

Moore-Love, Karla

From: Lynn Snodgrass <lynn.ceo@greshamchamber.org>
Sent: Tuesday, December 01, 2015 5:36 PM
To: Council Clerk – Testimony
Cc: Lynn Snodgrass; Jesse Cornett
Subject: uber testimony
Attachments: uber letter.docx

Please find my attachment to be submitted to the Council meeting Wednesday, Dec. 2, 2015.
Thank you.

Lynn Snodgrass
CEO

Gresham Area Chamber of Commerce & Visitors Center
1005 N. Main Ste 101, Gresham, Oregon 97030 503 665 1131 office

*Coming together is a beginning, keeping together is progress,
Working together is success. Henry Ford*



Mayor Hales and City Commissioners:

The Gresham Area Chamber of Commerce has more than 20% (120) of our member businesses based within the city limits of Portland. While we don't often chime in on issues of concern to the city of Portland, transportation to and from Portland utilizing ridesharing in and around our region is especially important to those members. We would like to encourage you to support making ridesharing permanent in Portland.

Transportation network companies (TNC's), have already become a positive and indispensable part of our local communities. There have been few problems that have arisen, and the societal good far outweighs the concerns that have been raised thus far. Indeed, they have helped further connect our communities. We would like to highlight three areas for you:

- Rideshare services such as Uber and Lyft help grow business. We have several members who are currently building their businesses and client bases. Uber enables them to do so while ensuring they are able to meet their basic needs. The flexibility of ridesharing is ideal for this purpose.
- TNC's are also eliminating the transportation deserts that dot the eastern fringe of Portland bordering Gresham. TriMet is a tremendous asset to our region. Ridesharing only improves upon the transit system by helping ensure transit riders can indeed reach their destiny in a timely way be it business or home.
- TNC's help ensure less people drive while intoxicated, which is why Mothers Against Drunk Driving is an adamant supporter. Ridesharing has the capacity to save many lives. It is our sincere hope that as ridesharing becomes more engrained in our culture, the rate of drunk driving crashes and deaths will be lowered.

While we appreciate you have many factors to consider, we hope you will support permanent ridesharing in Portland. It is good for business. It is a matter of public safety. It is good for the entire region.

I can be reached at 503-665 1131 if you have any questions.

Sincerely,

Lynn Snodgrass
CEO Gresham Area Chamber of Commerce

1005 N Main Ave. Suite 101 / Gresham, Oregon 97030 / 503 665 1131
www.greshamchamber.org

Parsons, Susan

From: City Auditor, Mary Hull Caballero
Sent: Monday, November 30, 2015 6:02 PM
To: Moore-Love, Karla; Parsons, Susan
Cc: Landis, Sarah
Subject: FW: City Council Agenda Item 1230 – Private for Hire Transportation Code Revisions
Attachments: Final It re City Council Agenda Item 1230.pdf

You may have already been notified of Mr. Ramis' concern...

From: Darlene Ferretti [mailto:Darlene.Ferretti@jordanramis.com]
Sent: Monday, November 30, 2015 2:40 PM
To: City Auditor, Mary Hull Caballero <AuditorHullCaballero@portlandoregon.gov>; Commissioner Saltzman <dan@portlandoregongov.onmicrosoft.com>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Novick <novick@portlandoregon.gov>; Hales, Mayor <mayorcharliehales@portlandoregon.gov>
Cc: McGair, Ken <Ken.McGair@portlandoregon.gov>; Raye Miles (rmiles@broadwaycab.com) <rmiles@broadwaycab.com>; Steve Entler (radiocabgm@msn.com) <radiocabgm@msn.com>; tesfaye@greentrans.com; Stephen Kafoury (skafoury@hevanet.com) <skafoury@hevanet.com>; Ed Herinckx (edh@hmhagency.com) <edh@hmhagency.com>; 'kelliann@amicopr.com' (kelliann@amicopr.com) <kelliann@amicopr.com>; wk@klgpc.com; Michael Schultz <michael.schultz@jordanramis.com>; Tim Ramis <Tim.Ramis@jordanramis.com>; Michael Schultz (michael.schultz@agcounsel.com) <michael.schultz@agcounsel.com>
Subject: City Council Agenda Item 1230 - Private for Hire Transportation Code Revisions

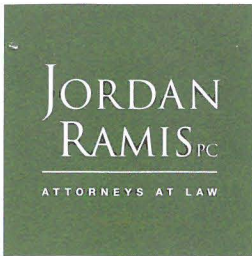
Ms. Caballero, Mayor Hales and Council Members,

Tim Ramis asked me to send you that attached letter of today's date.

Thank you.

DARLENE FERRETTI | Legal Secretary
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5551 Main: 503-598-7070

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187472

VIA E-MAIL & FIRST CLASS MAIL

November 30, 2015

Mary Hull Caballero, City Auditor
1221 SW 4th Avenue
Room 140
Portland, OR 97204

Commissioner Dan Saltzman
City of Portland
1221 SW 4th Ave. Rm. 230
Portland OR 97204

Mayor Charlie Hales
City of Portland
1221 SW 4th Ave. Rm. 340
Portland OR 97204

Commissioner Nick Fish
City of Portland
1221 SW 4th Ave., Rm. 240
Portland OR 97204

Commissioner Amanda Fritz
City of Portland
1221 SW 4th Ave. Ste 220
Portland OR 97204

Commissioner Steve Novick
City of Portland
1221 SW 4th Ave. Ste 210
Portland OR 97204

Re: **City Council Agenda Item 1230 – Private for Hire Transportation Code Revisions**
Our File No. 52863-73951

Dear Ms. Caballero, Mayor Hales and Council Members:

I am writing to notify you of a discrepancy between a November 24, 2015 Council adopted motion and the language of that motion appearing on the website of the City Auditor. On behalf of the Transportation Fairness Alliance, I object to the inclusion of ordinance amendment language that has not been passed by a majority vote of the City Council.

The language of that amendment as read aloud by Commissioner Saltzman during the hearing is as follows:

Transportation Network Companies may not dispatch a vehicle unless the Director has issued a PFHT Vehicle Decal for that vehicle (a "PFHT Vehicle Decal"). The Director will issue a PFHT Vehicle Decal including an identification number specific to each PFHT Vehicle upon certification by the Director that the vehicle meets all requirements under Chapter 16.40.

The language of the ordinance amendment appearing in the 11-24-15 AMENDMENTS TO EXHIBIT A posted on the website of the Portland City Auditor is as follows:

November 30, 2015

Page 2

Motion to add to 16.40.250 A: The Transportation Network Company may not dispatch a vehicle unless the designated Trade Dress includes a visible Portland Business license identification number specific to each PFHT Vehicle: Moved by Saltzman and seconded by Fritz. (Y-4; N-1 Hales)

As close review of the video recording made of the council session reveals, while Commissioner Novick and staff from the Bureau of Transportation discussed how to implement the amendment proposed by Commissioner Saltzman no amendment was offered to the language proposed and read aloud by Commissioner Saltzman. The text he offered was adopted on a 4-1 vote.

The language appearing on the website of the City Auditor has two problems. First, the language is not the language contained in the amendment adopted by the City Council. Second, because the revised language shifts the burden of performing one legal obligation and eliminates a second legal obligation altogether, the revision is a material change rather than a mere refinement made for the purpose of improving clarity.

My concern is that the ordinance proposed for adoption by the City Council upon second reading must contain the same language as the amendment so that it can lawfully proceed to adoption. Please include this letter in the record of the matter.

Sincerely,

JORDAN RAMIS PC



Timothy V. Ramis

Admitted in Oregon

tim.ramis@jordanramis.com

OR Direct Dial (503) 598-5573

cc (via e-mail): TFA

Michael Shultz

Wendi Kellington

Ken McGair

29/2/15

1211



Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

OPPOSE

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

187 47 2

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

NAME (print)

ADDRESS AND ZIP CODE

Email

spoke ✓	Tim Ramis	2 Centerpointe Dr. 6 th Fl 97035	tim.ramis@jordanramis.com
spoke ✓	Stephen Kafoury	1207 SW 6 th Ave 97201	skafoury@heavennet.com
spoke ✓	Steve Entler	1613 NW Kearney St 97209	radiocabgm@msn.com
✓	Raye Miles	8725 NE Emerson St 97217	rmiles@broadwaycab.com
yes ✓	Noah Ernst	1613 NW Kearney St 97209	noah@radiocab.net
yes ✓	William Daniels	" "	William@radiocab.net
✓	Jim Kennedy	20 NE 20 th Ave 97232	jimk@cbmpos.com
✓	John Bachofner	2 Centerpointe Dr, 6 th Floor 97035	john.bachofner@jordanramis.com
✓	Ed Herrick	1800 SW 1st Ave #250 97201	edh@hnhagency.com
✓	John Middleton (Steven Kafoury to read)	27000 SW 95 th Ave #109 97070	johnm@direct-transport.com

Date 11-05-2015

Page 1 of 4

11-24-15

1211
 Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

OPPOSE

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

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

NAME (print)	ADDRESS AND ZIP CODE	Email
Testaye Aleme	10118 E Burnside St 97216	testaye@greentrans.com
Ron Knori	58 Longview Heights Place Longview, WA 98632	KNORZ,ron@yahoo.com
Brian Honeyman	3250 NW Yun Ave, Portland, OR 97210	Brianhoneyman.ecocal@gmail.com
Wenne Wellington	PO Box 159, Lake Oswego, OR 97034	WK @ K19PC.COM
Abdirahman Ibrahim	10285 75th Portland	Cascadetys@gmail
Alan Loden	2160 Sunrise Hillsboro	Alandrives@aol.com
Lighting Naturally PDX		
Wayne Elliott	1414 NE 57, P.O. 97213	Wayne97213@yahoo
GARY FISHER	11825 SW Bruce Dr, Beaverton, OR 97008	gary.fisher@comcast.net
Patricia Montgomery (Patricia)	72 NE Monroe	Needs changed Comcast.net

1211
Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

OPPOSE

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

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

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FRANK CHODIA	8185 SW ALDEN ST	FCHODIA@HOTMAIL.COM
✓ Ryan Hershagen	823 NE JESSUP	portlandpedals@gmail.com
✓ MIKE McDERMOTT	4780 SW STODDARD DR.	MMCDERMOTT120@gmail.com
✓ John Orr	14948 SE Oregon Trail dr	John Orr 18@YAHOO.COM
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Carrasco

1211

Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

OPPOSE

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

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

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Jeauette Thibert		pdxcabbie@gmail.com
Kristin Lipp	2211 Simpson Ave. Vancouver, WA 98660	503allstars@gmail.com
Wendy Dyer		
✓ DAN Debrance TESTIFY		dbd2propelinsurance.com
✓ DIRK WARNINGHUFF		

11-24-15

1211

187 472

Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

SUPPORT

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

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

NAME (print)

ADDRESS AND ZIP CODE

Email

Norman Abel	Woodville, OR	abeljerusalem@aol.com
Stephanie Reynolds	504 NE 18 th Ave. Hillsboro 97124	Stephreynolds7@gmail.com
Peter Newell	1015 oak st, Wilson, OR, 97381	peternewell1960@yahoo.com
Dan Payton	6011 Shakespear st. 97035	danpayton@gmail.com
Jennifer Mcmillan	2828 NE Juniper ave, Wilson 97030	msr.j.mcmillan@gmail.com
Norman Abel	1406 NE 237 th Ave Woodville OR	AbelJerusalem@aol.com
Don Shields	2428 19 th St West Linn, OR 97068	DONSHIELDS1936@gmail.com
Tom Scheu	6920 SE Mitchell ct 97206	foomanshoos@gmail.com
Kelley Huse	1843 S. 15 th Ct. 98642	huse-kelley@comcast.net
Cleve Parker	11067 SE Cranberry loop Clackamas, OR 97015	Clackamoose@gmail.com

11-24-15

Support new PFHT regulations 187472 12/11

present 11/24/11

FIRST NAME	LAST NAME	SUPPORT OR OPPOSE	PAGE No.	INITIALS
Muktar	Abdow	SUPPORT	2	
Norman	Abel	SUPPORT	3	
Norman	Abel	SUPPORT	3	
Jason	Alderman	SUPPORT	4	
Jason	Alderman	SUPPORT	5	
Mohamed	Ali	SUPPORT	5	
Mohamed	Bah	SUPPORT	4	
Andrew	Barden	SUPPORT	5	
Jlene	Brown	SUPPORT	2	
Susan	Brown	SUPPORT	5	
Jerald	Bunn	SUPPORT	2	
Frank	Choto	SUPPORT	5	
Bob	Cios	SUPPORT	4	
Gary	Fisher	SUPPORT	5	
David	Gibson	SUPPORT	2	
Bryan	Haskins	SUPPORT	4	
David	Holmquist	SUPPORT	2	
John	Houlgate	SUPPORT	2	
Kelley	House	SUPPORT	3	
Tan	Huynh	SUPPORT	5	
Tan	Huyuh	SUPPORT	2	
Valeriy	Izotov	SUPPORT	4	
Charles	Johnson	SUPPORT	4	
Tamara	Kenedy-Hill	SUPPORT	1	
Alex	Kislenko	SUPPORT	4	
Anthony	Leigh	SUPPORT	2	
Dan	Mark	SUPPORT	2	
Jennifer	McMillan	SUPPORT	3	
Peter	Newell	SUPPORT	3	DN
Cleve	Parker	SUPPORT	3	
Dan	Payton	SUPPORT	3	
John	Reed	SUPPORT	5	
Stephanie	Reynolds	SUPPORT	3	
Jordi	Sarahketh	SUPPORT	5	
Tom	Scheu	SUPPORT	3	
Mason	Seufert	SUPPORT	4	
Don	Shields	SUPPORT	3	
Wes	Taft	SUPPORT	5	
Jose	Thomas	SUPPORT	5	
Patrick	Wells	SUPPORT	4	
Carl	Wilson	SUPPORT	2	

Oppose new PFHT regulations 187472 / 211

FIRST NAME	LAST NAME	SUPPORT OR OPPOSE	PAGE No.	INITIALS
Teal	Abor <i>ABOR</i>	OPPOSE	3	<i>TA</i>
Tesfaye	Alme	OPPOSE	2	<i>TA</i>
Nona	Carrasco	OPPOSE	3	<i>NC</i>
Dan	Degrange	OPPOSE	4	
Wendy	Dyer	OPPOSE	4	
Wayne	Elliott	OPPOSE	2	
Kirk	Foster	OPPOSE	3	
Ryan	Hashagen	OPPOSE	3	<i>RH</i>
Brian	Honeyman	OPPOSE	2	<i>BH</i>
Abdirahman	Ibrahim	OPPOSE	2	
Wendie	Kellington	OPPOSE	2	<i>WK</i>
Ron	Knori	OPPOSE	2	<i>RK</i>
Kristin	Lipp	OPPOSE	4	
Alan	Loden	OPPOSE	2	<i>AL</i>
Mike	McDermott	OPPOSE	3	<i>MD</i>
John	Middleton	OPPOSE	1	
Dawood	Mohamed	OPPOSE	3	
Patrick	Montgomery	OPPOSE	2	<i>PM</i>
John	Orr	OPPOSE	3	<i>JO</i>
Jeanette	Thibert	OPPOSE	4	<i>JT</i>
Dirk	Warninghoff	not listed		<i>DBW</i>
Lightning	Watchdog PDX	OPPOSE	2	<i>LD</i>

= present
11-24-15

not here
can we
sub

~~Ben van Gelderen~~
~~Ben van~~



11.24.15

City Council Testimony

Pat Montgomery

FINGERPRINTING and VEHICLE SIGNAGE

Good Afternoon. My name is Pat Montgomery.

I continue to be concerned with two areas of the proposed code:

The first is **background checks**.

The International Association of Transportation Regulators recommends biometric fingerprinting as the gold standard for background checks. I strongly support the city following this gold standard in order to protect the citizens of Portland. Other big cities like New York City, Columbus, Ohio and Houston do, and so should we.

Uber argues that the time to conduct fingerprinting will delay drivers getting on the platform. If that's the case, the city could issue temporary permits.

The continual stories we read in the media about Uber drivers committing crimes are not the soccer moms out making an extra buck, they are often dangerous criminals who have slipped through the cracks of the current background checks. Biometric fingerprinting would safeguard this from happening.

The second issue I'm concerned with is surrounding **vehicle signage**.

So, maybe it's time to drop the idea that transportation providers need to be fully painted, but let's not go so far as to eliminate safeguards. Instead require ALL providers to have distinctive branding that can be accomplished with an exterior decal that can be easily identified on a dark and rainy night.

I'm alarmed by the trend of hearing about citizens who are waiting for Uber rides climbing into the wrong vehicle. This trend is dangerous – particularly for women, because it creates too good of an opportunity for predators to prey on our citizens. This just happened a few weeks ago in Portland. In addition to a brand decal, vehicles should also be required to display a decal issued by the City of Portland which confirms that the vehicle and the driver meet all of the requirements of Chapter 16.40. A tiny sticker that can be ordered easily on Amazon is not enough.

(NOTE: Wave the sample Uber decal for emphasis on the word "tiny.")

Thank you.

187 472

*Submitted by
Pat Montgomery*



11-24-15
SUBMITTED BY
WENDIE KELLINGTON

16.40.030 Definitions

187 47 2

ADD DEFINITION: Alternative Fare System: The means of pricing fares that do not depend upon a Taximeter.

ADD DEFINITION "Base Rate": The minimum rate used for all Taxi fare calculations whether by Taximeter or Alternative Fare System shall be no less than \$ [redacted] per mile.

ADD DEFINITION "Base Rate": The minimum rate used for all TNC fare calculations whether by Taximeter or Alternative Fare System shall be no less than \$ [redacted] per mile.

S. "Dynamic Pricing" means the pricing as impacted by market demand which ~~can be~~ are within a range approved by the Director as an upward or downward deviation from the fare rates established by the private for-hire companies and approved by the Director.

DDD. "Transportation Network Company" (TNC) means any entity or organization, whether a corporation, partnership, sole proprietor, that connects with passengers with affiliated TNC Drivers and TNC Vehicles through an Internet based digital or software platform/application operated by the Transportation Network Company. An entity or organization that both uses dispatch service and Internet based digital or software platform/application services or both to connect to passengers, shall be deemed a "Taxi Company".

EEE. "Transportation Network Company (TNC) Driver" means any individual operating a private for-hire vehicle who connects with passengers through an Internet based digital or software platform/application operated by an affiliated Transportation Network Company. An individual who operates a private for-hire vehicle that connects to passengers through either a dispatch service or an Internet based digital or software platform/application services or both, shall be deemed a "Taxi Driver".

16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements

A. Application. An applicant for a Taxi Company permit shall submit to the Director:

11. A description and photo or rendering of the unique branding ~~and exterior color scheme~~ that the applicant Taxi Company proposes to use for its fleet of affiliated Taxi Vehicles, and;

12. Company proposed fare rates;

13. A Statement of whether the Taxi Company will use a Taximeter or Alternative Fare System or both to calculate fares. If a Taxi Company uses in whole or part an Alternative Fare System, then it must provide to the Director a description of such Alternative Fare System, including any app used in conjunction therewith, including general use information, methodology for fare calculation and customer instructions for requesting a ride and gaining an estimate of the fare including for requesting and the fare for requesting a wheelchair accessible vehicle;

J. Certification of Taxi Drivers. The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi for Director certification that drivers meet

requirements in Section 16.40.170, on a form approved by the Director. Drivers shall be certified by the Director prior to providing Taxi Services on behalf of the affiliated Taxi Company and Taxi Drivers not meeting all required conditions will not be certified as a permitted Taxi Driver and will not be allowed to operate as a Taxi Driver.

Such requirements include:

1. Criminal and Driver Background Checks;
2. ~~Personal Automobile Liability Insurance~~;
3. Valid Driver License;

16.40.130 Taxi Company Insurance Requirements

L. Insurance Rating. All insurance companies issuing policies within this Section shall be rated by either Demotech or A.M. Best Company and carry at least a rating of ~~A.M. Best A-~~ or better from either rating service.

16.40.140 Taxi Company Operating Responsibilities and Prohibitions.

* * * * *

E. Receipts. All taxi passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Taxi Company, Taxi Driver, Taxi Company customer service support contact information and the City of Portland's PFHT complaint phone number.

16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions

* * * * *

2. Every Taxi Vehicle affiliated with a Taxi Company must ~~be painted in the unique color and display the~~ design scheme of that affiliated Taxi Company in a manner that clearly identifies the Taxi Company, as approved by the Director.

D. Every Taxi Vehicle that calculates fares based on on-board motor sensors for miles traveled must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger. Taxi Vehicles may, in lieu of or in addition to maintaining a Taximeter, utilize an internet or application based fare system (Alternative Fare System) if the Alternative Fare System complies with the requirements of this 16.40.

E. Alternative Fare System: In lieu of or in addition to maintaining a Taximeter for the calculation of fares, Taxi Vehicles may calculate fares based on a Global Positioning System or "GPS" methodology that is deployed on internet and/or electronic applications. Such fares shall comply with the following:

a. The estimated amount of the fare shall be quoted in advance to the customer (a) on any internet message or application used by the customer to hail the Taxi Vehicle; (b) by the Taxi Company dispatch service when the dispatch is used by the customer to hail the Taxi Vehicle, or (c) by the Taxi Driver when the Taxi Vehicle is hailed on the street by a customer.

b. The variance between the estimated fare and the actual fare charged to the customer shall be no more than 3% if: (a) the destination that was the basis of the estimate remained unchanged during the ride, and (2) the time required for the completion of the trip remained within 1% of the time period calculated in the fare estimate.

c. The minimum fares charged shall comply with this Chapter 16.40.

16.40.170 Taxi Driver Certification Requirements

ADJUST TO BE THE SAME FOR ALL DRIVER TYPES

D. Taxi Driver Criminal and Driving Background Checks. A local and national biometric criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

- 1. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database that relies at a minimum on both information provided by the driver, as well as the driver's fingerprints, with validation (primary source search); and*
- 2. All motor vehicle records associated with the with the applicant driver available pursuant to records laws of each state.*

16.40.190 Accessible Service Requirements

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund.

a. The Accessible Transportation Fee once established shall be assessed annually and then only against those Taxi Companies that do not maintain at least 10% of their fleet in WAVs.

b. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund;

11-24-15
WENDIE KELLINGTON

187 47 2

Flywheel just opened up a new front in the taxi wars

The e-hail app company wants to replace 'obsolete' taxi meters with a single smartphone

By **Andrew J. Hawkins** on October 29, 2015 12:00 pm



Flywheel, the e-hail app that's not Uber or Lyft, is stepping up their game in the global war for taxi domination. On Thursday, the Redwood City-based company unveiled its new "TaxiOS" designed to replace the antiquated jumble of meters, navigation devices, and credit card machines currently found in many cabs with a

single, cloud-enabled smartphone.

Currently, around 50 taxis in San Francisco are operating with Flywheel's new operating system under a pilot with the city's Municipal Transportation Agency. It also aims to launch in New York City, where it's working on an application to the Taxi and Limousine Commission to become the first virtual meters in that city as well.

"Everything that gets done in a taxi can be done on a single device," Flywheel CEO Rakesh Mathur told *The Verge*. "This complete system is what taxis need to deliver the quality user experience that everyone in the world now has come to expect."

"THEY ALMOST ALWAYS FAIL."

With Uber and Lyft currently dominating the black car and for-hire vehicle industries, competition is heating up for control over the coveted yellow cab space. With their metered rates and street hail exclusivity, yellow taxis still outperform their Silicon Valley rivals in most cities. But the startups, and Uber especially, are catching up. Uber drivers completed more than 100,000 trips a day in New York City, four times more than the previous year, *The Wall Street Journal* recently reported. Meanwhile, yellow taxis averaged more than 410,000 trips a day in June, down 11 percent from the previous year.

Flywheel's intention to make a move on the in-taxi technology is significant. Currently, a hodgepodge of companies run the meters, credit card systems, and televisions found inside yellow taxis across the country. In New York, two companies each control about half of the systems in the entire 13,000-plus vehicle fleet: Creative Mobile Technologies, based in Long Island City, Queens; and Verifone Systems, based in San Jose. Each company takes a cut of every credit

card payment that's made and earns revenue off advertising shown on taxi television screens — although that may be a thing of the past after the **TLC recently approved a pilot to junk the screens**. That proposal cleared the way for Flywheel to make its move. The company, which is primarily an e-hail service, currently operates in San Francisco, Los Angeles, Seattle, San Diego, Sacramento, and Portland. New York City, which is the country's largest taxi market, is the logical next step.

Mathur called CMT and Verifone's equipment "obsolete" and more reminiscent of the late 19th century than anything that should be in use today. "It really makes so sense in 2015 to be running equipment," he said. "When you take a taxi it's like you're transported back in time, right? From the technology you encounter in a taxi, it's like the DOS computer reinvented."

Mathur says his operating system is the first to bring the meter, dispatch, payments, and navigation to a single device. The company is currently training drivers in the cities where it operates to work the new system. Previously, Flywheel was only used by riders to hail and pay for taxi rides. Now drivers will also be able to use the service to process payments and navigate the streets.

But traditional taxi companies like CMT and Verifone are not taking the threat posed by upstarts like Flywheel and Uber lying down. A spokesman for CMT said, "As the leading taxi technology provider throughout the country, we often see cheap sub standard products creep into the space — they almost always fail — that's because operators cannot afford to lose the confidence of their passengers in the ever competitive market."

Jason Gross, vice president for strategy and innovation at Verifone, said his company was also developing technology solutions to the current problem with in-taxi equipment. With regards to Flywheel's new OS, Gross said, "It's a fine idea,

but incomplete." He said that Flywheel lacks the foreknowledge of taxi regulation and the deep relationships with fleet owners and city officials that Verifone has. "We think its fine if another technology company wants to try to offer solutions," he said.

DOS-ERA EQUIPMENT, OR A CLOUD-ENABLED SMARTPHONE?

Both companies recently unveiled their own e-hail and payment apps, **Arro by CMT** and **Way2Ride by Verifone**. Arro is currently only operational in New York, but has plans to expand to San Francisco, Boston, Chicago, and Washington, DC. Way2Ride is functional in New York and Philadelphia. Both are marketing themselves as the no-surge-pricing alternative to Uber.

Trouble is, that's also Flywheel's pitch. Everyone in the taxi industry, either in the yellow cab market or in Silicon Valley, is operating in Travis Kalanick's \$50 billion shadow. Uber has a huge head start, and while the company certainly marginalizes a wide swath of potential customers with its Machiavellian maneuvers and illegal incursions into cities, it is growing at an exponential pace. **Three-fourths of the US population live in counties covered by Uber**. It's unclear whether the yellow cab industry's shift toward technology after realizing the threat posed by Uber will be too little, too late.

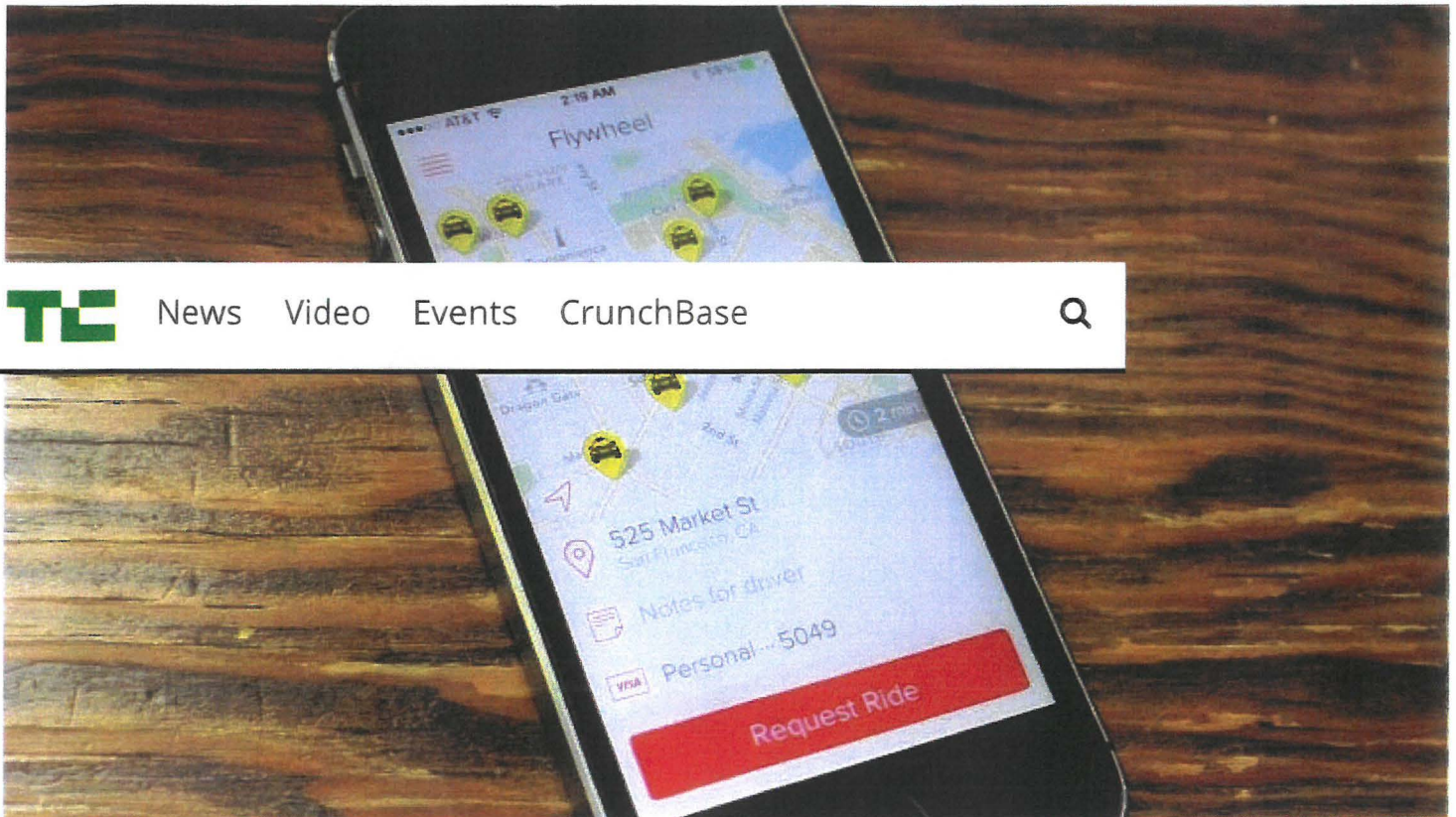
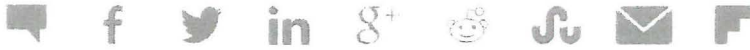
11-24-15
WENDIE KELLYINGTON

Flywheel's TaxiOS Aims To Replace Old-School Cab Meters

Posted Oct 29, 2015 by [Megan Rose Dickey \(@meganrosedickey\)](#)

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SHARES



Flywheel, the app for hailing taxis, has a pilot program in place with the San Francisco Municipal Transportation Agency to implement its new platform, TaxiOS, into 70 cabs. TaxiOS, which is an Android app that runs on a Flywheel-provided Moto E device, aims to be a single operating system for taxis. TaxiOS features GPS-based rates, dispatches from phones and mobile apps, as well as mobile-based payments.

Flywheel says over 80 percent of the taxis in San Francisco work with Flywheel for mobile ride hailing. Part of that is likely because the [SFMTA has a mandate for all taxis to work with some type of mobile booking solution.](#)

"When we started reimagining the technology in taxis with TaxiOS, we brought the SFMTA into the process early and explained what we wanted to do and listened to their feedback," Flywheel CEO Rakesh Mathur told TechCrunch. "For example, they wanted a way to accept SF Paratransit (a discounted taxi program for people with special needs) payments we built

it into our system."

187 47 2



Flywheel's TaxiOS will also be available for free to non-Flywheel Taxi drivers, and the company says it has interest from several other taxi companies looking to update the technology used in their fleets. All of Flywheel's TaxiOS revenues will come from completed rides, meaning that Flywheel will make money from riders using the app to hail a ride and through processing mobile and credit card payments. Flywheel sees TaxiOS as being key to scaling in additional markets.

Related Articles

[Lyft Beats Uber To McCarran Airport In Las Vegas](#)

[Lyft Line's Express Re-Route Feature Aims To Get You Where You're Going Faster](#)

[Getaround's Revenue Has Doubled To "Tens Of Millions" In The Last Six Months](#)

“Unlike rideshares, Flywheel doesn’t need to devote capital to recruiting drivers or owning inventory,” Mathur said. “With TaxiOS, cabs running this new technology can be up and running in just minutes — rather than hours to a full day that it’s traditionally taken for cabs to deploy. Ride share companies have shown how critical a smartphone in every car is to scale transportation technology. But as opposed to Uber, which is only for people who have smartphones and credit cards, taxis running TaxiOS can pick up rides hailed through an app, on the street or voice dispatch; and accepts either cash, credit card/mobile app payment. Its target market is far bigger.”

Flywheel, which has raised over \$34 million, currently operates in San Francisco, Los Angeles, Seattle, Sacramento and San Diego. Although Flywheel isn’t officially live in New York, it has received its credentials to operate e-hailing services and has done over a million test rides in the market.

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Google Launches Android Studio 2.0 With Improved Android Emulator And New Instant Run Feature

22 HOURS AGO | FREDERIC LARDINOIS

Parsons, Susan

From: Tamara Kennedy-Hill <tamara@travelportland.com>
Sent: Monday, November 23, 2015 12:20 PM
To: Moore-Love, Karla
Cc: Council Clerk – Testimony
Subject: Written Testimony for Council Agenda item#1211 for Special Meeting -Tuesday, November 24, 2015
Attachments: November 24 written testimony for PFHT Kennedy-Hill.pdf

Hi Ms. Moore-Love,

Please find attached my written testimony for the Special Council hearing tomorrow, Tuesday, November 24, 2015 at 9:30am in reference to replace Code Chapter 16.40 Private for hire transportation, previous agenda item 1162.

Kind Regards,

Tamara

TAMARA KENNEDY-HILL
DIRECTOR OF DIVERSITY AND COMMUNITY RELATIONS
D: 503.275.9777 | C: 503.791.1810
tamara@travelportland.com
Travel Portland
[Facebook](#) | [Twitter](#) | [Instagram](#)

"Few American cities do quirk as deliciously as this one." The Washington Post, 2015

Written Testimony of**Tamara Kennedy-Hill, Travel Portland**

Reference: #1211 Replace Code Chapter 16.40 – PFHT Regulations

Continued Discussion Item, Tuesday, November 24th City Hall

Tamara Kennedy-Hill
Director of Diversity & Community Relations
Travel Portland
1000 SW Broadway, Suite 2300
Portland, OR 97205

Dear Mayor Hales, Commissioners:

My name is Tamara Kennedy-Hill, Director of Diversity & Community Relations for Travel Portland. Unfortunately I am not available to testify in person but did want to provide written testimony from my experience serving on the Private for Hire Transportation (PFHT) Board as well as being a representative of Travel Portland for the Visitors industry.

First and foremost, thank you for the opportunity to allow me to serve on a city board. Through this process I was able to dive deep into city code related to private for hire transportation services as well as listen to the perspective of many within the PFHT industry (drivers, company owners and other stakeholders).

While a PFHT board member, the largest issue I witnessed prior to this pilot program was inconsistent metrics to evaluate demand, service performance and the rider experience. In my opinion, there was not a clear evaluation process of when and why caps on permits would be removed. This often led to frustration by new companies striving to enter the marketplace. The system simply did not seem to work.

The pilot program clearly demonstrated that there was a gap in for hire transportation service and a desire for more options in the Portland marketplace. As the final pilot data report showed, this new program has improved overall ridership in the Portland market by almost 40%.

This change has created a positive impact for visitors to Portland. I had the opportunity to inquire with a few hotel general managers who wanted to share their perspective with Council.

Ryan Kunzer, General Manger of the RiverPlace Hotel comments:

“Due to our unique location the RiverPlace Hotel has always struggled with obtaining cab request for our guest. I have lost count on how many guest left us disappointed because the 30 to 40 minute wait for a cab caused them to be late for dinner reservation or to miss parts of a

special event they were attending. With the introduction of TNC's into Portland we now have options! Cabs have been easier to obtain due to the lift on licenses granted and Uber and Lyft have been welcome options for our guest and Doorman. I have personally waited no longer than 5 minutes for either since the change in policy has taken place. What was once one of our biggest obstacles in guest satisfaction has become a non-issue!"

Another Hotel General Manger, Terry Hanley, of the Hotel Rose added:

"I spoke with our valet / door attendants and the general consensus is;
-more options equate to less waiting time for the customer
-more accurate pick up times. If the app states 10 minutes they arrive in 10 minutes.
Overall, the addition of TNCs has been positive for our property."

The Visitors industry is in support of these regulatory changes. The new rules create a more efficient and adaptable framework for city of Portland, Portland residents as well as visitors. What we have seen is that increased competition and better data metrics has forced all providers to up their game and improve the riding experience for all users.

I think we can all agree that creating change is never easy. I wanted to take a moment to commend the leadership of Commissioner Novick, Bryan Hockaday, PBOT staff and the innovation task force for the long and thoughtful process to create these new code rules. The Visitors industry will continue to be engaged to support the long term success of the program in Portland.

Thank you and happy holidays.

Kind Regards,



Tamara Kennedy-Hill

Moore-Love, Karla

From: City Auditor, Mary Hull Caballero
Sent: Tuesday, November 10, 2015 5:00 PM
To: Moore-Love, Karla
Subject: FW: Let's keep ridesharing in Portland for good

FYI

From: City Auditor Griffin-Valade
Sent: Thursday, November 05, 2015 4:57 PM
To: City Auditor, Mary Hull Caballero <AuditorHullCaballero@portlandoregon.gov>
Subject: FW: Let's keep ridesharing in Portland for good

From: Brian McGuigan [mailto:bm McGuigan@gmail.com]
Sent: Thursday, November 05, 2015 12:14 PM
To: City Auditor Griffin-Valade <LaVonne@portlandoregon.gov>
Subject: Let's keep ridesharing in Portland for good

Dear Auditor LaVonne Griffin-Valade,

As a Portland resident, it's important to me to be able to continue to count on ridesharing services like Lyft.

The convenience, reliability, and affordability of ridesharing is already improving transportation in our city for the better. Areas with limited transportation options, such as East Portland, are seeing nearly a 50% increase in car-for-hire ridership since ridesharing services launched earlier this year.

That's not all. Ridesharing also complements our city's innovative approach to transportation, lowers carbon emissions, and creates new economic opportunities for drivers.

I encourage you to support the plan to make ridesharing a permanent transportation option in Portland.

Thank you,

Brian McGuigan
3774 Yerba Buena Ave
San Jose, CA 95121

5/45

187 47 2

Agenda Item 1162

TESTIMONY

3:00 PM TIME CERTAIN

SUPPORT

NEW PRIVATE FOR-HIRE TRANSPORTATION RULES

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[] Clyde Showalter	ORLA, 8565 SW Salish 97070	cshowalter@oregonrta.org
[] ✓ Sara Conte	Presto Box 300 NW Northrup 97209	sara@prestobox.com
no [] Chad Layman	Marquam Group 30 NW 10th 97209	chad.layman@marquam.com
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[] ✓ Tez Siddique	Eugene, OR	Imtiazus@gmail.com
[] Tamara Kennedy-Hill	1000 Travel Portland SW Broadway 97205	tamarah@travelportland.com

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David Gibson	Dallas, OR	david97801@gmail.com
David Holmgvist	Vancouver, WA	holmgvist.2@gmail.com
Jerald Bunn	Beverton, OR	vikon123@comcast.com
John Houlgate	Portland, OR	john-houlgate@yahoo.com

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Kelley Huse	1843 S. 15 th Ct. 98642	huse-kelley@comcast.net
Cleve Parker	11067 SE Cranberry loop Clackamas, OR 97015	Clackamoose@gmail.com

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KEVIN SEUFERT	818 SW 3RD AVE #288 PORTLAND, OR 97204	KEVINSEUFERT1@YAHOO.COM
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Bob Cios	13267 SW DEER GROVE LN TIGARD 97224	cdoggs@AOL.com
Charles JOHNSON	503-333-3333	
Jason Alderman	Portland, OR	Jason@alderman.net
Alex Kislenko	16416 NE 22nd St 98684	AlexKislenko@yahoo.com

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John Reed	1615 Aspen St. Lake Oswego	jreed17@gmail.com
FRANK CHOTO	8185 SW ALDEN ST	FCHOTO@HOTMAIL.COM

wrong list

29/22

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spoke ✓	Steve Entler	1613 NW Kearney St 97209	radiocabgm@msn.com
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yes ✓	Noah Ernst	1613 NW Kearney St 97209	noah@radiocab.net
yes ✓	William Daniels	" "	William@radiocab.net
✓	Jim Kennedy	20 NE 20 th Ave 97232	jimk@cbmpos.com
✓	John Bachofner	2 Centerpointe Dr, 6 th Floor 97035	john.bachofner@jordanramis.com
✓	Ed Herinckx	1800 SW 1st Ave #250 97201	edh@hnhagency.com
	John Middleton	27600 SW 95 th Ave #109 97070	johnm@direct-transport.com

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Abdirahman Ibrahim	10285 75th Portland	Cascadetys@gmail
left Alan Loden	2160 Sunrise Hillsboro	Alandrives@aol.com
Lighting Watkins PDL		
WAYNE GILLOTT	1414 NW 57, P.O. 97213	Wayne97213@yahoo
GARY FISHER	11825 SW Bruce Dr, Beaverton, OR 97008	gary.fisher@comcast.net
Patricia Montgomery	72 NE Monroe	Needs changed comment MS

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John Carrasco	9439 N Calhoun	nonakcarrasco@gmail.com
KERK FOSTER	8255 N. FOSS AVE 97203	WAPATOSHORES@YAHOO.COM
Abdijahman	2305 SE 121st Portland OR 97216	AMM114@gmail.com
Dawood Mohamed	1505 SE 122ND AVE PORTLAND OR 97233	dawoodm@gmail.com
Nona Carrasco	9439 N Calhoun	nonakcarrasco@gmail.com

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Kristin Lipp	2211 Simpson Ave. Vancouver, WA 98660	503allstarz@gmail.com
Wendy Dyer		
DAN Debraonp TESTIFY AT ME		dbd@propelinsurance.com

To the Portland City Council,

November 5, 2015,

My name is Darin Campbell, I am an owner at Radio Cab, Lobbyist and PFHT Board taxi driver Representative.

We know the intention is to allow Uber and Lyft to stay operating in Portland, But just as we have said from the beginning it needs to be fair to the competition and safe for the Citizens of Portland.

Here are a few items, that if changed will level the playing field and make it safer for Portlanders.

- Require TNC drivers to contact their personal insurance advising the insurer of their working for a TNC. A letter of acknowledgment should be required from the insurer.
- Require annual vehicle inspections on all TNC vehicles just as Cabs have to do.
- Require those inspections to actually fall within the guidelines of the pilot project with penalties if they don't.
- Limit the number of TNC vehicles that can be logged onto the platform at any given time.
- Require front and back logo to be visible from 50ft on all TNC vehicles.
- Require proof of a completed and accepted background check on all TNC drivers.
- Require Drivers to physically apply for a drivers permit in the PDOT office or designated permitting space.
- Suspend any signed privacy agreements the city currently has with Uber and Lyft.

These may seem like demands that have been made over and over again and again. With good reason.

There has been a lot of controversy about insurance and if a TNC driver will be covered by their personal insurance. This is a sure way to ensure coverage will be intact for when an incident is questionable about who is liable.

Make sure vehicles are road ready to carry passengers. Without annual inspections a driver can and will get away without fixing and dangerous and possibly lethal issue. Currently Uber uses Green Drop Garage to do inspections. These inspections do not fall within the guidelines set forth by the Pilot project. They do not have a Blue Seal certified master mechanic doing these inspections and at last check they had only one blue seal certified master mechanic between two locations.

I have brought it up before that a limit on the number of vehicle that are working is a must. Right now the city is being overrun with nearly 4,000 Uber cars and growing. They have said their goal is to reach 10,000. That is a recipe for one outcome, Uber makes money and no one else does laying waste to family wage jobs along the way.

There must be more signage on their vehicle for identification purposes. A couple weeks ago a young lady got in a car with a man pretending to drive for Uber. This is a public safety issue and more signage will help solve the problem.

On Facebook last week the Portland Uber driver's page was overrun with individuals claiming they just got word from uber that their background check had gone thru. In every case the driver had been on the road driving for Uber for over 4 months. These need to be completed prior to being allowed on the platform. A taxi Driver does not get a permit until we have paid the money and the background check is completed.

Ensure that who is going to work is the person on paper. Require that those going to work for Uber or Lyft physically bring all the required documents to PDOT and have a PDOT representative accept them.

Any privacy agreements you have with a TNC need to be void immediately. These types of agreements are not in the best interest to the citizens of Portland and can only encourage corruption and favoritism. In the spirit of transparency this need to happen now,

I could go on and on but these are the major key issues as I see them.

Thank you

Darin Campbell



How TNC insurance really works

(Not how they tell you that it works)

July 11 2015

During the initial meetings of the Innovation Task Force from January through April, a great deal of time was spent discussing the merits of the liability insurance coverage provided by Uber and Lyft. Eventually it was decided that the coverage that was provided during the operational periods described by the TNC's were, at least, marginally acceptable.

The real problem with their insurance program is a little more difficult to discern as it relies heavily upon the driver's personal auto policy and a few other factors that have been carefully omitted from discussions, yet remain a vital part of the financial viability of the TNC insurance program. Auto accident claims that would normally be handled by the TNC's primary policy never find their way to the TNC primary insurance company's claim department. Instead, the driver's personal auto insurance picks up the tab because they are unaware of the driver's commercial activities.

As a self insured taxi company, Radio Cab has gained a lot of inside knowledge about claims processing, risk exposure, accident frequency and other common situations that arise as a result of engaging in commercial passenger transport. We have been providing this kind of service for nearly 70 years and fully understand that it is a high risk business. We get involved in a lot of motor vehicle accidents each year. We have a total of 203 cabs and we were involved in approximately 300 accidents or incidents last year alone. Even though better than half of those were non chargeable, the time that our trained drivers spend on the streets just naturally places them in harm's way on a regular basis. Our Insurance rate quotes have always been extremely high, and for good reasons. As you can

see, we average approximately 1.5 accidents per vehicle per year. Uber and LYFT are now providing essentially the same type of service, so exposure to automobile accidents will become very similar. The ratio per vehicle will not be significantly different. If anything, their exposure will lead to a higher ratio because of their unfamiliarity with the territory that they are serving and the lack of experience of many of their drivers.

In all of the discussions that have taken place, we have heard repeatedly that the TNC drivers are using their personal automobiles to provide part time "ride sharing" service. You have to ask yourself the question, at what point do these vehicles cross the line and become commercial business autos that are used occasionally for part time personal use? Their personal auto insurance companies know the answer. The answer is - - - as soon as they start using the car for business purposes. It is for this reason that most of the TNC driver applicants do not inform their insurance companies that they are providing service for Uber or Lyft. Their insurance agents sold them policies based on the type of driving that they would be doing and the general area that they would be doing most of their driving in. All of that changes when they start providing transportation in unfamiliar areas, during peak traffic times, driving more miles, spending more time on the road, and having the stress of time constraints and abnormal activities. So, when the insurance company finds out, their policy is usually cancelled or they are converted to a different type of policy at a higher price.

At the City council meeting of April 21st, Commissioner Fritz asked many of the TNC drivers who were testifying the following question: Have you notified your personal auto insurance company that you are driving for a TNC company? Invariably there was a long pause, and then the answer would be no. She would then tell them about the possibility of their policy being cancelled.

I also testified at one of the City Council meetings about the likelihood of what would normally happen in the event of a motor vehicle accident involving a TNC vehicle and driver. I testified that in the event that a TNC vehicle was involved in a fender bender while actively involved with TNC business, the proof of insurance required to be shown at the scene of the accident would usually be the driver's

personal auto insurance card. The TNC's don't provide insurance cards, so the tendency will be to show the card that is in their glove box, which happens to be their personal auto insurance card. Most people will simply turn the information supplied by the TNC driver over to their own insurance company and unless the TNC driver happens to confess to the claims adjuster about his business activities with the vehicle, the claim will be paid by the personal auto insurance company.

Given the increased risk routinely faced by the TNC drivers as well as our own, it didn't take long for the inevitable to happen. Yes, one of our cabs was smashed into by a TNC vehicle.

The accident occurred on June 9th at approximately 6:25pm in NW Portland. Our driver was transporting a passenger and was traveling north on NW 4th when an Uber driver ran a stop sign on NW Couch while traveling east and slammed onto our cab #21 who was in the right lane of NW 4th which is a one way through street. Our passenger was not injured but our driver was, and went to the hospital.

As part of our normal procedure, a "cover car" was dispatched to the scene to gather information and take pictures. At the scene the Uber driver stated that he was on his way to pick up a fare when the accident occurred. When asked for insurance information, he produced his Geico insurance card. Pictures of the vehicles and geico insurance card were taken including the Uber placard that was displayed in the passenger side window. Our onboard dash cam recorded all of the events of the accident that was clearly his fault.

The following morning our Risk management coordinator for Radio Cab contacted Geico to file a claim. Even though we knew about the Uber activity, we proceeded with the claim without mentioning anything about Uber, just like any other motorist would. The process drug out for quite a while because Geico had to interview our driver, as well as their own insured driver. Finally, on June 23rd Geico accepted 100% liability. A few days later, things started to fall apart. We were later informed that there might be a question of coverage. Usually this means that their insured failed to make a monthly insurance payment and their coverage had lapsed, so I contacted the Geico representative myself to get a

better explanation. On July 1st, I found out that, in the last couple days and after repeated interviews, their insured driver had finally confessed that he was in the process of chasing to pick up a fare a few blocks from where the accident occurred. This was outside of the guidelines of his policy that doesn't allow business use.

In talking to the Geico representative, I told her that we were aware of the drivers Uber activity and had been planning to let Geico know about it, but were allowing it to run through the normal procedure before doing so. She confided in me that fraudulent activity of this sort was becoming very widespread, much more so than they had suspected. A lot of additional claims costs are being incurred by the insurance companies because of the fraudulent business practices of a few policyholders that seem to be encouraged by the TNC companies. Ultimately, these additional expenses are passed on to all of the other personal auto insurance policy holders.

As of today, we are still waiting for someone to take final responsibility for the damage caused by the TNC driver's negligence. Geico has tried to contact Uber's insurance company but has not heard back from them. I'm guessing that they will then get into an argument about whether or not the App was on or off or just lost in hyper space. Meanwhile, we just sit and wait.

A City of Portland enforcement person recently told me that he had taken a lot of rides in TNC vehicles and had asked them to show proof of insurance as a part of his investigation into their business practices. He stated that every one of them produced their personal auto insurance card. When he asked for their proof of TNC insurance, they didn't even know how to show it or were unwilling to do so.

The City of Portland absolutely, positively, should not allow this to continue. The process that allows the TNC companies to self permit creates a method for Uber and Lyft to avoid some of the claims costs that they should rightfully be responsible for and passes them onto personal auto insurance companies and their other policy holders. It is my opinion that the city is somewhat complicit in allowing this fraudulent scheme to take place.

I can only think of 2 ways to correct this situation.

#1 Require the TNC's to carry full time 24/7 commercial insurance on all vehicles, with coverage specifications that match the current requirements of the permitted City of Portland taxicabs and other PFHT vehicles. or

#2 Revise the current process that allows the TNC's to fully self permit their drivers and vehicles to a process that requires more PBOT oversight and involvement.

PBOT needs to perform the final vehicle and driver permitting. PBOT needs to require that each individual TNC driver show proof of current personal auto insurance, and proof that their personal insurer is aware of their business affiliation with a TNC company. The city should also require that it be listed as also insured on each policy with notice to be sent to the city in the event of a lapse in coverage, exactly as permitted Taxi's and other PFHT vehicles and companies have been required to do for many years. Anything short of this process is simply irresponsible.

Please contact me if further details are required, I would be happy to supply them.

Respectfully submitted,

Steve Entler GM Radio Cab Co.



503-205-3355



RADIO CAB

est. 1946

To: Jim Owens, Michael Greenfield
Private For Hire Transportation Innovation Task Force

From: Steve Entler, GM
Radio Cab Company
503-205-3355

Date: July 17, 2015

Re: **The continuing saga of the TNC insurance scam**

I testified in an April City Council meeting that in the event a TNC vehicle was involved in a fender bender while conducting TNC business, it was likely that the driver would provide their personal auto insurance card as proof of insurance.

At that point it was simply my opinion about what might happen.

However, Radio Cab now has two instances of this occurring exactly as anticipated. The first instance was last week and is documented in my letter dated July 11th (How TNC Insurance Really Works).

The second instance occurred yesterday evening at approximately 6:00 p.m. Our cab #75 was traveling westbound on SW Oak between 5th and 6th. While passing a car that had pulled over to park, the passenger

door of an Uber driver's parked car was flung open and struck the left side mirror of our cab, breaking it entirely off the cab. Like the previous incident, a cover car was sent to the scene to gather information and take pictures. Once again, the TNC driver's personal auto insurance card was produced as proof of insurance even though it was obvious that he was actively involved in commercial activity at the time.

The following morning, we contacted the TNC driver's insurance company to see about having our cab looked at so that we could then get it repaired. The claims adjuster stated that their insured had already opened a claim, but had later called back to inform them that there wasn't enough damage to his vehicle to worry about, so they closed the claim. We asked what they were going to do about the damage to our cab, which was out of service due to the mirror being ripped off the side of the car. The claims person stated that their insured had told them a different story and, of course, didn't bother to mention anything about operating at the time as an Uber driver, nor did they make mention of the Uber passenger. Nor did we. The claims person eventually asked if we would like to reopen the claim, which we did. When everything plays out, we will let them know about the Uber connection.

We have now been involved in motor vehicle accidents with Uber vehicles multiple times, and have been shown personal auto insurance information – rather than Uber insurance information – 100% of the time.

We have moved from speculation to reality about what appears to be standard operating procedure for the TNCs.

We are still waiting to resolve the first accident. Uber's insurance company hasn't ever contacted us, and now the Uber driver is not responding to Geico's attempts to contact him.

Something needs to change with regards to the primary TNC insurance policy and/or the TNC driver and vehicle permitting process that allows this sort of fraud to take place. It is highly unfair that the general public is duped into inadvertently paying for claims costs that rightfully belong to Uber and Lyft.

Please feel free to contact me for any additional details about these incidents. I look forward to your response.

October 16, 2015

Dear Mayor Hales and City Commissioners

At the city council meeting of August 20, 2015, I was heartened to see that the city commissioners have finally recognized that a real problem exists with the auto insurance program adopted by Uber and Lyft, and decided that something should be done about it.

There are several issues regarding the TNC insurance program that need to be corrected but for a start council focused on the disparity in coverage limits during the various periods of TNC activities. First, Commissioners generally agreed that the insurance coverage provided during Periods 2 and 3 was satisfactory, but that the coverage provided during Period 1 was totally inadequate. During Periods 2 and 3, the insurance was "primary" with \$1,000,000 limits. During Period 1, however, the "contingent liability" insurance contains drastically reduced coverage limits. This reduced coverage is a major concern for the Commissioners. The TNC's were subsequently put on notice that they were going to have to provide primary coverage limits during period 1 that would equal those provided in periods 2 and 3. This was a good start at correcting one of the insurance issues, but it certainly doesn't correct everything.

During the Q & A sessions between council members and principals from Uber and Lyft, the question about the insurance coverage being "primary" came up repeatedly. Uber and Lyft representatives always answered that their commercial auto insurance was absolutely "primary". Well, that may have been their answer, but in practice, their insurance policy is anything but primary. You see, it doesn't really matter whether an accident occurs during period 1 or 2 or 3 if a commercial auto insurance card is never presented as proof of insurance at the accident scene. Most of the claimants that get involved in an accident with a TNC vehicle have no knowledge that it is engaged in a commercial business at the time of the accident. They simply give the insurance info that is supplied to them by the TNC driver to their own insurance company, which, in turn subrogates for damages from the insurance company that is shown by the TNC driver. As a result most damage claims end up being unwittingly paid for by the drivers' personal auto

insurance company. The TNC's actually encourage the drivers to follow this procedure knowing that the driver will avoid telling their insurance company that they were engaged in a business that is exempted from coverage. Uber and Lyft will not take responsibility for their drivers' negligence until all other avoidance methods have been exhausted or legal action has been initiated by a claimant.

Radio Cab has now been involved in 3 motor vehicle accidents with TNC vehicles/drivers and, to date, not a single one of them has been resolved. Each one of them has been determined to be the fault of the TNC drivers. The first accident occurred more than 4 months ago.

On every occasion the TNC drivers have presented their personal auto insurance card as proof of insurance at the scene of the accident. Every one of them was actively involved in business at the time of the accidents. The most recent accident involved a TNC driver displaying both the Uber and Lyft trade dress decals in his windshield at the same time. God only knows which insurance company will ultimately take responsibility for the damage, but if Uber or Lyft have their ways, it will be somebody other than them. This is the way that their "insurance" program has been designed and implemented from the start. It is a program that depends on drivers giving their personal auto insurance information so that Uber and Lyft can avoid a large percentage of the claims that should rightfully be theirs. Instead, those claims costs are passed on to personal auto insurance companies (and ultimately the policyholders) who have no knowledge that their insured driver is engaged in business practices that are excluded from coverage by their personal auto policy.

The Innovation Task Force recognized that a problem exists in that the TNC drivers are providing their personal auto insurance cards as proof of insurance because Uber and Lyft do not issue commercial insurance cards to the drivers. Even though state law allows electronic proof, the Task Force has forwarded to council a recommendation to require normal commercial insurance cards to be carried in all TNC vehicles at all times. This requirement would help to resolve one of the problems, though by itself it is not enough. There also needs to be a

regulation created to require showing the commercial insurance card whenever the driver is involved in an accident while engaged in TNC business.

Finally, all TNC drivers should be required to obtain and maintain an affidavit from their personal auto insurance company acknowledging that the company is aware that their insured is using the vehicle for part time commercial use providing service for a TNC company. This attachment is commonly referred to as a "Rideshare endorsement". Uber and Lyft already require all of their drivers to have and maintain personal auto insurance policies. Therefore, evidence of an endorsement attached to policies which the TNC's claim to be a prerequisite to using their dispatch network, should not be an unreasonable regulatory burden. It would also go a long way towards putting a stop to the insurance fraud that is currently taking place.

Of course, all of these things would be unnecessary if the TNC's were required to carry the same 24/7 commercial insurance that all of the other private for hire transportation companies are required to carry. Uber and Lyft apparently feel that this wouldn't work well for them, and have concocted this "smoke and mirrors" type of coverage that the city is currently allowing. If this type of insurance program is allowed to continue, then the responsible thing for council to do would be to make the adjustments that I have outlined above. To review, they are:

1. Require equal amounts of primary liability insurance coverage during all periods of activities on the transportation network.
2. Require TNC drivers to carry insurance cards issued by the TNC's insurance company in their vehicles at all times.
3. Create regulations that require a TNC driver to show proof of commercial insurance at the scene of an accident that occurs during the time when the app is in use.
4. Create regulations that require a TNC driver to obtain and maintain a "rideshare endorsement" on their personal auto insurance policy.

Thank you for hearing my concerns. If I can be of further assistance in this matter, please don't hesitate to call me at 503-205-3355.

Steve Entler GM Radio Cab Co.

November 3, 2015

Dear Mayor Hales and City Commissioners,

I am writing to you today to express my deepest concern regarding some of the proposed code changes that you will be hearing and voting on November 5th.

Many of us in the Taxi industry have held the belief that PBOT staff has been given marching orders to make Uber's and Lyft's entry into the Portland marketplace as seamless as possible no matter what rules are broken or who is harmed as a result. It appears that our beliefs are now confirmed. The new PFHT code presented by the bureau indicates that the TNC's are dictating the operating parameters that they are willing to abide by, and the bar is being lowered to the rest of the PFHT industry to allow standards of operation and safety that were previously considered unacceptable. I believe, as do others, that acceptance of the proposed code, as written will be an enormous mistake and will create problems that will be nearly impossible to correct in the future.

As you have heard from me in previous correspondence, some of the most serious concerns I have are about the "smoke and mirrors" automobile liability insurance program that has been allowed for the TNC's. Radio Cab has had multiple experiences with the so called "primary" auto liability insurance provided by Uber, which is not "primary" at all. We have been involved in 4 motor vehicle accidents with Uber and Lyft, some of them nearly 5 months ago. None of them has been resolved as yet. I can't help thinking that other motorists are experiencing the same thing.

The drivers invariably show their personal auto insurance card as proof of insurance at the scene of the accident, even though their personal auto insurance does not cover commercial activities with TNC's. The drivers show their personal coverage anyway, in hopes that nobody will find out, and they don't want to file a claim with Uber for fear of being dropped from the App. Usually their personal auto insurance companies unwittingly pay the claims, even though the responsibility should lie with the TNC's insurance company. The TNC's insurance companies will not accept a claim directly from an aggrieved claimant. The TNC

driver has to file a claim themselves, and even after that occurs, the TNC insurance company is reluctant to follow through with the process or pay the claim. Uber's insurance company finally accepted full responsibility for our first accident and told us that the check for damages was "in the mail" 3 weeks ago. Evidently the mail service from San Francisco is in need of some help, because we still haven't received it. Maybe they should deliver the check with an Uber car.

The new code revisions proposed by PBOT do little to cure the insurance scam that is currently in place. In fact it adds to the problems. The new code proposal shifts the responsibility for proper insurance from the TNC to the individual drivers. How does that work?

At the last City Council meeting, the commissioners were universally concerned by the inadequate levels of liability coverage during period 1, and put the TNC's on notice that they were going to be required to raise their coverage limits during Period 1 to match those during Periods 2 and 3. The proposal ignores that demand by Council entirely. I guess that the drafters of the new code have decided that Uber's wishes completely outweigh those of the City Council.

Also ignored was the recommendation from the Innovation Task Force to require TNC vehicles to carry a hard copy commercial insurance card in the vehicle while engaged in TNC activities.

Of course, the most important overlooked item of all would be the requirement to obtain a ride share endorsement from the driver's personal auto insurance company. Instead, the proposal requires the TNC's to inform their drivers that their personal auto insurance might not be adequate or valid for use for commercial purposes. Shouldn't the personal auto insurance company be the one that determines whether or not coverage is valid? But how can that happen if the insurance company has no knowledge of the TNC affiliation? If personal auto insurance is going to be required by the TNC's and allowed by the city as part of the liability insurance package, then it absolutely should be accompanied by an affidavit from the personal auto insurance company stating that the policy is valid for its intended business use.

A lot of the code requirements have obviously been changed to accommodate the wishes or requirements of Uber and have been cut and pasted to the requirements for most of the other Private for Hire industry in a vain attempt to make the requirements look fair and equal. Things like:

All cab drivers will be required to have personal auto insurance. (Many drivers don't own cars nor do they own the cab that they are driving.) The cab is commercially insured 24/7, so the requirement is ridiculous.

Cab drivers will be required to carry a copy of their city business license. (What about employee drivers?) TNC drivers are only required to provide their business license number rather than a copy of their city business license.

The proposed code changes that were crafted by PBOT with clearly biased input from the TNC's are so uneven and poorly vetted, that it is appalling to me that they are being submitted, as is, to council at this time.

There are many more issues that need to be corrected, but I won't bother you with them in this letter. However, I can be reached almost any time for further discussion. Please do not hesitate to contact me at 503-205-3355.

Steve Entler GM Radio Cab Co.



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AUDITOR 11/04/15 AM 11:04

Date: November 4, 2015

To: Portland Mayor Charlie Hales and Commissioners Nick Fish, Amanda Fritz, Steve Novick, and Dan Saltzman

From: Jason Brandt, President & CEO
Oregon Restaurant & Lodging Association

Subject: Replacement of Code Chapter 16.40 pertaining to Private For-Hire Transportation in the City of Portland – Agenda Item #1162 (Nov. 5, 2015)

Dear Mayor Hales and Commissioners,

On behalf of the members of the Oregon Restaurant & Lodging Association (ORLA), I am writing today in support of the updated code for Private For-Hire Transportation in the City of Portland, including making ridesharing a permanent part of the City of Portland's Private For-Hire transportation network.

The hospitality and tourism industry is indeed part of a vibrant scene in Portland, and ensuring that visitors and locals alike have access to a variety of transportation service options is paramount to its continued success. Allowing guests to choose from both traditional for-hire options like taxis and town cars, and new developments such as transportation network companies like Uber and Lyft, supports a free market system and allows Portland to keep pace with other cities on the west coast and beyond.

ORLA believes that by updating this code to include an increased focus on inspections and enforcement, customers will be kept safe with reliable and consistent transportation services. Together with meeting the increased demand in Portland, this will improve visitor experiences and help Portland's hospitality industry grow and thrive – which will in turn impact Portland's economic viability.

Please support the replacement of the Private For-Hire Transportation code to include a permanent ridesharing option for the above stated reasons. Portland's restaurants and lodging providers encourage your support!

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Brandt", written in a cursive style.

Jason Brandt, President & CEO
Oregon Restaurant & Lodging Association