review of airport taxi activity, conditions in the backfield, and cost of operating the facilities for all ground transportation operators. This study revealed that it was common for taxis to wait in the airport backfield for 4-6 hours for fares, causing the roadways to backup and become congested. Airport Police were often called to assist with traffic control and many taxis were instructed to leave the airport. As a result of the airport's review, there is a moratorium on the number of airport taxi permits. No additional airport taxi permits were considered as daily demand is met with fewer taxis. The airport has denied requests for additional permits based on these factors.

The airport has now instituted an alternating day permit process where only half of the already permitted taxis operate at the airport on any one day. The other half of the permitted taxis operate on the alternating day. If a driver wanted to continue to earn money on the day they are not permitted to operate at the airport, he or she must work in the downtown or surrounding area. This change in operation added an additional 128 taxis to the downtown market. These additional taxis are not accounted for in the City's recommendation.

In Union Cab's proposal, it makes reference to assisting passengers load and unload at the airport, making the assumption it will be permitted at the airport. As airport demand is already being met by the current number of permitted taxis, Union Cab needs to be able to demonstrate how it plans to service the City demand.

The City asserts that the ratio of taxis to citizens is far below other cities. Portland is unique in its transportation needs and not similar to other cities of like size. Portland has an extensive public transportation system, including light rail service

that spans the area and continues to grow each year. Light rail service to the airport arrives and departs every fifteen (15) minutes and serves more than seven percent (7%) of the airport passengers-a number that grows every year.

Adding more taxis does not result in more customers and higher wages for drivers. More must be studied by all of the For Hire Board members before a recommendation to support the addition of taxis to the Portland market can be made. I encourage City Council to direct staff to delay action on addition of new taxi permits.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Huggins", written in a cursive style.

Michael Huggins, Manager
Landside Operations

c: Karla Moore-Love, Council Clerk
Frank Dufay, For Hire Transportation Administrator
Kathleen Butler, Chair, For Hire Taxi Board
For Hire Taxi Board

Moore-Love, Karla

From: Patricia Pascone [patricia@dolangriggs.com]
Sent: Tuesday, November 06, 2012 3:42 PM
To: Adams, Sam; Commissioner Fish; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman; kenmcgair@portlandoregon.gov
Cc: Moore-Love, Karla; Schmidt, Brad; newsroom@oregonian.com; bwalth@wweek.com; news@portlandmercury.com; jimredde@portlandtribune.com; newdesk@kgw.com; news@koin.com; thedesk@katu.com; opbnews@opb.org; fox12news@kptv.com
Subject: Letter to City Council re: taxi permits with Exhibits
Attachments: Letter to City Council re taxi permits.pdf; Exh A Decl of Red Diamond.pdf; Exh B Letter from Dan Saltzman.pdf; Exh C Port of Portland statement.pdf

Dear Mayor Adams and City Commissioners,

Please find attached a letter from Martin Dolan regarding taxi permit applications, Item 1259 on the Nov. 7, 2012 City Council Agenda. Also attached are Exhibits A, B, and C to the letter.

If you have trouble accessing these documents, please contact this office at (503) 228-7500.

Thank you,
Patricia Pascone

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Patricia M. Pascone | Of Counsel | Dolan Griggs LLP | 1130 SW Morrison St. # 630 | Portland, OR 97205 | Tel: (503) 228-7500 | Fax: (503) 243-1188 |
patricia@dolangriggs.com | theemploymentlawgroup.com

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patricia@dolangriggs.com | theemploymentlawgroup.com

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11/6/2012

DOLAN GRIGGS LLP

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November 6, 2012

VIA E-MAIL

Mayor Sam Adams
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sam.adams@portlandoregon.gov

Portland City Commissioner Nick Fish
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Ken McGair, Deputy City Attorney
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Portland OR 97204
kenmcgair@portlandoregon.gov

Re: *Taxicab permit applications*

ACTION REQUESTED: Delay City Council consideration of taxi permits to new companies until after a Private For-Hire Transportation Board regularly-scheduled meeting.

Dear Mayor and Commissioners,

This office represents taxicab drivers concerned about the issuance of new permits recommended by the Revenue Bureau and the Private For-Hire Transportation Board ("PFTB Board" of "the Board"). Important procedural steps were bypassed in the PFHT Board's recommendation process. That action has disenfranchised the majority of currently permitted drivers – the purported beneficiaries of this action – in this process. Taxi drivers were not given an adequate notice and an opportunity to respond to the Bureau's Staff Recommendation prior to the PFHT Board's vote on the issue.

The Bureau delayed issuing its Recommendations for several months after it issued the Labor Market Study in January, 2012. The Labor Market Study examined the working conditions of Portland's taxi drivers and found that taxi drivers on average worked long hours, made below minimum wage, and received no benefits offsetting the low wage. The report further found that lack of qualitative regulation of the taxi companies contributed to these conditions. It recommended measures be adopted to provide better working conditions for taxi drivers and, in turn, better and safer customer service. The Bureau then implemented a 90-day comment period, and began preparing recommendations to reform the industry. The Bureau did not issue Recommendations until September 26, at the same time new permits were recommended as well. Then, instead of considering the permits at the next regularly-scheduled Board meeting, as required by the Rules, the Bureau scheduled a special meeting on Oct. 10. As a result, the Standing Taxi Drivers' Committee was unable to meaningfully respond prior to the Board vote.

There is nothing to be gained by now rushing through the process, but there is much to be lost. By delaying the vote on permits until after the Board meets again, it will allow the intended beneficiaries an opportunity to meaningfully respond to the Staff Recommendation, and provide the Board—and you—with their perspective. By issuing the new permits at this time, the City will be bypassing its own rules to do so, and will deprive taxi drivers of their due process rights.

The Board's failure to follow its own rules has deprived Portland taxi drivers of their due process rights.

Taxi drivers have a constitutionally protected interest in their livelihood. By issuing new permits, the City's decision will negatively impact the majority of taxi drivers. The Bureau plainly acknowledged an anticipated negative impact on the drivers. (See *Staff Recommendation Report, City of Portland Taxi Vehicle Permits*, p. 27, 35). The City must provide adequate notice and an opportunity to respond before depriving persons of their protected interests. Taxi drivers must be allowed to meaningfully respond to the proposed action. As detailed above, the Bureau and Board's process in pushing through a vote on the permits at a special meeting deprived the majority of taxi drivers from participating therein. Thus, the Bureau and Board failed to provide a meaningful opportunity to respond, and the recommendations placed before this Council are tainted with that failure.

Code Section 16.40.160, governing the approval of permits to a new taxicab company, states that, "Upon completion of the Staff Recommendation Report the Administrator will forward it and the original taxi company application to the Board for consideration at the next *regularly-scheduled* Board meeting." Code of the City of Portland, Oregon Section 16.40.160 (D) (emphasis added).

Code Section 16.40.210, governing the approval of additional permits to existing companies, states that requests for more permits "will be considered by the Board at the first *regularly-scheduled* Board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board *at least 10 days prior* to the meeting" Code of the City of Portland, Oregon Section 16.40.210 (B) (emphasis added).

The Bureau failed to give its recommendation ten days before a regularly-scheduled staff meeting. Instead, the Bureau gave its recommendation at a re-scheduled regular meeting on September 26. Meanwhile, on September 20, the PFHT Administrator scheduled a special meeting for Oct. 10 for the Board to consider the permit applications. While this special Oct. 10 meeting took place more than ten days after Bureau presented its recommendation to the Board, it was not a regularly-scheduled meeting, and therefore the Bureau's recommendation and the Board's vote did not comply with City Code.

This failure has a real and substantial impact. The Taxi Driver Standing Committee times its meetings to coincide with the regularly scheduled PFHT Board meetings every two months. (See Decl. of Red Diamond, attached as Exhibit A). The Committee meets at the only free space it can access: public library meeting rooms. These spaces must be booked seven or eight weeks in advance. Many of these drivers do not use e-mail, and interpreters are needed at times to communicate complex matters. Drivers don't always check in to their company offices on a regular basis. The most effective means of organizing the group is person to person and word on the street. This takes time.

The group was scheduled to meet on September 20, to discuss the recommendations expected to be revealed at the Sept. 19 regularly-scheduled meeting. However, on Sept. 14 the Board Administrator cancelled the Sept. 19 meeting, and scheduled one for Sept. 26. On Sept. 21, the Board was informed that a special meeting was scheduled for Oct. 10 to act on the Staff Recommendation, although it had not yet been issued. It was not possible to secure a meeting room after the Sept. 26 recommendations and before the Oct. 10 meeting. The Taxi Drivers Standing Committee could not discuss the Bureau's recommendations as of Sept. 20, because there were none. As a result, there was not sufficient opportunity for taxi drivers to meaningfully respond to the Bureau's Sept. 26 recommendation prior to the Board's Oct. 10 vote.

The Bureau did not substantiate its reasoning that issuance of new permits would result in better working conditions for all drivers.

The primary reason given by the Staff Recommendation for issuing permits to one applicant, Union Cab, was that it was going to provide options for Portland's wage-depressed

drivers. It was opined that with Union Cab entering the market, there would be less competition for the permits at existing companies, leading to better working conditions for all. Union Cab was started by forty drivers, and is being given fifty permits. It is a logical conclusion that forty of these fifty permits are ear-marked for the forty founders. It is an illogical conclusion that these additional ten permits at a new company -- who proposes to operate similarly to an existing company, Radio Cab -- are going to better the working conditions of the estimated total 900 working drivers. Increased competition for fares is not going to help these other drivers. A fully reasoned decision would study the true impact of the proposed permit increases on the already dismal hourly wage.

The Staff Recommendation itself says issuing these permits will negatively impact currently permitted drivers; it just doesn't say how. (Staff Recommendation Report, City of Portland Taxi Vehicle Permits, p. 27, 35). The Recommendations say those impacts will be "short term" but it doesn't define the time period considered. (Id., p. 35). The Council needs to know this. The Board should have been given this information before voting to approve the permits. The stakeholders affected ought to be afforded a meaningful opportunity to respond to the specifics of that finding.

It does not make sense for the Council to take a vote on the issue until the Board is able to make a recommendation which comports with the rules. It is especially troubling that this Council may cast a vote which increases existing driver's competition for fares, thus contributing to the poor working conditions of these drivers, without assurance that these stakeholders have been given adequate notice and opportunity to respond. To do so without adhering to the rules is depriving taxi drivers of due process.

It also does not make sense that this decision on a new company be rushed through while called-for reforms are pending and not fully fleshed out. The proposals on fare increases, permit fees, rules on taxi company performance review for permit approval process, and the resolution to develop proposals to implement the taxi industry reform each state that the Board voted to recommend them at their special Oct. 10 meeting, but that did not in fact happen. The Oct. 10 meeting focused solely on issuance of new permits. The Board's position on these proposals and its recommended reforms will be clearer after the next regularly-scheduled Board meeting, as will the Board's decision on additional permits for existing companies. City Council should delay consideration of new taxi cab applications until after the Board votes on the reforms and the number of permits to issue to existing companies. By so doing, the Council will be in a better position to consider how a granting fifty permits to a new company will or will not achieve the purpose of bettering working conditions for all drivers.

The Bureau made no environmental impact analysis.

The Bureau failed to provide any analysis whatsoever on the impacts of this decision on environmental quality. That this should occur in Portland is particularly surprising. The Board is recommending a 35% increase in the number of taxis on the road, including 50 permits for a new company with no track record on environmental performance, and no conditions to ensure that the new company achieves the green goals put forth in its proposal. This should be

considered in conjunction with the impact of the Board's decision to issue permits for twenty-eight additional taxis for existing companies. The Bureau, Board and Council should consider the cumulative contribution of these seventy-eight taxis to regional air quality and the City's ability to meet to meet ambient air quality standards. Other cities conduct Environmental Impact Statements when considering whether to issue new taxi permits. See <http://www.nyc.gov/html/tlc/downloads/pdf/taxi_medallion_increase.pdf>. While laws that govern New York City and Portland are different, the goal of considering environmental impacts in official City decisions applies equally here, where we pride ourselves on leading the country in environmentally sustainable infrastructure.

The Bureau and Board failed to consider the relationship with public transportation.

The Bureau also made no analysis of the ability of public transportation to meet transportation needs or impacts of this decision on public transportation. However, the City is required to consider both the status of the City's public transportation system and the current and future ability for public transportation to address transportation needs. Code of the City of Portland, Oregon Section 16.40.160 (B)(1)-(2). Further, taking into account the economic overhaul that our public transportation has been through recently, one would expect that the City would also be concerned about what effect, if any, a significant number of additional taxis will have on bus and train ridership.

The Bureau's comparisons to other cities is flawed.

The Bureau did not explain the appropriateness of comparing this city to the other cities reviewed in the Recommendation. An explanation of the similarities and differences is necessary, due to the unique features of our City, including the nature of our robust public transportation services, and the proportion of persons who regularly travel by bicycle and on foot. As Commissioner Saltzman himself stated to the Board, he questions "whether comparing our number of taxis per capita to other cities is truly an apples to apples comparison." (See Exhibit B). While he stated this in an effort to postpone the Board's consideration of issuing permits to existing companies, it applies equally to the analysis of whether Union Cab has demonstrated the need for additional taxicab service in the City that is not accomplished by existing companies, per Code Section 16.40.160(B)(4).

The Staff Recommendation states that trends in demand criteria are "clearly moving beyond the losses of 2008-2009." (p.13.) The data does not support this. Airport passenger volume, elderly and disabled trips, the number of conventions, and the number of convention visitors have *not* rebounded to 2008 levels, counseling against issuing more permits. Population has increased, but transit ridership has increased as well, indicating that increased population may have needs met by increased transit ridership.

Taxi demand is alleged to have increased overall, but Radio Cab's passenger volume was the only company data considered. It is possible that demand has increased for Radio Cab, but decreased for others. No data was provided to show that taxi demand was generally not being met. The Recommendation does not analyze the impact of the sharp increase in permits for

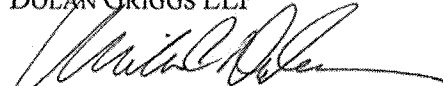
limited passenger transportation (LPTs) over the last dozen years, which now double the number of taxi permits. The Bureau did not address how the increase in LPTs may have impacted taxi demand. While the LPT permits are disproportionately high, there is no reasoned analysis of how simply increasing the number of taxi permits will ameliorate adverse effects of that disparity.

The Port of Portland does not support issuance of new permits.

PDX passenger trends do not correlate to an increased need for taxi permits in this current process, as stated the single most reliable source of information about taxi demand at the airport: the Port of Portland. The Port controls the number of taxis allowed to wait for fares at the airport. The Port found that too many taxis were waiting in queue, and for long periods of up to several hours, for the highly desirable airport passenger fare. It therefore acted to lower the cap on the number of taxis permitted to pick up passengers at PDX. A Port representative read a statement to this effect at the Oct. 10 Board meeting, and specifically informed the Board that PDX taxi demand is being met and that it has no plans to raise cap of airport-permitted taxis anytime soon. (See Exhibit C). Thus, the City's issuance of new permits will have no effect on the demand for taxis at PDX.

In summary, we believe this Council should postpone its consideration of new taxi company permit applications until after the Board has had a chance to decide the matter at a regularly-scheduled meeting, and until after the specifics of taxi industry reform can be understood. Affected taxi drivers plan to commission an economic analysis of the impact of the proposed permits on their working conditions. We believe this is crucial information for the Board and Council to consider before taking dispositive action. Thank you for your consideration.

Sincerely,
DOLAN GRIGGS LLP



Martin C. Dolan

MCD/pmp

cc: clients

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BEFORE THE CITY COUNCIL OF
THE CITY OF PORTLAND, OREGON

In the Matter of the City Council's Review
of Taxi Company Permit
Recommendations, Nov. 7, 2012

ITEM No. 1259

DECLARATION OF RED DIAMOND

STATE OF OREGON)
) ss.
County of Multnomah)

I, Red Diamond, being first duly sworn, depose and say as follows:

1. I sit on the Private For-Hire Transportation Board of Review as Portland's taxi driver representative.

2. As per city code (16.40.040 E), the PFHT Board maintains a schedule of meeting in odd numbered months throughout the year.

3. I rely on this schedule to effectively communicate topical issues to my colleagues and to coordinate meetings of the Taxi Driver Standing Committee. The timely coordination between PFHT Board meetings and TDSC meetings is essential for exchanging relevant information between drivers and the PFHT Board.

3. Scheduling meetings for drivers can be a cumbersome process. Language barriers sometimes require translations to communicate complex ideas. Many drivers do not use the internet. Drivers work for different companies and many don't visit company offices on a

1 - DECLARATION OF RED DIAMOND

EXHIBIT A
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1 regular basis. There are an estimated 900 or so working cabdrivers in Portland and word of
2 mouth at street level is often the most effective way to reach the majority. This takes time.

3 4. The TDSC meetings used to be held at the headquarters of whichever company the
4 drivers' representative worked at. While this seemed convenient, many drivers felt
5 uncomfortable discussing their issues at company offices. In 2011 I began holding the meetings
6 in public library meeting rooms to provide the more neutral territory that drivers preferred. To
7 secure a library meeting room, I would usually have to reserve this space two months in advance.

8 5. Throughout my tenure as drivers' representative I have always sought to coordinate
9 TDSC meetings with PFHT Board meetings. Usually, I'll hold a drivers' meeting a week ahead
10 of the Board meeting so that I can effectively summarize the drivers' opinions about topical
11 subjects when I go to the Board. If it seems appropriate, I'll reverse this sequence so the drivers
12 meet after the Board. This way we can discuss the outcome of Board meetings at our meeting.

13 6. This was the case when the Revenue Bureau scheduled its September 2012 meeting for
14 the 19th. Knowing that the Board would reveal its recommendations for taxi permits then, I
15 scheduled the drivers' meeting for the following day, September 20th. As a Board member, I
16 was expecting that I would receive at least ten days advance notice of the Revenue Bureau's
17 recommendations. This would give me time to communicate the particulars of these
18 recommendations to the drivers in advance of both meetings. I reserved the meeting room at the
19 county library about seven or eight weeks ahead of time for this purpose.

20 7. On September 14, Board members were informed that the September 19th meeting was
21 cancelled and would be rescheduled one week later on the 26th. This move required me to
22 cancel the drivers' meeting scheduled for the 20th since we were suddenly deprived of an
23 agenda. At first I considered rescheduling the drivers' meeting for sometime near the next
24 scheduled Board meeting in November. But on September 21 I was informed that a new Board
25 meeting had been added for October 10. It was simply not possible to secure a public meeting
26 room in advance of the October 10th meeting.

2 – DECLARATION OF RED DIAMOND

EXHIBIT A
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1 8. I received permit recommendations from the Revenue Bureau on September 26. While
2 this was at least ten days ahead of the special October 10th meeting, I did not receive them ten
3 days in advance of the regularly scheduled September meeting. This impacted my ability to
4 prepare for the October 10 meeting because I was unable to reschedule another drivers' meeting
5 in time.


6 9. As a result, the majority of drivers were not able to give input to the Board prior to its
7 vote on the Bureau's recommendations.

8 10. A representative from the Port of Portland read a statement at the Oct. 10 Board meeting.
9 A true copy is marked as Exhibit C, and accompanies this Declaration.

10 11. The only substantive items on the agenda for the Oct. 10 Board meeting were permit
11 applications. Recommendations for taxi industry reform were not discussed or voted upon.

12 12. I hereby declare that the above statement is true to the best of my knowledge and belief.

13 DATED this 6 day of November, 2012.

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15 Red Diamond

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3 - DECLARATION OF RED DIAMOND

EXHIBIT A
PAGE 3 OF 3

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CITY OF
PORTLAND, OREGON

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(503) 823-4151
Fax: (503) 823-3036
dsaltzman@ci.portland.or.us

October 9, 2012

Private For Hire Transportation Board
111 SW Columbia St., Suite 60
Portland, OR 97201

Dear Board Members,

Thank you for the opportunity to weigh in on the recently released Revenue Bureau recommendations regarding Portland's taxi industry. It is my understanding that the board will take up these recommendations at your next scheduled meeting on October 10th and I wanted to provide my perspective on the recommendations prior to your meeting.

As a long time taxi cab user and member of both Portland City Council and the Travel Portland Board of Directors I find the industry incredibly important to our city. Taxis make an urban area's transportation system function effectively and it's important that we tailor our system to the unique characteristics of Portland. We have one of the most accessible public transit systems in the nation, a very walkable and dense urban core with distinct neighborhood centers that allow residents and visitor's easy access to amenities, and our bike infrastructure is leaps and bounds beyond any city in the United States. All of which makes me question whether comparing our number of taxis per capita to other cities is a truly an apples to apples comparison. I can imagine a very sprawling community like Denver needing more taxis than a city like Portland.

It is also my understanding that the PFHT Board could approve up to 167 new taxi permits at your October meeting. I do not believe the PFHT Board should approve any additional permits for existing companies before City Council's November 7th hearing on the full package of recommendations from the Revenue Bureau. There are many laudable and excellent recommendations in that package that I believe need to be implemented and then analyzed before new permits are approved. At a minimum, the new taxi company the Revenue Bureau recommends needs time in the market before additional permits are distributed to the current taxi companies.

Thank you for the opportunity to express my perspective on this important issue and thank you for your time and effort as member of the PFHT Board. It is an incredibly important role you play and it does not go unnoticed by City Hall.

Sincerely,

Dan Saltzman

Cc: Portland City Council
Portland Revenue Bureau Director, Thomas Lannom

EXHIBIT B
PAGE 1 OF 1

Port of Portland
Comments Regarding Recommendation to Add Additional Taxis

On September 26th, 2012, the City of Portland ("City") presented its recommendation to add additional taxis to the Portland market. The focus of discussions has primarily surrounded improving driver living conditions, including a living wage, health, wellness benefits, and working conditions. The recommendation to add additional taxis does not address these issues, but rather adds more competition to the marketplace.

The Private for Hire Transportation Board ("PFHT") has not had enough time to evaluate the City's recommendation nor does it have access to all the files and notes presented to the City as they have not been made available for a thorough review. Within the documents provided, there are several discrepancies in the logic relied upon to determine which taxi/companies get new permits.

Concerns exist with the addition of permits to meet the City's needs. Where will these taxis stage? Taxi stands are already beyond capacity. Will taxis circle the streets looking for an available taxi stand space, park illegally, or leave the City? There has been no side-by-side evaluation of the data provided to the City by PFHT members. The information provided by each company in their respective applications varies greatly. There was no clear expectation presented to the companies on what documents were required to be provided.

The City stated that this recommendation would only consider the original requests made April 2011 to the PFHT (Introduction, 7th paragraph, page 3). Other requests are to be reviewed at a later date. In Radio Cab's original application, received by the City on April 8, 2011, only eight (8) additional taxi permits were requested. Its request was later amended to add thirty eight (38) additional taxis and was subsequently granted by the City.

Always Taxi was denied permits because it was not compliant with City code and continued to operate without the proper authority. Portland Taxi was awarded permits, but in its application was able to demonstrate that it met demand by dispatching fares to Americab, an unpermitted taxi company. It also explained that it dispatched a number of fares to Radio Cab and Broadway during non-peak periods. Further, per City Code 16.40.270, "Minimum Standards of Service for Taxicab Companies", companies are to provide "service city-wide, 24 hours a day, 7 days a week. If more that 65 percent of the company's permitted taxicabs are found within 1 mile radius of the Portland International Airport's main entrance road at any given time (not including any taxicabs at a company headquarters), a rebuttable presumption exists that the company is not providing city-wide service." Portland Taxi documented that during the month of March 2010, it provided 1646 PDX trips while only providing 150 "total number of pick-ups citywide". This far exceeds City code yet it was rewarded with additional permits.

In February 2010, the airport completed an extensive review of airport taxi activity, conditions in the backfield, and cost of operating the facilities for all ground transportation operators. It was revealed that it was common for taxis to wait in the airport backfield for 4-6 hours for fares, causing the roadways to backup and become congested. Airport Police were often called to assist with traffic control and many taxis were instructed to leave the airport. As a result of the airport's review, no additional airport taxi permits were considered as daily demand is met with fewer taxis. The airport has denied requests for additional permits based on these factors.

The airport has now instituted an alternating day permit process where only half of the already permitted taxis operate at the airport on any one day. The other half of the permitted taxis operate on the alternating day. If a driver wanted to continue to earn money on the day they are not permitted to operate at the airport, he or she must work in the downtown or surrounding area. This change in operation added an additional 128 taxis to the downtown market. These additional taxis are not accounted for in the City's recommendation.

In Union Cab's proposal, it makes reference to assisting passengers load and unload at the airport, making the assumption it will be permitted at the airport. As airport demand is already being met by the current number of permitted taxis, Union Cab needs to be able to demonstrate how it plans to service the City demand.

The City asserts that the ratio of taxis to citizens is far below other cities. Portland is unique in its transportation needs and not similar to other cities of like size. Portland has an extensive public transportation system, including light rail service that spans the area and continues to grow each year. Light rail service to the airport arrives and departs every fifteen (15) minutes and serves seven percent (7%) of the airport passengers-a number that grows every year.

With driver issues still unresolved, the City needs to work to understand and work cooperatively with the companies and drivers to come to workable solutions. Evaluating who is intended to benefit from the City's recommendation and how will they benefit. There are existing waiting lists for drivers. Adding more taxis gives jobs, under those same conditions, to these drivers.

Adding more taxis does not result in more customers and higher wages for drivers. The airport will not be voting with the recommendation at this point. More must be studied by all of the PFHT members before a recommendation to support the addition of taxis to the Portland market can be made.