



**Office of Commissioner Steve Novick
City of Portland, Oregon**

REPORT TO COUNCIL

DATE: April 9, 2015

TO: City Council

FROM: Commissioner Steve Novick

SUBJECT: Accept Private For-Hire Transportation Innovation Task Force
Preliminary Report

I am pleased to submit for your consideration a preliminary report from the Private For-Hire Transportation Innovation Task Force that provides recommendations for regulations that apply to Transportation Network Service operators and taxicab companies.

In January 2015, I convened the 12-member community Task Force to provide guidance and recommendations on how the City of Portland's Private for-Hire Transportation (PFHT) regulatory program should evolve and respond to new developments in the industry, including the entry of Transportation Network Companies. It is critical that the City provide necessary safeguards and standards to protect consumers, ensure accessibility for all, and allow for a fair, competitive market for drivers and companies across all sectors of the PFHT industry.

The Task Force, so far, has held six meetings open to the public and two forums were convened to allow the Task Force to hear directly from PFHT drivers and consumers. Additionally, the Task Force solicited and received a great deal of public input.

The Task Force will continue to meet throughout this spring and will present comprehensive PFHT regulatory recommendations to Council this summer. The final report will include regulatory recommendations for all modes of for-hire transportation, including taxicabs, Transportation Network Companies, Limited Passenger Transportation companies, pedicabs and shuttles. The Task Force will continue to solicit public input as it develops recommendations.

Sincerely,

Commissioner Steve Novick
City of Portland, Oregon



PORTLAND PRIVATE FOR-HIRE TRANSPORTATION INNOVATION TASK FORCE REPORT TO CITY COUNCIL PHASE 1 RECOMMENDATIONS

April 9, 2015

Dear Mayor Charlie Hales
Commissioner Steve Novick
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

We are pleased to present the Phase 1 recommendations of the Portland Private For-Hire Transportation (PFHT) Innovation Task Force you appointed to review and evaluate the service performance and regulatory framework of Portland's private for-hire transportation (PFHT) industry, and provide guidance and recommendations to the City Council regarding how the industry should evolve and respond to new developments in the industry, including the entry of Transportation Network Companies (TNCs). All of us serving on the Task Force express our honor and appreciation for the opportunity to contribute to this important task.

We have been busy at work since you first dispatched us – we have held ten Task Force meetings, a Drivers Forum and a Community Forum. We invited taxi companies, TNCs, and technology platform companies to brief us on their perspectives on the state of the PFHT industry. We have received written testimony from scores of interested parties, examined hundreds of pages of documents, and studied how other jurisdictions in the country have responded to requests by TNCs to operate in their communities.

Our recommendations reflect the fundamental conclusion that the citizens of and visitors to Portland will be better served by accommodating a variety of modes of private for-hire transportation where taxis and TNCs are able to compete based on efficient and effective delivery of services to passengers, including to persons with disabilities. Our goal has been to create as level a playing field as possible between taxis and TNCs and ensure that no competitive advantage is granted to any provider for excluding classes of passengers or opting out of compliance with City, State or Federal standards. Collection of data to inform the

development of appropriate performance measures in Phase 2 is a fundamental component of these recommendations.

We have been consistently impressed with the professionalism and commitment to excellence that all involved with our work have brought to the mission – our fellow Task Force members, Bureau of Transportation and City Hall staff, and our tireless and patient facilitator from Cogan Owens Greene.

You and your staffs have delivered on your promise of support and independence; we hope you will agree that our recommendations deliver on our promise to you to provide a thoughtful set of recommendations on how the City can best respond in the short term to the challenges associated with authorizing new transportation services in Portland.

Respectfully submitted,

Michael Greenfield, Chair

Raihana Ansary

Chris Bebo

Leslie Carlson

JoAnn Herrigel

Kayse Jama

Jeff Lang

Richard Lazar

Jewel Minarik

Joan Plank



PORTLAND PRIVATE FOR-HIRE TRANSPORTATION INNOVATION TASK FORCE REPORT TO CITY COUNCIL

April 9, 2015

A. CHARGE

The Portland City Council (City), acting through the Office of the Mayor and the Office of Commissioner Steve Novick (Commissioner), convened the Private For-Hire Transportation Innovation Task Force (Task Force) to review and evaluate the service performance and regulatory framework of Portland's private for-hire transportation (PFHT) industry, and provide guidance and recommendations to the City Council regarding how the industry should evolve and respond to new developments in the industry, including the entry of Transportation Network Companies. The Task Force, assisted by a neutral Facilitator, was asked to study available information, develop written recommendations, and submit its written recommendations to the Commissioner and City Council.

B. PRINCIPLES AND ASSUMPTIONS

1. PRINCIPLES

In developing its recommendations on an interim Phase 1 program for PFHT in the City, the Task Force has been guided by the direction in City Code (Chapter 16.40.010) related to private for-hire transportation:

The purpose of Chapter 16.40 is to provide for the safe, fair and efficient operation of private “for-hire” transportation services. The industry should be allowed to operate without unnecessary restraint. However, because the industry constitutes an essential part of the City’s transportation system and because transportation so fundamentally affects the City’s wellbeing and that of its citizens, some regulation is necessary to insure that the public safety is protected, the public need provided, and the public convenience promoted. It is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.

The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation industry to:

1. Promote innovation and adaptation to changing needs; and
2. Allow competition, so long as the public interest is served thereby.

This direction has, in turn, been integrated into the following principles or values that have guided the regulatory framework recommended by the Task Force:

- A variety of modes of private for-hire transportation are accommodated.
- An environment is created so that Taxi and Transportation Network Company (T/TNC) Drivers are able to compete based on efficient and effective delivery of services to passengers.
- No competitive advantage is granted to any provider for excluding classes of passengers or opting out of compliance with City, State or Federal standards.
- The ability for T/TNC drivers to earn a living wage is promoted.
- Reliable, timely and equitable services for all passengers and destinations in Portland are provided by T/TNCs, including for disabled passengers.
- A realistic and effective enforcement component insures that T/TNCs and Drivers meet standards, regulations and codes.
- Consistent reporting from all for-hire entities is provided.
- Regulations do not operate as a barrier to marketplace innovation.

2. ASSUMPTIONS

In developing its recommendations, the Task Force has assumed:

- Phase 1 recommendations are intended only to provide a temporary framework for regulation. Recommendations from Phase 1, including the definition of TNCs, will be revisited in Phase 2 as appropriate.
- Phase 1 recommendations focus primarily on TNCs, although they may also affect taxi drivers and companies. They do not address other private for-hire entities such as limousines/towncars, pedicabs, party buses, etc.; a regulatory framework for these entities will be examined in Phase 2.
- Previously leveled fines are paid in full before any TNC authorization is granted.
- Any private for-hire transportation provider must obtain a permit and adhere to all applicable City requirements.
- The City does not regulate how payments are made by passengers for private for-hire transportation services.

C. RECOMMENDATIONS

1. GLOSSARY OF TERMS

DRIVERS	Individuals who drive T/TNC vehicles as employees, self-employed individuals or independent contractors
DAV	Disabled Accessible Vehicle
LPT	Limited Passenger Transportation, for-hire transportation by other than a taxi or TNC
NEMT	Non-emergency medical transportation
PFHT	Private For-Hire Transportation
T/TNCs	Taxicab and Transportation Network Companies
Transportation Network Company (TNC)	Any entity, other than a taxicab or LPT company, that operates private for-hire transportation by connecting passengers to Transportation Network Drivers who

	offer and provide Transportation Network Services through an internet based digital or software platform/application
Transportation Network Driver	Any individual operating a private for-hire vehicle who connects with passengers through an internet based digital or software platform/application operated by a TNC
Transportation Network Services	Private for-hire transportation services offered or provided for compensation by a TNC that connects passengers with Transportation Network Drivers through an internet based digital or software platform/application
Transportation Network Vehicle	Any vehicle driven by a Transportation Network Driver to provide Transportation Network Services
Wheelchair Accessible Vehicle (WAV)	A vehicle outfitted to accommodate wheelchair access

2. COMPONENTS OF THE TASK FORCE RECOMMENDATIONS

The Task Force recommendations for Phase 1 consist of two separate but interrelated components:

1. Recommendations developed and approved by a majority of Task Force members.
2. Recommendations developed by individual members that the Task Force agreed to submit for City Council consideration in conjunction with the package of its recommendations. Two items comprise this second element:
 - Recommendations on accessibility submitted by Sue Stahl, Commission on Disability member (Attachment A – Portland equal Access Plan). The Plan proposes a program for ensuring timely and equitable access to persons with disabilities requiring wheelchair accessible transportation. While the Task Force strongly supports the concept of the Plan, it has voted to further assess this proposal in Phase 2 along with other options to achieve accessibility goals. It also notes that the Plan expends beyond the Phase 1 period of time that is the focus of all other Task Force

recommendations. The Task Force is submitting the Portland Equal Access Plan as a minority report for City Council consideration and action.

- Comments submitted at the April 2 meeting by the Center on Intercultural Organizing (Attachment B) that the Task Force agreed to include in the record. These will also be further considered in Phase 2.

3. SUMMARY OF PHASE 1 RECOMMENDATIONS

Task Force recommendations are organized into three categories and *summarized below*. These recommendations are further detailed in the section that follows.

Regulations that remain as currently codified and which apply to all parties (TNCs, taxi companies and drivers)	
▪ Driver Conduct	
▪ Non-discrimination	
▪ Caps on Hours of Driving	
▪ Enforcement	
▪ Prohibition of Weapons in Vehicles	
Modifications to existing regulations that apply to all parties	
▪ Vehicle Inspections	Clarify inspector qualifications.
	Provide exemption for vehicles less than one year old.
	Require first aid kits and functional heating/cooling systems; eliminate requirement for spare tires and fire extinguishers.
▪ Background Checks	Authorize companies to employ third-party background checks that meet or exceed Code requirements, with City certification, auditing and recordkeeping standards.
	In line with City “ban the box” policy, clarify current disqualification standards to felony “conviction.”

	Suspend PFHT administrator discretionary authority to waive applicant requirements. Authorize Commissioner-in-charge of PBOT to permit new companies and vehicles.	
▪ Driver Training and Testing	Authorize companies to administer City-approved training and testing programs.	
▪ Permits	During Phase 1, suspend any caps on TNC, new taxi company, vehicle and driver permits. In Phase 2, define measures to be applied to assess market capacity factors based upon data that companies are required to submit.	
	During Phase 1, shift authority to issue permits from PFHT Board to Commissioner-in-Charge of PBOT, with new TNC and new taxi company permit applications processed uniformly with no preference given to either company type.	
	For TNCs and new taxi companies, issue interim operating permits to qualifying companies during 120-day pilot program; existing taxi company permits remain in effect.	
	For TNCs and new taxi companies, require companies guarantee that drivers and vehicles meet City requirements that include vehicle inspections, background checks of drivers, driver training and testing, and reporting requirements. All drivers classified as independent contractors must also obtain a city business license.	
▪ Minimum Standards of Service	Modify standards to reflect all requests for service, beyond those made through telephone dispatch. Eliminate limitations on percentage of fleet in proximity to the airport and percentage of fleet in service at all times.	
▪ Agent of Service (Local Business Presence)	Require a locally-based agent of service with regular business hours and 24/7 accessibility via telephone and email.	
Regulations that vary, in whole or in part, for TNCs and taxi companies		
	TNCs	Taxis
▪ Insurance coverage	Require commercial business insurance requirements to be equivalent to those for taxis; establish specific commercial vehicle insurance requirements for each	Enact no changes to current insurance requirements.

	period of service, with Period 1 (logged in and available) coverage requirements shifting from contingent to primary as soon as insurance industry programs are approved by the State Insurance Commissioner.	
▪ Equity and Inclusion (Accessibility and Non-Discrimination)	Require that TNCs provide service to requests for WAV transportation either through a company's accessible vehicle fleet or through a City-approved provider. (Same for T/TNC)	Require that taxis provide service to requests for WAV transportation either through a company's accessible vehicle fleet or through a City-approved provider. (Same for T/TNC)
	Institute a required data reporting program, including data on wait times for passengers requesting WAV transportation. (Same for T/TNC)	Institute a required data reporting program, including data on wait times for passengers requesting WAV transportation. (Same for T/TNC)
	For companies with an app-based dispatch, require mechanism to request WAV transportation. (Same for T/TNC)	For companies with an app-based dispatch, require mechanism to request WAV transportation.
	Assess an accessibility fee for data analysis during 120-day TNC pilot program; exempt taxi companies from this fee.	NA
	Recommendations on Equal Access (submitted as a minority report) (Same for T/TNC)	Recommendations on Equal Access (submitted as a minority report) (Same for T/TNC)
▪ Fare Rates/Pricing	Require fare transparency and receipts.	Require fare transparency and receipts.
	Institute no fare regulations. Allow dynamic fare pricing, but require fare notice to customers before entering a	Maintain current fare regulations that set the rate maximums for taxis of \$2.50 plus \$2.60 per mile and wait time at a rate of \$30 per hour

	vehicle. Dynamic pricing prohibited during times of emergency.	
▪ Fees	Apply a flat fee per company based on cost recovery. In Phase 2, investigate a tiered fee structure based on number of vehicles per company.	Continue to apply the existing fee structure; maintain moratorium on increases in kitties.
▪ Vehicle Signage/Notices	Require either cameras or a verifiable way to track driver and passenger identity. Provide records within 24 hours if requested by police for purposes of investigation of any crime. (Same for T/TNC)	Require either cameras or a verifiable way to track driver and passenger identity. Provide records within 24 hours if requested by police for purposes of investigation of any crime. (Same for T/TNC)
	Require drivers to display company trade dress and develop specifications for decals and City-permit information.	Retain current signage/notice requirements.
▪ Data Reporting	Require specific data reporting on at least a monthly basis during Phase 1 in a format established by the City; ensure data privacy and security.	Require specific data reporting on at least a monthly basis during Phase 1 in a format established by the City; ensure data privacy and security and require: <ul style="list-style-type: none"> ▪ Two years of historical data. ▪ Information on kitties.
▪ Street Hailing/Sitting in Taxi Lines	Prohibit from accepting street hailed fares and from sitting in taxi lines.	NA

4. PHASE 1 RECOMMENDATIONS

A framework of 16 subject areas has been used to address issues identified by the Mayor, Commissioner, and Task Force members in a Phase 1 regulatory program. There are other issues that have been identified (and additional issues that are likely to arise) that

are more appropriate to defer to Phase 2 when a more holistic review of the City's for-hire transportation program can be conducted (see Section 5).

Subjects Addressed in Phase 1 Recommendations		
1. Insurance	7. Fare Rates/Pricing	13. Data Reporting
2. Vehicle Inspections/Aesthetics	8. Caps on Hours of Driving	14. Street Hailing/Sitting in Taxi Lines
3. Background Checks	9. Permits	15. Agent of Service
4. Driver Training and Testing	10. Fees	16. Communications
5. Driver Conduct	11. Vehicle Signage/Notices	
6. Equity and Inclusion	12. Minimum Standards of Service	

PHFT INNOVATION TASK FORCE RECOMMENDATIONS		
SUBJECT	TNC REQUIREMENTS	TAXI REQUIREMENTS
1. Insurance		
Coverage Requirements	<p>1. <u>Commercial Business Insurance</u>: Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Accidental Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.</p> <p>2. <u>Commercial Vehicle Insurance</u>:</p> <p>a. Contingent insurance coverage during Period 1 (logged in and available) with minimum liability limits of \$50/\$100/\$25K coverage for</p>	<p>Coverage Requirements</p> <p>1. <u>Commercial Business Insurance</u>: Commercial General Liability policy reflecting limits of no less than \$1 million per Occurrence and \$2 million Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Accidental Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.</p> <p>2. <u>Commercial Vehicle Insurance</u>: Commercial Auto Liability policy reflecting a Combined Single Limit of not less than \$500,000 per occurrence</p>

	<p>death, personal injury and property damage plus any other state compulsory coverage. Coverage is to be maintained by the TNC, TNC Driver, or a combination of the two.</p> <p>b. At such time that the State Insurance Commissioner approves primary coverage programs offered by insurance providers, the requirement for Phase 1 coverage will change from Contingent to Primary.</p> <p>c. Primary insurance coverage during Periods 2 and 3 (en route to pick up and carrying passengers) with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.</p> <p>d. The required Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.</p> <p>3. <u>Worker's Compensation and Employers Liability Insurance</u> per State law.</p>	<p>for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle. The Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.</p> <p>3. <u>Worker's Compensation and Employers Liability Insurance</u> per State law.</p>
Other Requirements	<ul style="list-style-type: none"> • Require all companies to provide certification of company insurance to the City, and ensure that drivers maintain personal auto insurance in accordance to state requirements. • Require TNC Drivers to carry proof of TNC insurance. 	<ul style="list-style-type: none"> • Require all companies to provide certification of insurance to the City. • Require TNC Drivers to carry proof of TNC insurance. • City Review of Policies/Notification of Policy Changes.

	<ul style="list-style-type: none"> • City Review of Policies/Notification of Policy Changes. • City Named as Additional Insured. <p>For other provisions, apply current Code. (Same for T/TNC)</p>	<ul style="list-style-type: none"> • City Named as Additional Insured. <p>For other provisions, apply current Code. (Same for T/TNC)</p>
2. Vehicle Inspections/Aesthetics		
Inspections	Inspections to be performed by either an ASE Blue Seal Certified Shop (having at least 75% of their technical staff ASE certified) or by a Master Certified Mechanic. (Same for T/TNC)	Inspections to be performed by either an ASE Blue Seal Certified Shop (having at least 75% of their technical staff ASE certified) or by a Master Certified Mechanic. (Same for T/TNC)
	Exempt vehicles less than one year old from inspection.	Exempt vehicles less than one year old from inspection.
Safety Equipment	Require first aid kits and functional heating/cooling systems. Delete existing requirements for a spare tire and fire extinguishers. (Same for T/TNC)	Require first aid kits and functional heating/cooling systems. Delete existing requirements for a spare tire and fire extinguishers. (Same for T/TNC)
Other Provisions	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
3. Background Checks		
Standards	Apply current standards except clarify 16.40.90 (1) to: felony <i>conviction</i> of any kind in the 10 years preceding the submission of the application. (Same for T/TNC)	Apply current standards except clarify 16.40.90 (1) to: felony <i>conviction</i> of any kind in the 10 years preceding the submission of the application. (Same for T/TNC)
Certification	Authorize background checks to be performed by third-parties using processes that meet or exceed background check requirements outlined in City Code 16.40.090. (Same for T/TNC)	Authorize background checks to be performed by third-parties using processes that meet or exceed background check requirements outlined in City Code 16.40.090. (Same for T/TNC)

	Require authorized executive of the certifying entity to attest to the completeness and accuracy of records. (Same for T/TNC)	Require authorized executive of the certifying entity to attest to the completeness and accuracy of records. (Same for T/TNC)
	To verify that certification processes meet standards, the City will audit TNC background checks performed by third-parties. (Same for T/TNC)	To verify that certification processes meet standards, the City will audit background checks performed by third-parties. (Same for T/TNC)
Recordkeeping	Require companies to maintain records; City retains right to audit records. (Same for T/TNC)	Require companies to maintain records; City retains right to audit records. (Same for T/TNC)
Discretionary Authority	Suspend discretionary authority for PFHT Board to waive driver's permit applicant requirements. (Same for T/TNC)	Suspend discretionary authority for PFHT Board to waive driver's permit applicant requirements. (Same for T/TNC)
Other Provisions	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
4. DRIVER TRAINING & TESTING		
Training & Testing Administration	Authorize companies to administer training and testing programs that have been approved by the City as equivalent to City programs. (Same for T/TNC)	Authorize companies to administer training and testing programs that have been approved by the City as equivalent to City programs. (Same for T/TNC)
Other Provisions	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
5. DRIVER CONDUCT		
All Provisions	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
6. EQUITY and INCLUSION (ACCESSIBILITY AND NON-DISCRIMINATION)		
Service for Persons with Disabilities	Require that TNCs provide service to requests for WAV transportation either through a company's accessible vehicle fleet or through a City-approved provider. (Same for T/TNC)	Require that taxis provide service to requests for WAV transportation either through a company's accessible vehicle fleet or through a City-approved provider. (Same for T/TNC)

	For companies with an app-based dispatch, require inclusion on apps of a mechanism to request WAV transportation. (Same for T/TNC)	For companies with an app-based dispatch, require inclusion on apps of a mechanism to request WAV transportation. (Same for T/TNC)
	NA	For Phase 1, reduce the current requirement that at least 20 percent of every taxi company fleet be wheelchair accessible to 10%; re-evaluate in Phase 2.
Geographic Coverage	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
Data Reporting (also see Subject 13: Data Reporting)	Institute a data reporting program in Phase 1 that requires companies to submit data on a monthly basis on wait times (the period from ride request to arrival at the rider's location) for all passengers, with a comparative analysis of wait times for passengers requesting WAV transportation and non-WAV transportation. (Same for T/TNC)	Institute a data reporting program in Phase 1 that requires companies to submit data on a monthly basis on wait times (the period from ride request to arrival at the rider's location) for all passengers, with a comparative analysis of wait times for passengers requesting WAV transportation and non-WAV transportation. Also require two years of historical data on all fares, including type of service requested. (Same for T/TNC)
	Assess an accessibility fee for data collection, management and analysis during 120-day TNC pilot program; exempt taxi companies from this fee.	NA
Non-Discrimination	Uniformly apply current City standards; re-evaluate if needed in Phase 2. (Same for T/TNC)	Uniformly apply current City standards; re-evaluate if needed in Phase 2. (Same for T/TNC)
Recommendations on Equal Access	Attachment A (submitted as a minority report)	Attachment A (submitted as a minority report)
7. FARE RATES/PRICING		
Fare Regulation	Institute no fare regulations. Allow dynamic fare pricing, but require fare notice to customers before entering a vehicle. Dynamic pricing	Maintain current maximum fare regulation; re-evaluate in Phase 2.

	prohibited during times of emergency.	
	Require fare transparency be provided in advance of passenger accepting ride.	Apply current code.
	Require paper or electronic receipt be provided to passenger at completion of ride. (Same for T/TNC)	Require paper or electronic receipt be provided to passenger at completion of ride. (Same for T/TNC)
Dynamic (Surge) Pricing	Allow PBOT director to prohibit dynamic pricing during times of emergency.	NA
8. CAPS ON HOURS OF DRIVING		
Caps on Driving	Apply current Code maximum of 14 hours, including for combined T/TNC driving. In Phase 2, consider reduction to 12 hours total. (Same for T/TNC)	Apply current Code maximum of 14 hours, including for combined T/TNC driving. In Phase 2, consider reduction to 12 hours total. (Same for T/TNC)
9. PERMITS		
Permit Program	Subject to compliance with all applicable regulatory requirements, issue an interim operating permit to qualifying TNCs during a 120-day pilot program. Require companies to guarantee that drivers and vehicles meet City requirements that include vehicle inspections, background checks of drivers, driver training and testing, and reporting requirements. All drivers classified as independent contractors must also obtain a city business license.	Except where specifically modified (e.g., background checks, training/testing, and permit approval authority), institute no modifications to existing permitting requirements for authorized taxi companies and drivers. Subject to compliance with all applicable regulatory requirements, issue an interim operating permit to each new qualifying taxi company during a 120-day pilot program. Require companies to guarantee that drivers and vehicles meet City requirements that include vehicle inspections, background checks of drivers, driver training and testing, and reporting

		requirements. All drivers classified as independent contractors must also obtain a city business license.
	Require that drivers to carry documentation of the driver's business license number. (Same for T/TNC)	Require that drivers to carry documentation of the driver's business license number. (Same for T/TNC)
Permitting Authority	For Phase 1, transfer review/approval authority for both T/TNC permits from PFHT Board to Commissioner-in-Charge of PBOT. New TNC and new taxi company permit applications will be processed uniformly with no preference given to either company type. (Same for T/TNC)	For Phase 1, transfer review/approval authority for both T/TNC permits from PFHT Board to Commissioner-in-Charge of PBOT. New TNC and new taxi company permit applications will be processed uniformly with no preference given to either company type. (Same for T/TNC)
Number of Permits	Apply no restriction on the number of company, vehicle or driver permits during a 120-day pilot program. In Phase 2, define measures to be applied to assess market capacity factors based upon data that companies are required to submit.	Suspend Code sections 16.40.160 and 16.40.210 and related provisions and apply no restriction on the number of company, vehicle or driver permits during a 120-day pilot program. In Phase 2, define measures to be applied to assess market capacity factors based upon data that companies are required to submit.
Other Provisions	Apply current Code, except where otherwise modified. (Same for T/TNC)	Apply current Code, except where otherwise modified. (Same for T/TNC)
10. FEES		
Fees	Apply a flat fee per company based on cost recovery.	Continue current fee structure, including lower initial fee with increase at renewal.
	In Phase 2, investigate a tiered fee structure based upon number of vehicles per company.	In Phase 2, investigate a tiered fee structure based upon number of vehicles per company.
Kitties	NA	Through Phase 1, maintain the current moratorium on increases; re-evaluate in Phase 2.
Low Income Drivers	In Phase 2, evaluate opportunities to accommodate low income drivers. (Same for T/TNC)	In Phase 2, evaluate opportunities to accommodate low income drivers. (Same for T/TNC)

11. VEHICLE SIGNAGE/NOTICES		
Signage/Notices	Develop specifications for trade dress and decals that provide company and City-permit information; re-evaluate in Phase 2.	Retain current standards
Rider/Driver Safety	All vehicles must either have cameras in the vehicles or a verifiable way to track and maintain the identity of drivers and riders. If requested by a Portland Police Officer to assist in the investigation of any crime, all records that track and maintain the identity of drivers and passengers must be provided within 24 hours. (Same for T/TNC)	All vehicles must either have cameras in the vehicles or a verifiable way to track and maintain the identity of drivers and riders. If requested by a Portland Police Officer to assist in the investigation of any crime, all records that track and maintain the identity of drivers and passengers must be provided within 24 hours. (Same for T/TNC)
Other Provisions	Apply current Code (Same for T/TNC)	Apply current Code (Same for T/TNC)
12. MINIMUM STANDARDS OF SERVICE		
Standards	Apply standards A (24-hr. dispatch) and B (response to all service requests), except edit standard A to delete "received by telephone." (Same for T/TNC)	Apply standards A (24-hr. dispatch) and B (response to all service requests), except edit standard A to delete "received by telephone." (Same for T/TNC)
	Apply standard C (27/7 service) but delete 65% limitation (on percent of fleet in proximity to airport). (Same for T/TNC)	Apply standard C (27/7 service) but delete 65% limitation (on percent of fleet in proximity to airport).
	Delete standards D (minimum fleet of 15 vehicles) and standard E (2/3 of fleet in service at all times). (Same for T/TNC)	Delete standards D (minimum fleet of 15 vehicles) and standard E (2/3 of fleet in service at all times). (Same for T/TNC)
13. DATA REPORTING		
Types/Frequency of Data to be Reported	In addition to data on service to persons with disabilities (Subject 6), require the following data be reported in aggregate form on at least a monthly basis during Phase 1:	In addition to data on service to persons with disabilities (Subject 6), require the following data be reported in aggregate form on at least a monthly basis during Phase 1:

	<ul style="list-style-type: none"> • Date and time of each ride and where each ride began and ended • Wait times between a request for service and vehicle arrival • Duration of trips, in minutes and seconds • Distance traveled during a trip, in miles • Date and time of requests for mobility-device accommodating vehicle service 	<ul style="list-style-type: none"> • Date and time of each ride and where each ride began and ended • Wait times between a request for service and vehicle arrival • Duration of trips, in minutes and seconds • Distance traveled during a trip, in miles • Date and time of requests for mobility-device accommodating vehicle service <p>Require the following:</p> <ul style="list-style-type: none"> • Two years of historical data. • Information on kitties be reported, including how much taxi companies charge, how kitty fees are calculated, and what the charges cover.
	In Phase 2, identify the type of data needed to track the impact of deregulated fares on driver wages and other types of data needed to meet PFHT program objectives. (Same for T/TNC)	In Phase 2, identify the type of data needed to track the impact of deregulated fares on driver wages and other types of data needed to meet PFHT program objectives. (Same for T/TNC)
Format of Data	Require that data be submitted in a format that meets standards to be established by the City. Require data to be supported by verifiable information, e.g. dispatch records. (Same for T/TNC)	Require that data be submitted in a format that meets standards to be established by the City. Require data to be supported by verifiable information, e.g. dispatch records. (Same for T/TNC)
Data Privacy and Security	Ensure that aggregated versus rider-specific data be reported. (Same for T/TNC)	Ensure that aggregated versus rider-specific data be reported. (Same for T/TNC)
	Ensure privacy of proprietary information. (Same for T/TNC)	Ensure privacy of proprietary information. (Same for T/TNC)
Other Provisions	NA	Retain current requirements

14. STREET HAILING/SITTING IN TAXI LINES		
	Prohibit TNCs from accepting street hailed fares and from sitting in taxi lines.	NA
15. AGENT OF SERVICE (LOCAL BUSINESS PRESENCE)		
	Require a locally-based agent of service with regular hours of business (weekday business hours) and accessibility 24/7 via telephone and email. (Same for T/TNC)	Require a locally-based agent of service with regular hours of business (weekday business hours) and accessibility 24/7 via telephone and email. (Same for T/TNC)
16. COMMUNICATIONS		
	Provide appropriate information to companies and drivers to inform them of Phase 1 recommendations and of the intent to further evaluate the PFHT program in Phase 2. (Same for T/TNC)	Provide appropriate information to companies and drivers to inform them of Phase 1 recommendations and of the intent to further evaluate the PFHT program in Phase 2. (Same for T/TNC)

5. PRELIMINARY PHASE 2 SUBJECTS

A variety of subjects have been identified by the Task Force to consider or reconsider in Phase 2. This list is not intended to be all inclusive, as additional subjects may be identified:

1. Performance Measures
 - Service to persons with disabilities
 - Air quality
 - Environmental footprint

- Market capacity
- 2. Data Reporting
- 3. Providing/Funding Accessible Services
- 4. Permitting Program (including # of permits)/Fees
- 5. Employment Status of Drivers
- 6. PFHT Board
- 7. Low Income Drivers
- 8. Employment of Disabled Drivers
- 9. Kitty Fees
- 10. Fares
- 11. Occupational Accident Insurance
- 12. Signage/Notices
- 13. Monitoring Program
 - Background Checks
 - Driver Training and Testing
- 14. Program Staffing
- 15. Caps on Hours of Driving

ATTACHMENTS

Attachment A: Portland Equal Access Plan, submitted by Sue Stahl, Commission on Disability member

Attachment B: Comments submitted by Kayse Jama for the Center for Intercultural Organizing

Attachment A - The Portland Equal Access Plan (PEAP)

SUBJECT 6: ACCESSIBILITY AND NON-DISCRIMINATION

Applicable code: same as Draft.

COMMENTS: Same as draft except:

Goals: **Ensure timely and equitable service (Equal Access) to persons with disabilities.**

- Avoid an unfair competitive advantage for traffic network companies (TNCs) by not granting those companies an exemption from the obligation to provide the Equal Access transportation services that local taxi companies are required to perform.
- Avoid imposing new taxes because they decrease market efficiency and increase the cost of services.
- Achieve Equal Access by implementing a plan to require service parity for persons relying upon wheelchair-accessible vehicles (WAVs) for transportation.
- Ensure that response time data is publicly available for review and oversight.

Recommendation	After an initial Market Entry Phase, require taxis and TNCs (Transportation Companies) to reduce the time difference between average WAV response times and average non-WAV response times (Response Delta), with the final stage requiring parity. Allow the Transportation Companies to determine the most efficient means for them to address the Performance Delta.
Service Performance Standard	<p>Proposed parity schedule:</p> <p>Within one year after each Transportation Company's Market Entry, require the company to reduce the Response Delta by 50%. For example, if a non-WAV ride request takes 5 minutes between request and acceptance/dispatch, and a WAV ride request is accepted in 15 minutes, then the baseline is a 3x multiplier (Access Multiplier). Codify: Within one year of Market Entry, company WAV ride requests must be accepted / dispatched within 2x of non-WAV requests (E.g., 10 minutes). A year later, the Access Multiplier is reduced to 1.5x and so on until parity is reached and the Response Delta is Zero.</p> <p>Data today is not necessary to codify these requirements – Equal Access requires only the system today to impose the standard over time. The Transportation Companies are then free to determine the best way for them to comply with the Access Multiplier, to reduce the Response Delta and ultimately provide Equal Access.</p>
Geographic Coverage	Uniform.
Response Time Data Reporting	Transportation Companies must make all WAV and non-WAV transportation data (Response Time Data) publicly available. Publication of Response Time Data will enable public review and make it easier for the City to determine when enforcement actions may be required.
Enforcement	If any Transportation Company fails to accurately report Response Time Data or fails to comply with the Access Multiplier, the City will then suspend that company's permit for one full calendar year.

Attachment A - The Portland Equal Access Plan (PEAP)



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ATTACHMENT B

Proposed Change to ALL SUBJECT AREAS

Add a commitment to Equity and Parity as an overarching principle that informs all Code applicable to For-Hire Transportation Regulations.

Subject 2 VEHICLE AESTHETICS

In order to ensure the safety of all residents it is imperative that we keep intact current code. To ensure the safety of all our citizens including disabled individuals and elders, it is imperative that we maintain the city code requiring complete safety equipment and vehicle maintenance.

APPLICABLE CODE

16.40.380: For-Hire Vehicle Requirements and Prohibitions.

A. All private for-hire transportation vehicles must be:

1. Kept clean;
2. Kept in good appearance and good repair;
3. Properly equipped, including but not limited to carrying a standard first aid kit and a fire extinguisher;
4. Kept in a safe condition; and
5. Equipped with all pollution control equipment originally installed by the manufacturer.

B. The use of tobacco products are prohibited in any for-hire transportation vehicle. Signs detailing this prohibition must be displayed in each taxi, shuttle and SAT vehicle in a form and manner as described in administrative rule.

C. The Administrator has the authority to demand that a for-hire vehicle be made available for inspection within 48 hours notice. Authorized City personnel have the authority to inspect any for-hire vehicle at any time if the vehicle:

1. is within the City limits;
2. does not have a passenger inside; and
3. is parked in the public right of way or on public property.

D. If the Administrator determines that the vehicle violates any provision of Section 16.40.380 A., the Administrator may issue a civil penalty and set a deadline of not less than 48 hours in which the vehicle must be in compliance. If the vehicle is not in compliance at the time of the deadline, the Administrator may suspend the vehicle permit until the violations are corrected.

SUBJECT 7: ACCESSIBILITY AND NON-DISCRIMINATION (change this to EQUITY AND INCLUSION, in order to expand beyond disability).

Suggestions:

All Private for-hire transportation, including TNCs, must provide reliable access to all residents, including disabled individuals, regardless of their geography. All companies must meet the 20% fleet requirement, guaranteeing that 20% of the fleet is handicap-accessible.



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All private for-hire transportation entities must accept different type of payment options such as cash, credit or debit cards and should not refuse services to individuals who need to use payment options other than credit or debit cards.

All private for-hire transportation companies shall not discriminate against any customer on the basis of all protected statuses including someone's race, ethnicity, gender, sexual orientation, disability, or religion and should comply with all federal, state, county, and city laws that prohibit such practices.

All private for hire entities must provide a variety of options for service request including but not limited dispatch center where customers can request services as well as apps. This will ensure people with variety of abilities can access a reliable transportation, importance is that there has to be uniformity across all the private for hire transportation.

OMMISSION in Subcommittee Recommendations:

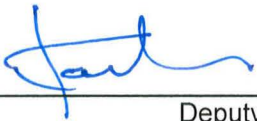
I have not seen anywhere fares being addressed. I strongly believe that we should keep current Taxi fare regulation system in order to develop parity among companies as well protecting residents from unreasonable fare hikes, surge pricing, and pricing practices that place profit over providing access to transportation to all citizens.

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Agenda No.
REPORT
Title

Accept Private For-Hire Transportation Innovation Task Force Preliminary Report, (Report)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Steve Novick</p>	<p>CLERK USE: DATE FILED <u>APR 03 2015</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick <i>CW</i></p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p>	<p>ACTION TAKEN: APR 09 2015 ACCEPTED</p>
<p>Prepared by: Bryan Hockaday Date Prepared: 4/2/2015</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>KAM</i></p>	
<p>Council Meeting Date 4/9/2015</p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00PM</p> <p>Total amount of time needed: 2 hrs (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 20%;">YEAS</th> <th style="width: 20%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Novick</td> <td>4. Novick <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Hales</td> <td>Hales <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <input checked="" type="checkbox"/>		2. Fish	2. Fish <input checked="" type="checkbox"/>		3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>		4. Novick	4. Novick <input checked="" type="checkbox"/>		Hales	Hales <input checked="" type="checkbox"/>	
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