

Private for-Hire Transportation Innovation Pilot Program

Regulatory Principles

*Portland City Council
April 21, 2015*

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Safety & Service Principles

- TNCs will be required to certify compliance with City requirements for each vehicle and driver to be certified as a permitted TNC Company vehicle or driver, which are subject to City auditing and regular enforcement actions. Taxi Companies may opt to participate in the driver and vehicle certification.
- All companies will be required to provide City-wide service 24-hours each day capable of providing reasonably prompt service to all requests, including requests made by persons with disabilities.
- TNC operators will be prohibited from accepting street-hails and from waiting in designated taxi zones.

Operating Requirements & Prohibitions

- No vehicle older than 10 years, based on the model year, will be allowed to operate as either a TNC or Taxi Company vehicle
- All vehicles must pass standardized vehicle safety tests performed by either a Master Mechanic certified by the National Institute for Automotive Safety Excellence (ASE) or by an ASE Blue Seal Recognized Shop
- All vehicles must be equipped with hands-free accessories for mobile devices, first aid kits and fire extinguishers.

Operating Requirements & Prohibitions

- TNC vehicles must display “trade dress” (company logo) and all taxi vehicles must be painted in keeping with company aesthetics and be equipped with a top light and taximeter.
- Proof of insurance and copy of a driver’s business license must be carried in vehicles

Operating Requirements & Prohibitions

- Secure, digital records with contact information from drivers and riders shall be maintained by TNCs. Such records shall provide a verifiable way to identify drivers and riders.
- Taxi companies must also maintain secure, digital records of drivers and riders or equip vehicles with digital security cameras.
- If a Portland Police Bureau Officer requests access to any record to assist in the investigation of any crime, the TNC or Taxi Company must provide access thereto within 24 hours.

Background Checks & Driver Requirements

- Each TNC will be required to conduct a national criminal and driving background check and may do so through a third-party provider, accredited by the National Association of Professional Background Screeners. Taxi companies may also perform background screening. Drivers will not be certified as a permitted driver if any of the following conditions exist:
 - The applicant has a felony conviction of any kind in the 10 years preceding the submission of the application
 - The applicant has ever been convicted of a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.

Background Checks & Driver Requirements

- DMV records will be checked to ensure a safe driving record where the applicant was licensed to drive in the last 10 years.
- All Drivers working as independent contractors must comply with all provisions of the Business License Law, Chapter 7.02.
- No Driver is allowed to drive after engaging in more than 14 hours of commercial activity in any given 24-hour period.

Driver Requirements

- A TNC Driver can only accept rides booked through a TNC digital platform and cannot solicit or accept street-hails or stop in any City-approved taxi zones
- Drivers will carry proof of insurance and a copy of a business license (as required) while operating as a PFHT Driver
- All permitted companies must employ, at all times, a Zero Tolerance Policy for intoxicant use for all drivers.
- Drivers must utilize hands-free accessories for mobile devices.

Driver Testing & Training

- Training and testing is required after program approval by the City and may be administered by permitted companies in the following areas:
 - Relevant City Code provisions and Administrative Rules
 - Portland-area attractions
 - Driver safety training
 - Customer service training

Insurance

- Commercial Business Insurance: TNC and Taxi Company permit holders must secure and maintain a 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, and Property Damage, in the course of the permit holder's work under a for-hire transportation permit.

Insurance

- Permitted TNCs and Taxi Companies will be required to provide insurance policies naming the City of Portland as an additional insured party and give at least 30 days' notice to the Administrator before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial business insurance, commercial vehicle insurance, worker's compensation and employer's liability insurance (when required by state law).

Insurance for Taxis

- Permitted Taxi Companies must hold a Commercial Auto Liability policy with the following:
 - Combined Single Limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of an scheduled, non-owned, and hired automobile in the course of the vehicle's use as for hire transportation vehicle.

Insurance for TNCs

- Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC, TNC Driver, or a combination of the two.
- Primary insurance coverage during Periods 2 and 3 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. Coverage is to be maintained by the TNC, TNC Driver, or a combination of the two.

Equity & Inclusion

- TNCs and Taxi Companies will implement service performance measures to provide timely and equitable city-wide service to all persons, including persons with disabilities.
- All companies will be required to provide an option for riders to request wheelchair accessible vehicle service.
- Service animals must be reasonably accommodated
- TNCs and Taxi Companies will be prohibited from applying additional fare charges for wheelchair accessible vehicle service.

Equitable Service Performance Measures

- At least 10% of a taxi company's fleet must be wheelchair accessible and taxi companies will implement equitable service performance measures
- TNCs will implement the following service performance measures:
 - Days 1 – 30: data collection with reasonably prompt service;
 - Days 31 – 60: data collection with reasonably prompt service with a differential of no more than 30 minutes;
 - Days 61- 90: data collection with reasonably prompt service with a differential of no more than 20 minutes or what previous data supports;
 - Days 91-120: data collection with reasonably prompt service with a differential of no more than 10 minutes or what previous data supports;

Data Sharing Agreements

- Each TNC and Taxi Company will enter into an agreement with the City to provide aggregate and anonymized data including information on the following:
 - wait times
 - type of ride requested (wheelchair accessible);
 - trip origin zip code;
 - trip destination zip code;
 - identification of every request that is unfulfilled;

Required Reporting

- Companies will also be required to comply with reporting requirements.
 - Report the number of collisions, including type of loss, date of loss, loss value, claim status (open or closed), fault, injuries, estimated damage and other information as requested by the Bureau Director;
 - Report the number and type of crimes against drivers;
 - Report the total number of passenger complaints

Fare Rates

- Fare rates charged to passengers will be transparent and will not be capped, except for during times of emergency.
 - All fares rates must be made clear and transparent to the passenger prior to the passenger accepting a ride.
 - The Bureau Director will limit or prohibit surge pricing by during a State of Emergency, as declared by the Mayor pursuant to Portland City Code 15.04.040.

Company Permit Compliance

- Permits are required and are non-transferable
- No cap on the number of available permits after successful completion of all the requirements of the application and operating requirements.
- TNCs will be required to provide a certification to the Bureau that each Vehicle and Driver has met all conditions consistent with City requirements. Vehicles and Drivers not meeting all such conditions will not be allowed to operate.

Company Permit Compliance

- PFHT operators are not allowed to operate at the Portland International Airport without specific permission or approval from the Port of Portland.
- PFHT permit holders will comply with insurance requirements and must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements.

Company Permit Compliance

- All companies will be required to keep documentation of all Certification Requirements on file during the term of the permit and for 2 years after the expiration of such Permit.
- No disclaimer of liability for negligence or other tortious conduct contained in any TNC User Terms of Service shall have any force or effect in the City of Portland. Any tort claim against a TNC shall be governed by tort law in effect at the time of the claim.

Enforcement

- The City will enforce all PFHT requirements through the following:
 - Driver and company penalties
 - Permit suspension and revocation
 - Criminal charges
 - Civil forfeiture—towing vehicles

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