



**Office of Mayor Charlie Hales
City of Portland**

Re: Appeal of Broadway Cab Company from the December 12, 2012 decision of the Private For-Hire Transportation Board pursuant to Portland City Code 16.40.210.D and Portland City Code 16.40.580.

To Whom It May Concern:

Enclosed is a copy of the Final Order of the City Council upholding the Private For-Hire Transportation Board's December 12, 2012 decision regarding the issuance of new taxi vehicle permits pursuant to Portland City Code 16.40.210 and denying Broadway Cab Company's appeal. The City Council's findings and conclusions are based upon the Staff Recommendation Report and Board Recommendation Report introduced as an Exhibit to the hearing on March 6, 2013.

City Council's decision is the final review process available through the City. If you are dissatisfied with this Final Order, pursuant ORS 34.030, you have sixty (60) days from the mailing date of the Final Order to petition for a Writ of Review with the Multnomah County Circuit Court. If a Petition for Writ of Review is not filed within thirty (60) days of the mailing date of the Final Order, then pursuant to ORS 30.030 the writ shall not be allowed.

**DECISION UPHOLDING THE DECEMBER 12, 2012 DECISION OF THE PRIVATE
FOR-HIRE TRANSPORTATION BOARD GRANTING ADDITIONAL VEHICLE
PERMITS PURSUANT TO PORTLAND CITY CODE 16.40.210**

Appellant: Broadway Cab Company

Appellant's Representative: Raye Miles, President

Address: 8725 NE Emerson
Portland, OR 97220

Procedure: Public hearing before the Private For-Hire Transportation Board ("Board") who issued a decision regarding existing company taxi permits on December 12, 2012. Pursuant to Portland City Code 16.40.580 an appeal was heard by the City Council regarding the Board's decision. The City Council held a hearing on March 6, 2013 with a *de novo* review and upheld the Board's decision on March 13, 2013 and denying Broadway Cab Company's appeal. The City Council is the City's final decision maker on this application.

PROPOSAL: Board adoption of 28 additional vehicle permits in 2013, and denial of application of Broadway Cab Company for additional vehicle permits:

DECISION:

Based on evidence in the record and adoption of the Staff Recommendation Report and the Board's Recommendation Report, and by this made part of this Order, it is the decision of Council to uphold the December 12, 2012 decision of the Private For-Hire Transportation Board for 28 additional vehicle permits in 2013, and to uphold the denial of the application of Broadway Cab Company for additional permits. The effect of the Council's decision is:

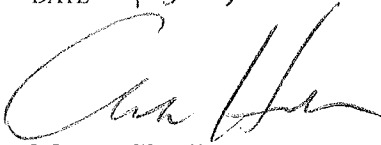
- (1) Uphold the decision to grant thirteen (13) vehicle permits in 2013 for Radio Cab.
- (2) Uphold the decision to grant eleven (11) vehicle permits in 2013 for Green Cab.
- (3) Uphold the decision to grant four (4) vehicle permits in 2013 for Portland Taxi.

- (4) Uphold the decision to deny additional vehicle permits for Broadway Cab Company.
- (5) Accept the recommendations included in the Staff Recommendation Report.
- (6) Accept the recommendation of the Private For-Hire Transportation Board.

IT IS SO ORDERED:

DATE

4-3-13

A handwritten signature in black ink, appearing to read 'Charlie Hales', written over the printed name.

Mayor Charlie Hales,
Presiding Officer at Hearings of March 6 and March 13, 2013
2:00 p.m. Sessions

ORS 34.010 et seq

NOTE: The following excerpt from the 2009 Oregon Revised Statutes is provided to you only as a courtesy. The City of Portland makes no representation as to its accuracy or applicability and shall not have any liability for any losses caused by reliance on this information. Any person or entity that relies on this information does so at his/her/its own risk.

34.010 Former writ of certiorari as writ of review. The writ heretofore known as the writ of certiorari is known in these statutes as the writ of review.

34.020 Who may obtain review; intermediate orders reviewable. Except for a proceeding resulting in a land use decision or limited land use decision as defined in ORS 197.015, for which review is provided in ORS 197.830 to 197.845, or an expedited land division as described in ORS 197.360, for which review is provided in ORS 197.375 (8), any party to any process or proceeding before or by any inferior court, officer, or tribunal may have the decision or determination thereof reviewed for errors, as provided in ORS 34.010 to 34.100, and not otherwise. Upon a review, the court may review any intermediate order involving the merits and necessarily affecting the decision or determination sought to be reviewed.

34.030 Jurisdiction to grant writ; petition for writ; time limit. The writ shall be allowed by the circuit court, or, in counties where the county court has judicial functions, by the county court wherein the decision or determination sought to be reviewed was made, upon the petition of the plaintiff, describing the decision or determination with convenient certainty, and setting forth the errors alleged to have been committed therein. The petition shall be signed by the plaintiff or the attorney of the plaintiff, and verified by the certificate of an attorney to the effect that the attorney has examined the process or proceeding, and the decision or determination therein, and that it is erroneous as alleged in the petition. A writ shall not be allowed unless the petition therefor is made within 60 days from the date of the decision or determination sought to be reviewed.

34.040 When allowed. (1) The writ shall be allowed in all cases in which a substantial interest of a plaintiff has been injured and an inferior court including an officer or tribunal other than an agency as defined in ORS 183.310 (1) in the exercise of judicial or quasi-judicial functions appears to have:

- (a) Exceeded its jurisdiction;

Re: Appeal of Broadway Cab Company from the December 12, 2012 decision of the Private For-Hire Transportation Board pursuant to Portland City Code 16.40.210.D and Portland City Code 16.40.580.

To Whom It May Concern:

Enclosed is a copy of the Final Order of the City Council upholding the Private For-Hire Transportation Board's December 12, 2012 decision regarding the issuance of new taxi vehicle permits pursuant to Portland City Code 16.40.210 and denying Broadway Cab Company's appeal. The City Council's findings and conclusions are based upon the Staff Recommendation Report and Board Recommendation Report introduced as an Exhibit to the hearing on March 6, 2013.

City Council's decision is the final review process available through the City. If you are dissatisfied with this Final Order, pursuant ORS 34.030, you have sixty (60) days from the mailing date of the Final Order to petition for a Writ of Review with the Multnomah County Circuit Court. If a Petition for Writ of Review is not filed within thirty (60) days of the mailing date of the Final Order, then pursuant to ORS 30.030 the writ shall not be allowed.