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## Public Vehicle Pilot Program Committee

### Date

2016/06/27

### Time

10:30 AM

### Location

Civic Centre, Council Chamber,  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

### Members

Bonnie Crombie	Mayor
Karen Ras	Councillor - Ward 2
Ron Starr	Councillor - Ward 6
Al Cormier	PVAC Citizen Member Representative
Chris Schafer	TNC Sector Representative
Mark Sexsmith	Taxi Industry Representative

### Contact

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### Find it Online

<http://www.mississauga.ca/portal/cityhall/councilcommittees>

**1. CALL TO ORDER****2. APPROVAL OF AGENDA****3. DECLARATION OF CONFLICT OF INTEREST****4. MINUTES OF PREVIOUS MEETING**

4.1. Minutes from the June 21, 2016 meeting of the Public Vehicle Pilot Program Committee

**5. DEPUTATIONS**

5.1. Item 7.1 Peter Pellier, Taxi Industry

5.2. Item 7.2 Al Moore, Toronto Taxi Industry

**6. MATTERS TO BE CONSIDERED**

6.1. Overview of the currently approved Public Vehicle Licensing By-law 420-04, as amended

6.2. By-law 0134-2016, a by-law to amend the Public Vehicle Licensing By-law 420-04, as amended

6.3. Changes to By-law 420-04, as amended - June 2016

6.4. Pilot Program Discussion Framework

*\*\* Please note that in an effort to prevent corporate waste, the large appendices to this item are only available online. Committee Members have received all appendices, in their entirety, at the previous meetings of this Committee.*

6.5. Council Resolution 0096-2016: Next Steps

**7. INFORMATION ITEMS**

7.1. Controlled Entry - Correspondence from Peter Pellier, Taxi Industry

7.2. Correspondence from Al Moore, Toronto Taxi Industry

**8. OTHER BUSINESS**

9. **DATE OF NEXT MEETING** – To be determined.

**10. ADJOURNMENT**

City of Mississauga  
**Minutes**



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## Public Vehicle Pilot Program Committee

**Date**

2016/06/21

**Time**

10:04 AM

**Location**

Civic Centre, Council Chamber,  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

**Members Present**

Bonnie Crombie, Mayor  
Karen Ras, Councillor - Ward 2 (Vice-Chair)  
Ron Starr, Councillor - Ward 6 (Chair)  
Al Cormier, PVAC Citizen Member Representative  
Chris Schafer, TNC Sector Representative  
Mark Sexsmith, Taxi Industry Representative

**Staff Present**

Mickey Frost, Director, Enforcement  
Daryl Bell, Manager, Mobile Licensing Enforcement  
Robert Genoway, Legal Counsel  
Karen Morden, Legislative Coordinator

**Others Present**

Tracey Cook, Executive Director, Municipal Licensing and Standards, City of Toronto  
Vanessa Fletcher, Policy Advisor, City of Toronto

**Find it online**

<http://www.mississauga.ca/portal/cityhall/councilcommittees>

1. **CALL TO ORDER – 10:04 AM**

2. **APPROVAL OF AGENDA**

Chris Schafer, TNC Sector Representative requested that the minutes from the previous meeting on June 13, 2016 be amended to reflect the following:

1. That “staff reports” be amended to “media reports”.

Mr. Schafer further provided clarification with respect to his comment regarding general pilot programs, which was noted by the Committee but did not require an amendment to the minutes.

Mayor Crombie inquired about a comment made by Councillor Ras at the previous meeting with respect to the length of the pilot program, to which Councillor Ras noted that it would come up again under the framework review and no amendment to the minutes was required.

Mayor Crombie requested that correspondence from Chris Schafer, TNC Sector Representative sent earlier that morning be included on the agenda.

Councillor Starr advised that written submissions not received the evening prior to future meetings would not be included in the agenda.

Approved, as amended (Councillor Ras)

3. **DECLARATION OF CONFLICT OF INTEREST – Nil.**

4. **MINUTES OF PREVIOUS MEETING**

- 4.1. Minutes from the June 13, 2016 meeting of the Public Vehicle Pilot Program Committee  
Amendments as listed under “Approval of the Agenda”.

Approved, as amended (A. Cormier)

5. **DEPUTATIONS – Nil.**

6. **MATTERS TO BE CONSIDERED**

6.1. Pilot Program Discussion Framework

Mickey Frost, Director, Enforcement advised that staff brought the document forward to focus the discussion of the Committee with respect to the purpose and parameters in



the development of the pilot program and requested that the Members speak to their written submissions respectively. Mr. Frost further commented that due to the conflicting nature of each of the submissions, his hope was for the Committee to come to a compromise with their positions.

Al Cormier, PVAC Citizen Member Representative noted that he did not submit further comments as he was suggesting a different approach.

Mark Sexsmith, Taxi Industry Representative inquired as to whether the Members would comment individually to each of the questions in the discussion framework, to which Councillor Starr advised that they would.

Chris Schafer, TNC Sector Representative noted that he also did not respond directly to the outlined framework but that his comments would align with the discussion.

Mr. Frost suggested that each stakeholder present their position and provide any additional information to the Committee.

Mr. Cormier noted that his submission, included in the original agenda, may be in contradiction of the current By-law that detailed the Capture Option and that allowing TNCs to operate in a pilot program under their business model could be contrary to the Council approved Capture Option. He further noted that if the pilot program allowed TNCs to operate under the conditions outlined by staff, it would be too restrictive due to the cap on the number of vehicles and drivers and that it would not demonstrate the full potential of TNCs. Mr. Cormier further noted that if a “middle of the road” approach was taken, with parameters acceptable to both TNCs and the taxi industry, it would be difficult to measure the performance of the pilot project in servicing the residents of the City of Mississauga in that the comparison to a new service in comparison to an established service and that monitoring the whole City would be difficult. Mr. Cormier also noted that providing that level of detail may be difficult to ascertain the level of success and that limiting the pilot to an east/west would be more manageable.

Mr. Sexsmith commented on the difficulty in determining how the TNC sector could deliver their service without an impact on the taxi industry and further noted that TNCs should recognize that they are taxis.

Mr. Schafer responded that the submissions from Mr. Sexsmith and Peter Pellier, Taxi Industry attempted to create a pilot that wouldn't pilot what it was intended to, and that if the pilot were run exclusively through the taxi industry it would not be a true pilot program. Mr. Schafer commented that he suggested a different pilot with a “made in Mississauga” approach and compared it to what Boston is currently doing with a “peer to peer ridesharing” approach and that it would reduce regulatory burdens by adopting some of the regulatory proposals with reasonable and proportionate rules, but not

common rules, and that there would need to be more detail in the proposal.

Mr. Sexsmith commented that he felt that the City had already been running a pilot program the past two years since Uber had been operating in the City and that a clear impact on the taxi industry was known. Mr. Sexsmith spoke to the price of Uber, the positives of the app that Uber uses and that customers don't care about minor variations in regulations, just the cheaper price to use Uber. Mr. Sexsmith further noted that the needs of the customers could be met by the taxi industry with staff enforcing all by-laws, ensuring safety for customers. Mr. Sexsmith suggested an amendment to the By-law to allow taxi operators to accept orders from any platform such as through an app, street hail, or phone.

Councillor Ras inquired whether current TNC drivers would be able to participate in the model suggested by Mr. Sexsmith, to which he spoke to streamlining the process of obtaining a taxi licence.

Mr. Schafer noted numerous challenges in adopting Mr. Sexsmith's proposal, most significantly in attempting to turn TNC drivers, who typically drive less than 10 hours per week, into taxi drivers. Mr. Schafer spoke to sections 31 and 32 of his written submission commenting that his proposal would allow taxis to have fare flexibility and to section 14 regarding safety, such as criminal record searches and Ministry of Transportation checks, and spoke to an independent company customer satisfaction study which reported that Uber outperforms taxis.

Councillor Ras inquired as to the frequency of vehicle inspections, to which Mr. Schafer advised that it would be annually, as it is a one year pilot. Councillor Ras further inquired whether the City has adequate staff resources with respect to inspections, to which Mr. Frost explained that with no limit on the number of vehicles, as proposed by Mr. Schafer, staff's ability to accommodate this is unknown at this time and further noted that due to Uber cars not being marked, there would be no way to know if a vehicle is an Uber vehicle in order to perform an inspection.

Mr. Schafer spoke to the creation of a passenger account for staff in order to book rides and perform spot checks and noted that Toronto created a decal under their by-law, so Mississauga drivers would also have the decal as they are undergoing the same process as the Toronto drivers.

Mr. Cormier inquired about the number of taxi drivers also driving as Uber drivers and whether there was data available regarding the Uber usage of Mississauga residents, to which Mr. Schafer advised that data collection and sharing is included in his proposal. Mr. Schafer further noted that there were a number of taxi drivers who apply and don't make it due to background checks and screening by Uber.

Mayor Crombie inquired as to how many of the five thousand Uber drivers in

Mississauga were also taxi drivers, to which Mr. Schafer advised that the intake data would have had to be flagged as a taxi driver. Mr. Schafer further noted that most drivers work less than 10 hours per week, so there would never be five thousand on the road at the same time. Mayor Crombie inquired as to the number of people who did not pass their background check and requested clarification on the background check process. Mr. Schafer spoke to section 14 of his proposal, in which the process is borrowed from Toronto and completed by a police service in Cobourg which sends the results straight to Uber instead of the applicant and spoke to the ease of obtaining the screening through an online process.

Mayor Crombie inquired as to whether Uber's screening process was different than the taxi industry, to which Mr. Sexsmith noted that the industry has standards set by the By-law and enforced by City staff and that criminal record searches are performed by the police in the city of the taxi operator's residence. Mr. Sexsmith further commented that the brokerages keep all records on file for examination at any time by City staff or social services. Mayor Crombie further noted that all Mississauga residents are potential TNC customers and no limit should be placed on who TNCs can have as customers.

Mayor Crombie requested information on data sharing processes in Boston, to which Mr. Schafer referred to section 39 of his proposal regarding trip level data and spoke to the Boston model. Mr. Schafer further spoke to the Uber Wave service in Toronto that partners with the taxi industry and third party transportation services to provide accessible service, noting that an accessibility levy could be negotiated. Mayor Crombie inquired as to whether the data Uber collected is what staff requires and whether staff is able to collect is similar, to which Mr. Frost noted that the City collects very similar data under the By-law and noted that TNC data could be collected if TNCs could confirm the number of drivers and the number of hours worked, as staff have noted TNC drivers working as much as taxi drivers. Mr. Frost further commented that staff's position is to use the pilot program as an opportunity to expand accessible service.

Mr. Schafer commented that full-time driving is in the minority and spoke further to the Uber Wave and Uber Assist services, noting that Ottawa is negotiating an accessibility levy in which the funds collected could be used to expand the city's accessible services. Mayor Crombie inquired whether Ube could implement an accessible service in Mississauga for the pilot, to which Mr. Schafer advised that Uber could not due to timing. Mayor Crombie inquired whether the taxi industry is able to collect the data, to which Mr. Bell advised that the data required by the City is already collected under the By-law and spoke to the need to find out what to do with accessible service in the City.

Councillor Starr advised Mr. Schafer that further information was necessary with respect to how the TNC sector thinks a pilot would work, the statistics on the number of hours that drivers drive, how many professional drivers Uber employs, and the number of full-time Ube drivers, noting that full-time Uber drivers had spoken at public meetings.

Councillor Starr further noted that more data was needed from Uber, that the City has all of the taxi/limo data, and spoke to the need to define the purpose of the pilot program and the terms under which it would operate.

At this time Tracey Cook, Executive Director, Municipal Licensing and Standards and Vanessa Fletcher, Policy Advisor, City of Toronto joined the meeting. Councillor Starr requested that Ms. Cook provide information on the Toronto model to the Committee and that questions from the Committee would be welcome.

Ms. Cook provided a brief background on the emergence of TNCs in Toronto, spoke to the lost court injunction, and noted that there were over 100 changes to the Toronto taxi by-law resulting from a series of consultations and public survey engagement. Ms. Cook further spoke to the number of Uber vehicles operating in Toronto and noted that the highest number of TNC drivers on the road peaked one Friday/Saturday night with 5000 drivers operating at the same time. Ms. Cook spoke to the recommendations that were made to Toronto City Council, and noted that Toronto did contemplate a pilot but decided against it, as they already had the experience of Uber operating in the city and that the industry needed stability. Ms. Cook noted the challenge in how to address accessibility and Toronto's accessibility strategy that addresses licensing fees being waived on accessible taxis and the requirement of "Private Transportation Companies" with more than 100 vehicles to have accessible vehicles operating. Ms. Cook spoke to accessibility levies, data collection, flexible fares, the continued limits on the number of taxis and limos, and the phasing out of Toronto's "Ambassador" plates. Ms. Cook further noted that things would come into effect on July 15, 2016, spoke to the waitlist, and the transition to "Standard" plates.

Mr. Cormier inquired as to whether Toronto did a study to which Ms. Cook commented on their consultation efforts that found that people like different options, or a "suite of options", that people reporting liking the Uber experience, and noted she would forward the study to the Committee. Mr. Frost noted that the Toronto study information was included in the Corporate Report to General Committee on March 2, 2016.

Mr. Sexsmith requested Ms. Cook's comments in the efficiency of running supply/demand in Mississauga, driver income and investor security, to which Ms. Cook spoke to using a consultant to determine the appropriate number of taxis based on passenger wait times and passenger service, and noted that consumers want a fast pick-up which has boosted Uber's appeal. Mr. Sexsmith spoke to Uber Taxi, to which Ms. Cook advised that Toronto didn't do Uber Taxi, as Uber came into Toronto and started driving taxis as Uber X, which is the challenge as Uber X will not run like a taxicab.

Mayor Crombie expressed agreement with Ms. Cook with respect to service, wait times, choice, and noted that Mississauga has no hail business, that wait times are 9-10

minutes in Mississauga, and that people want faster service. Mayor Crombie noted that since Council's adoption of the Capture Option, there has been an outcry from the public for the need for choice. She further noted that although the taxi industry reports that business has been seriously impacted, the statistics show otherwise. Ms. Cook noted that when approached, the Toronto taxi industry could not articulate the impact, that this is a difficult, emotional issue, that similar situations are happening in all kinds of sectors, that this is a period of change, and that she wanted all parties to be successful.

Mayor Crombie inquired as to whether Mr. Frost was concerned about adding more flexibility to the industry, to which Ms. Frost explained that there is less of an opportunity for the layers to occur in Mississauga due to having different plate issuance requirements than Toronto. Mayor Crombie inquired as to whether taxi plates still trading in the marketplace was a concern, to which Ms. Cook spoke to the transference of plates and market values.

Mayor Crombie spoke to licensing requirements and inquired what the differences were between TNCs and taxis and how to harmonize the two. Ms. Cook spoke to the implementation of equal regulations where possible such as criminal record searches, driver abstracts, vehicle inspections, and insurance. Mayor Crombie thanked Ms. Cook for her insight and attendance at the meeting.

Mr. Frost noted that Ms. Cook's overview of Toronto's model was very similar to staff's first recommended approach with respect to imposing some regulations on TNCs and lowering the regulations for taxis so they could compete and noted that the impact could be a reduction in plate values. Mr. Frost spoke to the process of extensive discussions at the Public Vehicle Advisory Committee meetings, the education session, the proposal of licensing drivers and TNCs, and information flowing through the TNC to the City.

Councillor Ras noted agreement, commenting that a "do nothing" option would be more detrimental, her hope that with the taxi industry the Committee can look at the types of regulations that need to be implemented. Councillor Ras further noted that gaps in the transportation system provided opportunities for the industry to fill in the gaps with a focus on the public and consumer safety. Councillor Ras inquired as to the licensing process for TNC drivers in Toronto, to which Ms. Cook advised that they are working through that currently with respect to criminal record searches, driver abstracts, and vehicle certifications which will be remitted through the Private Transportation Company to the City who in turn would advise the PTC if the submissions are acceptable. Councillor Ras inquired about customer service standards, to which Ms. Cook noted agreement with respect to accessibility and the ability to provide accessible service through Ube Wave, that service standards are equivalent, and it is the responsibility of the PTC to comply.

Mr. Schafer commented on Ms. Cook's report of 5000 TNC drivers operating at the

same time in Toronto, clarifying that the way Uber defines Toronto is larger than the actual technical boundaries and includes other municipalities such as Brampton, Oakville, and Mississauga. Mr. Schafer further commented that in forming regulations, he was more akin to Toronto and Ottawa's plan than to Calgary's, and that he is willing to work with Mr. Frost on the development of the regulations. Ms. Cook noted the need for a level of regulation that is appropriate to the service and spoke to "equity" rather than "equal".

Mr. Schafer requested Mr. Frost's opinion on his proposal, noting that it included maximum flexibility, that taxis would reorganize so they could compete, and that his proposal borrowed elements of the Toronto model. Mr. Schafer further inquired as to whether the Toronto by-law as it currently exists could be implemented as a pilot program in Mississauga. Mr. Frost commented that the licensing standards proposed by Mr. Schafer are different from what is in the Mississauga by-law and spoke to the staff proposal for the pilot, noting that it was very similar to what Mr. Schafer is proposing with the exception of a cap and commented that staff's proposal is TNC-friendly and similar to Toronto and Ottawa's models, but with Mississauga's higher standards in place.

Councillor Starr thanked Ms. Cook and Ms. Fletcher for attending the meeting and inquired whether two members of the public who wished to speak would prefer to defer to the next meeting after more information had been shared, to which they agreed.

6.2. Pilot Project Input - Al Cormier, PVAC Citizen Member Representative

Mr. Cormier spoke to this item during discussions.

6.3. Response to June 13 Panel – Mark Sexsmith, Taxi Industry Representative

Mr. Sexsmith spoke to this item during discussions.

6.4. Pilot Programme Parameters - Peter Pellier, Taxi Industry

6.5. Tracey Cook, Executive Director, Municipal Licensing and Standards and Vanessa Fletcher, Policy Advisor, City of Toronto regarding the Toronto regulatory model.

Discussion on this item is recorded above in 6.1.

6.6. Second Reply to Pilot Panel – Mark Sexsmith, Taxi Industry Representative

Mr. Sexsmith spoke to this item during discussions.

6.7. Uber Response - Pilot Program Proposal – Chris Schafer, TNC Sector Representative

Mr. Schafer spoke to this item during discussions.

<b>Public Vehicle Pilot Program Committee</b>	<b>2016/06/21</b>	<b>9</b>
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7. **INFORMATION ITEMS** – Nil.
8. **OTHER BUSINESS** – Nil.
9. **DATE OF NEXT MEETING** – Monday, June 27, 2016 – 10:30 AM, Council Chambers
10. **ADJOURNMENT** – 12:35 PM



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0134-2016

A by-law to amend the  
Public Vehicle Licensing By-law 420-04, as amended

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001. C.25 (the "*Municipal Act*"), provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 151 of the *Municipal Act* authorizes a municipality, without limiting sections 9, 10 and 11, to provide for a system of licences with respect to a business;

AND WHEREAS section 156 of the *Municipal Act* authorizes a municipality to regulate taxicabs including but not limited to the ability to establish the rates or fares to be charged for taxicabs and to limit the number of taxicabs or any class of them;

AND WHEREAS Council of the Corporation of the City of Mississauga wishes to amend the Public Vehicle Licensing By-law 420-04, as amended to clarify that persons that own, licence or have control over a mobile application that makes available transportation services such as Lyft and Uber are required to obtain a licence to operate as a broker in the City of Mississauga and to clarify that persons who transport passengers for compensation using personal vehicles are required to obtain a licence to operate as either a taxicab or limousine owner/driver in the City of Mississauga;

NOW THEREFORE the Council of The Corporation of the City of Mississauga, ENACTS as follows:

1. That the definitions for "Affiliated", "Broker", "Dispatch", "Dispatcher", "Fare", "Order", "Roof Light", "Taxicab", "Taxicab Meter" and "Trip" in section 1 of Public Vehicle Licensing By-law 420-04, as amended, are hereby deleted in their entirety and replaced with the following:

"Affiliated" means where an Owner and Broker are parties to an agreement for the provision of transportation services and "Affiliation" has a similar meaning;

"Broker" means any Person who:

- (a) carries on the business of accepting Orders and/or Dispatching Orders; or
- (b) licenses, administers, owns, has control over or operates an App used to connect drivers with Passengers for transportation services;

"Dispatch" means the communication of an Order in any manner between a Broker and Driver including:

- (a) sending or assigning a Vehicle for transportation services; or
- (b) receiving, relaying, authorizing, facilitating, enabling or communicating a request for transportation services including from a Passenger to a Driver using an App or any other comparable technology

and "Dispatched" and "Dispatching" have a similar meaning;

"Dispatcher" means a Person who is in the employ of, or working under a contract with, a Broker and whose duties include accepting Orders and/or Dispatching Orders;



"Fare" means:

- (a) the amount that shall be calculated using a Taxicab Meter or App in accordance with this By-law;
- (b) the flat rate allowed under this By-law for a Trip; or
- (c) the amount which is permitted to be charged by Limousine Owner and/or Driver according to this By-law.

"Order" means a request for transportation services to be provided by a Taxicab, Limousine, Airport Municipal Transportation Vehicle or Airport Public Transportation Vehicle and which request is received, communicated, facilitated, enabled or authorized by a Broker;

"Roof Light" means an electrically illuminated roof sign which is securely attached to the top of the Taxicab in a manner approved by the Licence Manager so that it is not illuminated when a Passenger is in the Taxicab and is illuminated when there is no Passenger in the Taxicab;

"Taxicab" means a Motor Vehicle with a seating capacity of six (6) or fewer Passengers exclusive of the driver that transports Passengers for compensation or reward but does not include a Limousine, an Airport Public Transportation Vehicle, Airport Municipal Transportation Vehicle or any Motor Vehicle that forms part of the City's public bus transportation system according to City Transit By-law 425-03 or its successor;

"Taxicab Meter" means a measuring device located in a Taxicab used to calculate the Fare payable for a Trip but does not include an App;

"Trip" means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which a Passenger first enters the Taxicab or when the Taxicab Meter or App is first engaged, whichever comes first, to the time and point at which a Passenger finally leaves the Taxicab or the Taxicab Meter or App is disengaged whichever comes last;

2. That the following definitions are hereby added to section 1 of the Public Vehicle Licensing By-law 420-04, as amended in alphabetical order:

"App" means a mobile application that can be downloaded onto or accessed on a mobile phone, tablet or other digital electronic device used in a Vehicle to calculate the Fare payable for transportation services and which performs one or more of the following functions:

- (a) allows a person to identify the locations of available Vehicles and allows a Driver to identify the location of a person who is seeking the services of a Vehicle;
- (b) allows a person to request a Vehicle via the mobile phone, tablet or other digital electronic device;
- (c) allows a Driver to receive a request from a potential Passenger; or
- (d) allows for the payment of transportation services through electronic means.

"Limousine" means a luxury Motor Vehicle as determined by the Motor Vehicle manufacturer that transports passengers for compensation which does not have a Taxicab Meter;

3. That subsection 2(3) of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with "operate as a Broker".
4. That sections 28 and 29 of the Public Vehicle Licensing By-law 420-04, as amended are hereby deleted in their entirety and replaced with the following:

#### INSURANCE CERTIFICATE

28. Every Applicant for an Owner's Licence shall take out and keep in full force and effect automobile liability insurance for the Vehicle for which the Applicant is the Owner, and the insurance policy shall:

- (1) be endorsed to provide the Licence Manager with at least ten (10) days notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy;
- (2) insure against loss or damage resulting from bodily injury to or the death of one or more person, or from loss or damage to property resulting from any one accident and include provision for passenger hazard, with limits of not less than two million dollars (\$2,000,000) per occurrence;
- (3) be endorsed to include all persons who have any interest in the Vehicle; and
- (4) not exclude coverage for use of the Vehicle to carry paying passengers.

#### INSURANCE CERTIFICATE RENEWALS

29. Every Owner shall file with the Licence Manager a certificate of insurance evidencing the insurance required under this By-law on a City of Mississauga Standard Certificate of Insurance Form completed by an authorized representative of the insurance company prior to the Owner's Licence being issued and on an annual basis thereafter, at least five (5) days prior to the expiry date of the current insurance policy.
5. That section 32 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "section 161(2) of" and "section 161(3) of".
6. That section 34 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "the provisions of section 442 of".
7. That section 35 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:

#### RESTRAINING ORDER

35. Pursuant to the provisions of section 440 of the *Municipal Act, 2001*, in addition to any other remedy and to any penalty imposed by this By-law, a contravention of this By-law may be restrained by application.
8. That section 36 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "section 436(4) of".
9. That every use of the word "affiliation" in the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted and replaced with "Affiliation".
10. That subsection 15(5) of Schedule 3 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety.
11. That subsection 17(5) of Schedule 4 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety.
12. That section 1 of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety.
13. That subsection 3(4) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "each Vehicle Dispatched on a Trip" and replacing them with "each accepted Order and Dispatched Order".
14. That subsection 3(7) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by adding the words "the Order or Dispatching" after "accepting".
15. That subsection 3(8) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "a Vehicle to any person requesting service within the City" and replacing them with "an Order or accept an Order".
16. That subsection 3(11) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the word "calls" and replacing it "an Order".
17. That subsection 4(1) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:
  - (1) require all Owners of Taxicabs who are Affiliated with a Broker to use a Roof Light; and

18. That subsections 5(4) and 5(5) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended are hereby amended by deleting the words "Dispatch Order" and replacing them with "accepted Order and Dispatched Order".
19. That subsection 5(6) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:
 

(6) require all Owners of Taxicabs who are Affiliated with a Broker to use a Roof Light;
20. That subsection 5(8) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "Dispatch to Taxicabs" and replacing them with "accept Orders or Dispatch Orders".
21. That subsection 5(10) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the word "calls".
22. That subsection 6(3) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "or direct".
23. That subsection 6(5) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:
 

(5) operate using an App or allow any Person to use an App that:

  - (a) has not been approved by the Licence Manager; or
  - (b) has been suspended by the Licence Manager;
24. That subsection 6(6) of Schedule 5 of the Public Vehicle Licensing By-law 420-02, as amended is hereby amended by deleting the words "a Vehicle which" and replacing them with "who".
25. That subsection 9(4) of Schedule 5 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by adding the words "an Order or accept" following the word "Dispatch".
26. That subsection 9(6) of Schedule 5 of the Public Vehicle Licensing By-law 420-02, as amended is hereby amended by deleting the words "a Vehicle which" and replacing them with "who".
27. That the definitions for "Limousine Class A" and "Limousine Class B" in section 1 of Schedule 6 of the Public Vehicle Licensing By-law 420-04, as amended are hereby deleted in their entirety and replaced with the following:
 

"Limousine Class A" means a Limousine with a seating capacity of fifteen (15) Passengers or less, including the Driver;

"Limousine Class B" means a Limousine with a seating capacity of not less than five (5) Passengers and not more than eight (8) Passengers including the Driver;
28. That subsections 2(1)(c) and 2(1)(d) of Schedule 6 of the Public Vehicle Licensing By-law 420-04 as amended are hereby deleted in their entirety.
29. That subsection 2(1)(e) of Schedule 6 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:
 

maintain an established business location for the purpose of operating the Limousine business and submit proof of compliance with the zoning by-laws for the established business location.
30. That subsection 7(3) is hereby added to Schedule 6 of the Public Vehicle Licensing By-law as amended as follows:
 

(3) use an App that has:

  - (a) not been approved by the Licence Manager; or
  - (b) been suspended by the Licence Manager;

31. That subsection 11(1) of Schedule 6 of the Public Vehicle Licensing By-law 420-04 as amended is hereby deleted in its entirety.
32. That subsection 12(14) is hereby added to Schedule 6 of the Public Vehicle Licensing By-law as amended as follows:
  - (14) use an App that has:
    - (a) not been approved by the Licence Manager; or
    - (b) been suspended by the Licence Manager;
33. That subsection 15(5) of Schedule 6 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety.
34. That subsection 3(15) of Schedule 8 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "engage the Taxicab Meter at the commencement of the Trip" and replacing them with "commence the calculation of the Fare using a Taxicab Meter or App".
35. That subsection 3(16) of Schedule 8 of the Public Vehicle Licensing By-law 420-04, as amended is hereby amended by deleting the words "engage the Taxicab Meter" and replacing them with "commence the calculation of the Fare using a Taxicab Meter or App".
36. That subsection 3(17) of Schedule 8 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety and replaced with the following:
 

"at the conclusion of the Trip, disengage the Taxicab Meter or App"
37. That subsections 5(16) and 5(17) are hereby added to Schedule 8 of the Public Vehicle Licensing By-law as follows:
  - (16) use an App that has:
    - (a) not been approved by the Licence Manager; or
    - (b) been suspended by the Licence Manager;
  - (17) operate a Taxicab which does meet the vehicle requirements for Taxicabs according to this By-law.
38. That subsection 14(2) of Schedule 8 of the Public Vehicle Licensing By-law 420-04 as amended is hereby deleted in its entirety.
39. That section 17 of Schedule 8 of the Public Vehicle Licensing By-law 420-04 as amended is hereby deleted in its entirety and replaced with:

#### GETTING ON THE PRIORITY LIST

17. When a completed application for a Taxicab Owner's Licence is received by the Licensing Section and it meets all the requirements of this By-law, but a Licence cannot be issued because of the limitation on the number of Licences set out in section 15, the Applicant's name shall be placed on the Priority List by the Licence Manager for the issuance of a Taxicab Owner Licence.
40. That subsection 19(2) of Schedule 8 of the Public Vehicle Licensing By-law 420-04 as amended is hereby deleted in its entirety.
41. That sections 20, 21, 22, 23, 24 and 25 of Schedule 8 of the Public Vehicle Licensing By-law 420-04 as amended are hereby deleted in their entirety.
42. That section 37.1 is hereby added to Schedule 8 of the Public Vehicle Licensing By-law 420-04 as amended as follows:
  - 37.1 When a Taxicab Owner's Licence is issued from the Priority List, the Taxicab Owner who has been issued the Licence, shall operate as a Driver for a minimum of three (3) years following the date of issuance to the satisfaction of the Licence Manager.
43. That subsection 46(6) of Schedule 8 of the Public Vehicle Licensing By-law 420-04, as amended is hereby deleted in its entirety.

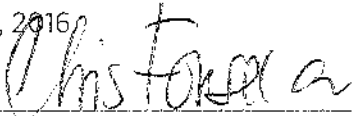
44. That sections 52 and 53 are hereby added to Schedule 8 of the Public Vehicle Licensing By-law 420-04, as amended as follows:

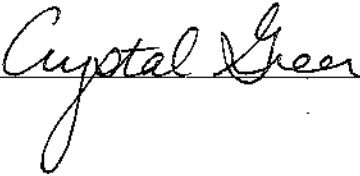
TAXICAB EXEMPTIONS

52. Notwithstanding the Taxicab requirements of this By-law, a Person that owns/operates a Taxicab for which Trips are exclusively arranged through an App are exempt from the requirements relating to Fender Numbers and Roof Lights however such Taxicabs shall have a small decal identifying the Vehicle which has been approved by the Licence Manager.
53. Taxicab Owners and Drivers exempt according to section 52 shall not accept a hailed Trip.
45. That the word "tariff" be replaced with the word "Fare" in the following subsections and schedules of the Public Vehicle Licensing By-law 420-04, as amended:
- 44(1), Schedule 1, 9(1)(b) and 9(5) of Schedule 5, 2(1)(f) of Schedule 6, 7(1)(m) and 7(1)(o) of Schedule 7, 9(1)(a), 9(1)(c), 41(1)(l), 41(1)(n) of Schedule 8 and Schedule 9
46. That Appendix "A" to this By-law is hereby added to the Public Vehicle Licensing By-law 420-04, as amended as Schedule 16.

ENACTED and PASSED this 8 day of June, 2016

APPROVED AS TO FORM City Solicitor MISSISSAUGA	
R. Genoway	
Date	2016 June 7

  
MAYOR

  
CLERK

## APPENDIX "A"

Schedule 16  
App Based Service

1. The Licence Manager is authorized to approve an App through which a Broker may provide, arrange or make available transportation services.
2. The Licence Manager may only approve an App if the Person who administers, owns, licences or has control over the App holds a valid Broker Licence with the City.
3. The Licence Manager may only approve an App if the App:
  - (1) calculates a Fare which complies with this By-law;
  - (2) estimates the total Fare to be charged to the Passenger before the commencement of a Trip;
  - (3) can accept specific requests for an Accessible Taxicab that comply with *Accessibility for Ontarians with Disabilities Act*;
  - (4) records the following information:
    - a. the time, date and location where and when the Passenger is to be picked up; and
    - b. the destination where the Passenger is to be discharged;
  - (5) at the conclusion of the trip, immediately provides to the customer an electronic receipt containing:
    - a. the Passenger's name; and
    - b. the total Fare.
4. The Licence Manager shall immediately suspend an App if the Licence Manager has reasonable grounds to believe that an App previously approved according to this Schedule no longer complies with this Schedule 16.
5. The Licence Manager shall only lift a suspended App if the Licence Manager is satisfied that the App once again complies with this Schedule 16.



**City of Mississauga**  
 Enforcement Division  
 Mobile Licensing  
 300 City Centre Drive  
 MISSISSAUGA ON L5B 3C1  
[mobile.licensing@mississauga.ca](mailto:mobile.licensing@mississauga.ca)  
[mississauga.ca](http://mississauga.ca)

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## **Changes to the Public Vehicle Licensing By-law 420-04, as amended, for the Regulation of Transportation Network Companies**

At its meeting of June 8, 2016 Mississauga Council approved By-law 0134-2016, a by-law to amend the Public Vehicle Licensing By-law 420-04, as amended, for the regulation of transportation network companies (TNCs).

Highlights of the changes to the Public Vehicle Licensing By-law 420-04, as amended, for the regulation of TNCs are summarized below:

- A TNC includes any person that licenses, administers, owns, has control over or operates an App used to connect drivers with passengers for transportation services.
- An App is a mobile application that can be downloaded into or accessed on a mobile telephone, tablet or other digital electronic device used in a vehicle to calculate the fare payable for transportation services. An App can also perform one or more of the following functions: (a) allows a person to identify the locations of available vehicles and allows a driver to identify the location of a person who is seeking the services of a vehicle; (b) allows a person to request a vehicle via the mobile telephone, tablet or other digital electronic device; and, (c) allows for the payment of transportation services through electronic means.
- TNCs and private for hire vehicles are captured as brokers and taxicabs, respectively, while leaving the requirements of obtaining a taxicab licence the same, except for changes that were made to the priority list (as noted in the next bullet point). Requirements for police checks, driver training, vehicle checks, etc. have not changed.
- Driving requirements for getting on and remaining on the priority list have been lifted. However, all individuals who are now issued new taxicab plates still need to demonstrate for the first three years of taxicab plate ownership that they are driving in the City of Mississauga as a taxicab driver (to the satisfaction of the Licence Manager) and they cannot transfer the subject taxicab plate ownership during this time.
- The definition of broker has been amended to include companies that provide a technological service, including mobile Apps, which connect drivers directly to passengers.
- TNCs are required to obtain a licence from the City to operate in Mississauga.

- Operators of motor vehicles that accept transportation services for compensation or reward using an App operated by a TNC are required to obtain a licence to operate in Mississauga.
- Taxicabs that provide transportation services that are exclusively arranged using an App no longer require a roof light; however the vehicle must have a small decal identifying the vehicle, which has been approved by the Licence Manager.
- Taxicabs that provide transportation services that are exclusively arranged using an App cannot accept a hail.
- Applicants for a limousine owner's licence are no longer required to obtain a licence for a stretch limousine before they can obtain a licence for a non-stretch limousine.

A copy of the [Public Vehicle Licensing By-law 420-04](#), as amended, which includes the amendments for the regulation of TNCs, can be obtained by accessing the following link:

[http://www7.mississauga.ca/documents/bylaws/Public\\_Vehicle\\_Licensing\\_.pdf](http://www7.mississauga.ca/documents/bylaws/Public_Vehicle_Licensing_.pdf)

City staff continues to enforce the requirements of the Public Vehicle Licensing By-law 420-04, as amended, including the recent changes to the by-law approved by Council on June 8, 2016.



**Public Vehicle Pilot Program Committee**  
**Call for Information ☐ Transportation Network Company (TNC)**  
**Discussion Framework**

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Purpose of the TNC Pilot Program:

1. Define the purpose of the TNC Pilot Program, i.e. what is the municipality testing?

Parameters of the TNC Pilot Program:

1. Duration of Pilot.
2. Number of vehicles, either permitted in total and/or allowed in service at any one, in the Pilot.
3. Restrictions on vehicle/driver hours of operation by time of day during the Pilot.
4. Restriction on vehicle/driver operation by location/geography during the Pilot.
5. Types of vehicles permitted in the Pilot, i.e. conventional, accessible, green, and/or other.
6. Model used to regulate TNCs during the Pilot, i.e. ☐Equal Regulation☐ self-regulation with municipal audits with either municipally set standards or TNC set standards, or other.
7. What data to collect and monitor to determine the success and/or impact of the Pilot.

8. Specific TNC regulations during the pilot for licensing and training, operating conditions, rate setting and vehicles/markings □ follow the Toronto, Edmonton or Ottawa models or consider a □Made in Mississauga□solution.
9. Number of TNCs to include in the Pilot, i.e. include only one TNC in the Pilot or multiple TNCs.
10. Requirement for an agreement between the participating TNC(s) and the municipality?

### Appendices

Appendix 1 □ Pilot Project Input □ PVAC Citizen Member Representative

Appendix 2 □ Response to June 13 Panel □ Taxi Industry Representative

Appendix 3 □ Pilot Programme Parameters □ P. Pellier, Taxi Industry

Appendix 4 □ Second Reply to Pilot Panel □ Taxi Industry Representative

Appendix 5 □ Uber Response □ TNC Sector Representative

Appendix 6 □ Corporate Report from the June 13, 2016 Public Vehicle Pilot Program Committee meeting entitled, □Proposed Transportation Network Company Pilot Project□

**City of Mississauga  
Public Vehicle Pilot Program Committee  
Additional observations by Al Cormier  
2016 06 15**

Flowing from our meeting of 2016 06 13, I have the following observations to share with the Committee. Hopefully, these comments will be of value at our meeting of June 21. Point #6 is my proposal for going forward.

1. Creating a pilot project which allow TNCs like Uber to operate in the city pretty much with parameters applicable to their business model would in effect be contrary to the 'capture' option approved by Council.
2. On the other hand, creating a pilot project with different parameters as proposed by staff on 2016 06 13, would be too restrictive to the likes of Uber, particularly if a maximum number of vehicles and drivers is included as that would not demonstrate the full potential of TNCs. In the US general pilot projects described in the consultant's report, there are no limits to the number of vehicles or drivers.
3. If we were to define a middle of the road pilot project with parameters acceptable to both TNCs and the taxi industry, then how do we measure the project's performance and judge if the pilot project service is superior to current taxi service offered to Mississauga residents? My experience with monitoring pilot projects has always involved the ability to compare usage of a new service compared to an old service or to no service.
4. A TNC pilot over the whole city would mean collecting data from regular taxis and from TNCs on number of trips and their details. Even if both sides could provide this level of details, which I doubt, how do we evaluate the data? We now know that Uber has increased the number of trips by taxis in Mississauga so there is no need for a pilot to show that TNCs work in this regard.
5. My original thought was that a pilot should only apply to a part of the city, say west of Hurontario, then we could measure total taxi trips or trips per capita in both areas and see if one is superior to the other. But even under such a scenario, we know the area with TNCs would result in more taxi trips than the other area and could be considered as contrary to the approved Capture Option.
6. **I could be convinced otherwise but my current thinking is that instead of a TNC pilot, we pilot a new set of very less restrictive operating parameters for all taxi services including TNCs and monitor the effects of these new operating rules on usage, safety, complaints etc compared to previous years. If at the end of the year the results are acceptable, then they become entrenched into a revised by-law. This could be interpreted as including TNCs in a 'capture option' but an option that captures everyone with a much less restrictive set of operating parameters.**
7. I would be open to other pilot project suggestions aimed at modernizing the current taxi by-law along principles that support the sharing economy, while at the same time offer basic protection for the consumers.

Respectfully submitted.

Al Cormier

June 15, 2016

City of Mississauga  
300 City Centre Drive  
Mississauga, ON, L5B 3C1

Attention: Mr. Ron Starr, Chair, Public Vehicle Pilot Program Committee

RE: Response to Initial proposals outlined during June 13, 2016 meeting

Dear Mr. Starr:

On behalf of the Peel Taxi Association, I would like to offer our response to the various proposals put forth at the June 13, 2016 meeting.

**STAFF PROPOSAL:**

We agree with Staff's insistence that this pilot program have "minimal effect" on the existing taxi industry. As they pointed out, the Hara Report indicates a sufficient service level across Mississauga, with the main shortcomings being in the accessible taxi service and service around the Malton area. The Staff's requirement that there be a limit on the number of TNC vehicles mirrors Mississauga's long standing commitment to ensuring that there be a supply/demand balance that ensures adequate public service while enabling the for hire industry to recover costs and provide operators with a reasonable return on their investment and labour input. While the Hara Report indicates shortcomings in the provision of accessible taxi service in Mississauga, it would be counterproductive to have a pilot program for TNC's that did not in fact require some level of accessibility from the TNC's in order to reconcile a valid comparison of the merits of the service provisions of both modes of transportation.

Additionally, we would note that Staff's requirements for regulation of drivers and vehicles would enable the City to ensure that a minimum level of public safety is guaranteed. We fully support the Staff's requirement for HST/GST compliance, but we would like to suggest that there be a further guarantee that the HST will be included in all TNC fares, in order to maintain the level playing field between the taxi/limo owners and the TNC operators. We concur that the TNC's should be paying fees as to be determined by the Mobile Licensing Office.

It is our position that the TNC's provide Staff with all details of any insurance agreements that are arrived at with insurance companies for the benefit of the TNC drivers. It is our position that the City and the Province should move towards a level playing field in terms of what insurance various companies provide the TNC's with and with that which is currently being provided to the taxi/limo industry.

**TNC PROPOSAL:**

Although no written proposal was tendered by the TNC representative, during the course of the meeting we were given a general outline of what they considered the parameters of their service provision for the Pilot Program.

Generally speaking, the TNC representative put forth the proposition that the most efficient method of running the Pilot Program would be for the TNC to continue to operate as they currently are, with no oversight by the City other than reviewing reports provided by the TNC as to trip information. All restrictions or regulatory requirements were deemed to be unnecessary intrusions into the efficient working of their “Business Model”.

The TNC’s continue to categorize themselves as “ride sharing” companies, when it is obvious that they are not “sharing” anything, but are providing the same for hire transportation services as traditional taxi/limo services.

It is the opinion of the PTA that this model is completely unsatisfactory, as it virtually guarantees taxi/limo deregulation in Mississauga (as has happened in Toronto), and will lead to the collapse of the traditional taxi/limo industry, and a degradation of public service as has been the case in any number of cities around the world that have gone down this road, with the attendant demise of customer service levels, price protection, and accessibility that goes along with deregulation.

#### PTA PROPOSAL:

As outlined in Appendix 3 of the Agenda for the June 13, 2016 meeting, the PTA is offering the TNC’s, the City and the travelling public the services of fully licensed and regulated vehicles and drivers who will serve customers on all service platforms, be it on street pickups and phone in orders (municipally regulated fares), taxi/limo app fares (at fares registered with the City), contractual fares between public service institutions, or TNC app fares (at the TNC fare rate).

This plan does not exclude any of the players that are currently engaged in these discussions about a Pilot Program, and in fact is more inclusive, as other players such as new comers to the Mississauga TNC field are accommodated and potential operators of TNC vehicles who do not have eligible vehicles are in fact given a chance to enter the taxi/limo driver field.

With a level playing field in terms of vehicle/driver requirements, the real pilot program could in fact proceed, that of a comparison between which brokers, traditional or TNC, can provide the public with the best levels of service. In the end, it should be the public that decides what the future of for hire transportation should be, always with the provision that the City maintains a regulatory regime that provides the public with the guarantee of a safe, secure ride.

This is a critical point in the whole debate about TNC’s. Given a level playing field in terms of offering variable pricing regimens, which business plan is going to be more successful, that of the traditional taxi/limo industry broker or the TNC broker industry? Or, given equal requirements in drivers and vehicles, can they co-exist, and what rules must the City formulate in order that this co-existence be recognized under law in Municipal regulations.

Best regards,

Mark Sexsmith, Taxi/Limo Industry Rep

**From:** [Peter Pellier](#)  
**To:** [Mayor Bonnie Crombie](#); [Ron Starr](#); [Karen Ras](#); [Mark Sexsmith](#); [Al Cormier](#); [chris.schafer@uber.com](mailto:chris.schafer@uber.com); [Karen Morden](#); [Mickey Frost](#); [REDACTED]; [Daryl Bell](#)  
**Cc:** [baljit@blueandwhitetaxi.ca](mailto:baljit@blueandwhitetaxi.ca); [sami@aeroporttaxi.com](mailto:sami@aeroporttaxi.com); [REDACTED]  
**Subject:** PILOT PROGRAMME PARAMETERS  
**Date:** 2016/06/17 9:28:07 AM

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THE CHAIR & MEMBERS,  
PILOT PROGRAM COMMITTEE.

After perusing the minutes from the June 13th meeting, and in light of the fact the Committee will be addressed by MLS Executive Director, Tracey Cook, I have concerns that the Capture Option, potentially, could be compromised in an attempt to create a seamless for-hire ground transportation between Mississauga and Toronto.

Given the sheer amount of time and effort expended by the PVAC before unanimously recommending the Capture Option, and given the fact it was subsequently adopted by Council, it follows any pilot must reflect the fact TNCs are to be regarded as taxi services for purposes of regulation.

Until and unless Council amends Resolution 0082-20016, the principles underpinning the Capture Option cannot be circumvented under any circumstances. After all, the law is the law.

PETER D. PELLIER

June 17, 2016

City of Mississauga  
300 City Centre Drive  
Mississauga, ON, L5B 3C1

Attention: Mr. Ron Starr, Chair  
Public Vehicle Pilot Program

Re: Call for information request from the Clerk's Office

Dear Mr. Chairman:

The taxi/limo industry would like to provide input as follows to the questions listed in the "Discussion Framework" request for comments.

#### PURPOSE OF THE TNC PILOT PROGRAM:

1. The purpose of the TNC Pilot Program is to determine how the TNC's can provide transportation services to their customers in a fashion that does not negatively impact the existing for hire transportation system that the City of Mississauga has put in place with the "Capture Option", while at the same time providing adequate levels of for hire transportation service to customers who wish to use the TNC ordering platforms.
2. Furthermore, the Pilot Program should resolve the outstanding issues concerning regulation and compliance by the TNC's. Any pilot program is a non starter if the TNC's do not acknowledge that they are in fact taxi/limo dispatch brokers, and adhere to all regulations that are currently in place governing such businesses.
3. Additionally, the TNC's should acknowledge that their actions to date in their operations in Mississauga have contravened existing By Laws, and as such, should put the City on notice that they will not challenge outstanding warrants against themselves or their operators.

#### PARAMETERS OF THE TNC PILOT PROGRAM

1. Duration of Pilot. Staff recommendation for 1 year is sufficient.
2. Number of vehicles. Under the taxi industry proposal, the TNC's would have use of 668 licensed taxis in Mississauga. Under the Staff recommendation, the TNC's would have the suggested 47 vehicles, which is acceptable to the taxi/limo industry.
3. Under the taxi industry proposal, the only restrictions on the TNC's being able to provide service are those already enshrined in the current By Law, and any changes that arise out of the rewrite of the By Law to reflect the "Capture Option".
4. Under the taxi industry proposal, the only vehicle restrictions on the TNC's being able to provide service are those already enshrined in the Current By Law, and any changes that arise out of the rewriting of the By Law to reflect the "Capture Option".
5. Staff's recommendations in regard to the vehicle mix are acceptable if the taxi/limo industry suggestion for use of existing taxis/limos is not acted upon.

6. The taxi/limo industry remains committed to the “Capture Option” model passed by Council. Any other model considered must have equal regulation for all for hire vehicles.
7. With the taxi/limo model proposed, the City would be able to monitor the volume of calls and the nature of the calls, i.e., phone in, street hail, taxi app calls, TNC app calls, and contract runs. At the end of the test, the City would be able to determine the ratio of calls from various sources, and be able to assess the success of the pilot project in satisfying the demand for TNC app based calls. The Staff’s proposal for a limited number of regulated TNC operators (including accessible taxis) would be able to provide a fair measure of the ability of the TNC operators to provide service in comparison to that of the taxi industry. The City could publicize the existence of the Pilot Program, and ask for stakeholder input as part of the ongoing measurement of the success of the program. It would be useful to have the TNC’s publish comparative gross income reports for the year of the program using licensed taxis/limos in comparison to the previous year when they were operating with part time, illegal operators.
8. The taxi/limo industry would prefer a “made in Mississauga” approach to the entire Pilot Program, as the makeup of the industry in Mississauga is unique in terms of the percentage of street hails, the existence of a major international airport which has an anticipated 41,986,156 passengers coming and going by 2018 (figures supplied by GTAA), and which services a population moving across the boundaries of the largest population centre (the GTHA) in Canada. It is essential that the City Staff set and enforce the parameters of driver qualifications and training, as well as the parameters of vehicle specifications, safety maintenance and insurance. The panel should be wary of working with the excesses that have arisen in Toronto, with the virtual deregulation of an industry that has, by any estimation, been beset by decades of mismanagement, and has deteriorated to the point where there is no level of serious regulation at all in place.
9. The taxi/limo industry is concerned that any program which gives one TNC a monopoly in the pilot stage would not serve the demands of the public. The taxi/limo proposal opens up the market to all TNC operators that wish to comply with licensing requirements of the City. Any other proposal would leave the City in the paradoxical situation of legitimizing one operator in this new market, while continuing to outlaw and persecute other operators.
10. There obviously has to be an agreement by any and all operators, including TNC’s, to work within the framework of the By Laws of the City of Mississauga. The taxi/limo industry proposal would require that all TNC’s presently operating illegally in the City conform to regulations currently in place, or put in place as a result of the implementation of the “Capture Option” that was recently passed by City Council.

We thank you for the opportunity to contribute to this debate, and we look forward to working with you at subsequent meetings to resolve this matter in a fashion that gives the public a safe and secure network of for hire transportation providers.

Yours truly,

Mark Sexsmith  
 Taxi/Limo Representative  
 Public Vehicle Pilot Program Committee



**From:** [Chris Schafer](#)  
**To:** [Karen Morden](#)  
**Cc:** [Mayor Bonnie Crombie](#); [Ron Starr](#); [Karen Ras](#); [Robert Genoway](#); [Al Cormier](#); [Mark Sexsmith](#); [Daryl Bell](#); [Mickey Frost](#)  
**Subject:** Uber: Pilot Program Proposal  
**Date:** 2016/06/21 7:15:56 AM  
**Attachments:** [Mississauga Ground Transportation Pilot Program.pdf](#)

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Dear Pilot Committee Members,

Please find attached a pilot program proposal.

The background of the proposal is laid out below for quick/ease of reference in advance of today's meeting. The proposal is based on the same rigorous driver background checks and vehicle inspections under the new Toronto bylaw with appropriate data retention, sharing and auditing provisions for Mississauga. The proposal charts a made in Mississauga approach by running a "general pilot program", which is a first of its kind in Canada, while enabling the taxi industry to have additional regulatory flexibility and providing Mississauga with a Boston-style data sharing arrangement with an ability to measure results post pilot.

## BACKGROUND

1. Various City Councils, including Mississauga, have passed Motions with respect to the Province of Ontario passing legislation and/or regulations to address mobile applications such as Uber. The province of Ontario has appointed a Sharing Economy Advisory Committee and will conduct public consultations this summer in regards to ridesharing and other aspects of the sharing economy.
2. In the interim, Ottawa and Toronto recently passed amendments to their traditional taxi and limousine regulations to provide for an additional category of private transportation companies that include companies like Uber. The regulations recognize private transportation companies as a unique category of license and adopt regulations for the new category of ground transportation licensee.
3. Other cities in Ontario, including Hamilton and the Region of Waterloo, among others, are contemplating similar regulatory frameworks already adopted in Ottawa and Toronto. The regulatory frameworks in these cities approach the desire to create a "level playing field" by creating reasonable common or proportionate standards, but not necessarily common rules. Adopting this approach facilitates business model innovation in order to deliver regulatory objectives as efficiently as possible.
4. Mississauga is largely unique to date in proposing a pilot program in Canada (although Mississauga was the first to propose the concept in Canada, Quebec recently legislated for a pilot program although details of that pilot program are still pending). Pursuing a pilot program is a "Made in Mississauga" approach.
5. "General pilot programs" implemented to date in various jurisdictions in the United States of America have not imposed restrictions with respect to the number of vehicles operating on a TNC platform, the times when TNCs are allowed or are not allowed to operate during the day, or the areas where TNCs may or may not operate.
6. In order to truly understand and assess the contribution of new vehicle platforms like TNCs to Mississauga, a pilot program cannot place restrictions on the number of vehicles on a TNC

platform, times when TNCs can operate or where TNCs can operate. Not placing these restrictions on a TNC platform in cities around the world, including Edmonton, Ottawa and Toronto, has meant reduced wait times for the traveling public, improvements in ground transportation service to communities traditionally underserved by existing transportation options, and reductions in costs to consumers, all of which can be measured by a pilot program.

7. Requiring a TNC to operate exclusively through existing taxi brokerages, taxi drivers and vehicles would not enable the study of both traditional taxi platforms and that of new TNC platforms and peer-to-peer ridesharing on the “uberX” platform. The “capture option” that seeks to apply traditional taxi sector regulation to the TNC sector, without recognition of the inherent differences in business models between the sectors, will not allow for a true pilot program study of the traditional and emerging ground transportation industry in Mississauga.

8. Where and as much as possible, the TNC vehicle pilot program shall enable taxis to operate under similar regulatory requirements as TNCs, such that the taxi industry can operate with lower and competitive fares, flexible pricing models, driver and rider rating and feedback mechanisms, and broker based driver training. This “Made in Mississauga” approach would be truly innovative in enabling Mississauga to conduct a robust pilot program that seeks to analyze how the traditional taxi sector can adjust in a changing ground transportation industry.

Chris Schafer  
Uber Public Policy Manager - Canada  
[chris.schafer@uber.com](mailto:chris.schafer@uber.com) | +1 (647) 389-8052  
[www.uber.com](http://www.uber.com)

## MISSISSAUGA GROUND TRANSPORTATION PILOT PROGRAM

It is proposed that the City of Mississauga Ground Transportation Pilot Program be implemented based on the principles and parameters set forth below.

Transportation Network Company (TNC) is used to describe any person who, in any manner, accepts, facilitates, or brokers requests for or advertises or offers transportation in a private vehicle-for-hire to passengers for trips.

### BACKGROUND

1. Various City Councils, including Mississauga, have passed Motions with respect to the Province of Ontario passing legislation and/or regulations to address mobile applications such as Uber. The province of Ontario has appointed a Sharing Economy Advisory Committee and will conduct public consultations this summer in regards to ridesharing and other aspects of the sharing economy.

2. In the interim, Ottawa and Toronto recently passed amendments to their traditional taxi and limousine regulations to provide for an additional category of private transportation companies that include companies like Uber. The regulations recognize private transportation companies as a unique category of license and adopt regulations for the new category of ground transportation licensee.

3. Other cities in Ontario, including Hamilton and the Region of Waterloo, among others, are contemplating similar regulatory frameworks already adopted in Ottawa and Toronto. The regulatory frameworks in these cities approach the desire to create a “level playing field” by creating reasonable common or proportionate standards, but not necessarily common rules. Adopting this approach facilitates business model innovation in order to deliver regulatory objectives as efficiently as possible.

4. Mississauga is largely unique to date in proposing a pilot program in Canada (although Mississauga was the first to propose the concept in Canada, Quebec recently legislated for a pilot program although details of that pilot program are still pending). Pursuing a pilot program is a “Made in Mississauga” approach.

5. “General pilot programs” implemented to date in various jurisdictions in the United States of America have not imposed restrictions with respect to the number of vehicles operating on a TNC platform, the times when TNCs are allowed or are not allowed to operate during the day, or the areas where TNCs may or may not operate.

6. In order to truly understand and assess the contribution of new vehicle platforms like TNCs to Mississauga, a pilot program cannot place restrictions on the number of vehicles on a TNC platform, times when TNCs can operate or where TNCs can operate. Not placing these

restrictions on a TNC platform in cities around the world, including Edmonton, Ottawa and Toronto, has meant reduced wait times for the traveling public, improvements in ground transportation service to communities traditionally underserved by existing transportation options, and reductions in costs to consumers, all of which can be measured by a pilot program.

7. Requiring a TNC to operate exclusively through existing taxi brokerages, taxi drivers and vehicles would not enable the study of both traditional taxi platforms and that of new TNC platforms and peer-to-peer ridesharing on the “uberX” platform. The “capture option” that seeks to apply traditional taxi sector regulation to the TNC sector, without recognition of the inherent differences in business models between the sectors, will not allow for a true pilot program study of the traditional and emerging ground transportation industry in Mississauga.

8. Where and as much as possible, the TNC vehicle pilot program shall enable taxis to operate under similar regulatory requirements as TNCs, such that the taxi industry can operate with lower and competitive fares, flexible pricing models, driver and rider rating and feedback mechanisms, and broker based driver training. This “Made in Mississauga” approach would be truly innovative in enabling Mississauga to conduct a robust pilot program that seeks to analyze how the traditional taxi sector can adjust in a changing ground transportation industry.

## **PURPOSE**

9. To launch a pilot program to enable the City of Mississauga to study, learn, and review the ground transportation platforms, including taxis and that of Transportation Network Companies (TNCs) like Uber in Mississauga, and the manner in which the various ground transportation platforms perform with respect to customer service, response times, geographic coverage, etc, and how the traditional taxi sector can adjust in a changing ground transportation industry in Mississauga.

## **PARAMETERS**

### **General Requirements**

10. The public vehicle pilot program shall expire one (1) year from the date of pilot program implementation start date, with the option to extend it at the discretion of the City of Mississauga.

11. A TNC shall only permit passengers requesting transportation to submit a request for transportation through a software application or website.

12. A TNC driver shall not accept hails or solicit passengers, whether on the street or at a cabstand or in any other manner or at any other location..

## TNC requirements

13. Every TNC operating in Mississauga shall collect and maintain from affiliated TNC drivers:

- (1) The driver's full name;
- (2) A copy of the driver's unrestricted Class G, or higher, Ontario driver's licence;
- (3) A criminal reference check;
- (4) A driving record abstract;
- (5) A certificate of insurance for the TNC vehicle the applicant will be operating confirming that insurance sufficient to satisfy the requirements of this pilot program is in place; and
- (6) The licence plate number, vehicle identification number, make, model, and model year of the TNC vehicle that the applicant will be driving when providing transportation to passengers making a request through the a relevant platform.

14. A TNC shall ensure a TNC driver cannot access a relevant platform where the individual has:

- (1) Been found guilty of a sexual offence against a minor or a person with a disability under any of sections 151 to 153.1 of the *Criminal Code*;
- (2) Been found guilty of an offence under the following *Criminal Code* sections;
  - (a) 83.01 to 83.33 (Terrorism);
  - (b) 219 to 248 (Major Offences Against the Person);
- (3) Been found guilty of any sexual offence under the *Criminal Code* in the preceding ten years;
- (4) Been found guilty of any offence under sections 249, 252, or 253 of the *Criminal Code* (Operation of Vehicles Vessels, or Aircraft) in the preceding five years;
- (5) Been found guilty of an offence under the following *Criminal Code* sections in the preceding five years;
  - (a) 84 to 117.15 (Firearms and Other Weapons);
  - (b) 264.1 to 286.1 (Offences Against the Person);
  - (c) 321 to 378 (Offences Against Rights of Property); or
  - (d) 379 to 405 (Fraudulent Transactions Relating to Contracts and Trade).
- (6) Been found guilty of any offence under the *Controlled Drugs and Substances Act* in the preceding five years;
- (7) Accumulated nine or more demerit points on his or her driving record abstract;
- (8) Been found guilty of any of the following offences under the *Highway Traffic Act* in the preceding five years:
  - (a) Careless driving;
  - (b) Racing or stunt driving;
  - (c) Exceeding the speed limit by 50 km/hour or more;
  - (d) Failing to stop for a school bus or when signaled or asked by a police officer;
  - or
  - (e) Failing to remain at the scene of a collision.

## **TNC driver requirements**

15. TNC drivers shall:

- (1) Be 18 years of age or older;
- (2) Possess an unrestricted Class G, or higher, driver's licence issued by the Province of Ontario;
- (3) Have at least one year of driving experience; and
- (4) Be affiliated or registered with a TNC.

16. Every driver affiliated or registered with at TNC and providing transportation services in Mississauga through a platform shall:

- (1) have access to and their ability to provide transportation commencing in Mississauga to passengers through a TNC driver's account immediately suspended or terminated if the TNC driver does not meet, or ceases at any point to meet, the qualifications to be a driver on a TNC platform,
- (2) have access to and their ability to provide transportation commencing in Mississauga to passengers through a TNC driver's account immediately suspended or terminated for the entirety of the period that the individual's provincial driver's licence is suspended or revoked.

## **TNC vehicle requirements**

17. A TNC vehicle shall:

- (1) Have four doors;
- (2) Have a maximum seating capacity of seven passengers, plus the driver;
- (3) Be no more than ten model years old; and
- (4) Have no roof light or markings that have the effect of making the vehicle look like a taxicab or identify it to any person as being available for hire.

18. No TNC vehicle owner or driver shall operate his or her vehicle as a TNC vehicle until a designated mechanic has issued a safety standards certificate that the TNC vehicle has passed a mechanical safety inspection.

19. At any time, when the City of Mississauga has reasonable and probable grounds to believe that a TNC vehicle may be unsafe, the City of Mississauga may direct a TNC vehicle owner or driver to submit his or her vehicle for a mechanical safety inspection by a designated mechanic, and the TNC vehicle owner or driver shall submit his or her vehicle for inspection within 24 hours of being directed to so do by the City of Mississauga.

20. If the City of Mississauga has directed a TNC vehicle owner or driver to submit his or her vehicle for mechanical inspection, no TNC shall permit a TNC driver to operate on the TNC's platform until the TNC vehicle operated by that driver has passed a mechanical safety inspection.

## **Insurance**

21. A TNC shall ensure that each TNC vehicle affiliated or registered with it is insured under a policy of automobile insurance for \$2,000,000 (exclusive of interest and costs) or more to provide coverage for:

- (a) Loss or damage resulting from bodily injury to or the death of one or more persons;
- (b) Loss or damage to property resulting from an accident; and
- (c) Third-party liability.

22. For each trip, the applicable automobile insurance policy for a TNC vehicle shall provide coverage from and including the point in time that a request for transportation is accepted by a TNC driver and until the TNC driver has completed the trip.

23. The applicable automobile insurance policy for the TNC vehicle shall identify the TNC driver using that TNC vehicle as a named insured or, in the alternative, the TNC shall have an automobile liability insurance policy in place that provides at least equivalent insurance coverage that meets or exceeds all of the insurance requirements for TNC vehicles.

24. When the TNC has an automobile insurance policy in place to satisfy the insurance requirements of this pilot program, the TNC shall provide a certificate of the policy to the City of Mississauga on or before the start date of the pilot program. Absent presentation of a certificate of the policy to the City of Mississauga, the pilot program shall not commence.

25. Where the TNC requires TNC drivers to have individual automobile insurance policies in place to satisfy the insurance requirements of this pilot program, the TNC shall retain on file a certificate of each TNC driver's policy and produce it to the City of Mississauga or a police officer upon request.

26. A TNC shall have commercial general liability business insurance coverage of at least \$5,000,000.

27. The City of Mississauga may immediately suspend a TNC and TNC driver, without a hearing, if a TNC or TNC driver fails to comply with any or all of the insurance requirements of this pilot program at any time, until the automobile liability insurance or commercial general liability insurance policy, as applicable, is reinstated or renewed or an equivalent replacement insurance policy is in place.

## **Fares & Receipt**

28. TNC drivers may offer transportation services for compensation. The TNC shall disclose rates used to determine any compensation in the TNC platform in the TNC software application.

29. A TNC shall, prior to the start of a trip, ensure that each rider has been communicated:

- (1) The rate to be charged;
- (2) The provincial licence plate, make, and model of the TNC vehicle providing transportation to the passenger; and
- (3) The first name and photo of the TNC driver providing transportation to the passenger; and

30. At the conclusion of every trip, a TNC shall provide a receipt to the passenger on behalf of the TNC driver. A receipt may be in an electronic or paper format and shall include information on:

- (1) All rates, fees and/or surcharges charged for the trip;
- (2) Total fare amount paid;
- (3) Date and time of trip;
- (4) Location at which the passenger was picked up and location to which the passenger was driven;
- (5) Driver first name and provincial licence plate number; and
- (6) Total time and distance of trip.

31. A taxicab broker may offer, and the taxi driver that agrees to provide the trip shall accept, a rate lower than the tariff for a taxicab trip if:

- (1) The trip is booked directly with the taxicab broker;
- (2) The broker has set and posted the discounted rate; and
- (3) The trip meter in the taxicab can calculate and display the discounted rate to be charged to the passenger.

32. A taxicab broker may offer, and the taxi driver that agrees to provide the trip, may receive a rate higher than the tariff for a taxicab trip if:

- (1) The trip is booked using a software application;
- (2) The broker clearly and transparently communicates the rate to be charged before the passenger commences the trip;
- (3) The broker maintains an electronic record that a rate higher than the tariff was accepted before the trip commenced, which receipt shall be kept for the duration of the pilot program; and
- (4) The broker ensures that a print or electronic receipt is provided to the passenger at the conclusion of the trip that sets out the:
  - (a) Rate charged and any other fee levied or charge made for the trip;
  - (b) Total duration and distance of the trip;
  - (c) Total amount paid for the trip;
  - (d) Date and time the trip ended;
  - (e) Location at which the trip started;
  - (f) Location at which the trip ended; and
  - (g) Driver's name and taxicab plate number.



## **Fees**

33. For each trip, a TNC shall remit to the City of Mississauga a TNC per-trip fee of \$0.05 per trip to cover the reduced costs of regulatory compliance related to the administration of the pilot program.

## **Driver Training**

34. In lieu of city-run driver training programs, TNCs shall facilitate driver training designed to ensure that each driver operates knowledgeably and provides quality customer service. Taxi brokers shall have the same opportunity to administer driver training. A condition of the provision of this driver-training regime is the ability of a TNC or taxi broker to facilitate feedback and ratings after every trip and 24/7 customer support.

## **Accessibility**

35. The TNC Uber does not currently offer accessible service in Mississauga. Accessible products namely uberWAV (wheelchair accessible vehicle) and uberASSIST (door-to-door service for those riders that require an extra hand) are available in Toronto and Ottawa currently.

36. In recognition of the importance of accessibility but also of the time limited nature of the Mississauga public vehicle pilot program being contemplated, Uber commits to:

- (1) Convening during the term of a pilot program, accessibility stakeholders in the City of Mississauga to discuss accessible needs in the City and how the technology platforms of TNCs can best address future accessible transportation needs;
- (2) Directing accessible vehicle requests to existing taxi brokers licensed by the City of Mississauga; and
- (3) Voluntarily negotiating in good faith, an accessibility levy to be paid to the City of Mississauga by TNCs operating under the pilot program for the duration of the pilot program (Where a TNC provides an accessible service approved by the City during the term of a pilot program, any negotiated accessibility levy would be waived by the City).

## **Data retention and sharing**

37. Unless otherwise specified or approved, all information retained and shared by a TNC shall be in electronic form.

38. A TNC shall maintain business records that include, at a minimum, the following information in relation to transportation commencing or terminating in Mississauga:

- (1) For trips involving one fare:
  - (a) Pick up location and the destination (by reference to the longitude and latitude);
  - (b) Date and time the trip started and terminated; and
  - (c) Length of time elapsing between the passenger's service request and start of the trip.
- (2) For trips involving more than one fare, the information referred to in subsection (1), with necessary modifications.

39. Uber is committed to share data with the City of Mississauga, compiled in a manner that protects the privacy of riders and drivers, that can help the City target solutions for its unique challenges. Such data could include comprehensive, detailed anonymized trip-level data including :

- (1) Average ETA's
- (2) Timestamp including the date & time for the beginning of a trip;
- (3) Area in which trip began (pick-up)
- (4) Area in which trip ended (drop-off)
- (5) Distance traveled during trip, in kilometres
- (6) Duration of trip, in seconds
- (7) Technical support to interpret and utilize the data
- (8) Support for Vision Zero and other transportation safety initiatives

### **Audit and Investigative Authority**

40. The City of Mississauga may periodically audit records a TNC is required to maintain pursuant to this pilot program for the purpose of investigating compliance with the requirements of this pilot program and a TNC shall comply with directions given by the City of Mississauga related to such an audit.

41. A TNC shall be required, if requested by the City of Mississauga, to create a passenger account for use by the City of Mississauga to investigate compliance with this pilot program. A TNC shall not obstruct, in any manner, access to any account established for use by the City of Mississauga to investigate compliance with this pilot program during the term of the pilot program.

42. With respect to any TNC information or records required by the police for use in any investigation of potential breaches of the law, a TNC shall provide the requested records directly to the requesting authority under appropriate production orders, etc.

# City of Mississauga Corporate Report



Date: 2016/06/08

Originator's files:

To: Chair and Members of Public Vehicle Pilot Program Committee

From: Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Meeting date:  
2016/06/13

## Subject

**Proposed Transportation Network Company Pilot Project**

## Recommendation

That the Chair and Members of the Public Vehicle Pilot Program Committee provide direction to staff on the parameters for the implementation of the transportation network company pilot program based on the information provided in the report from the Commissioner of Transportation and Works, dated June 8, 2016 and entitled "Proposed Transportation Network Company Pilot Project".

## Report Highlights

- At its meeting of May 25, 2016 Council approved the implementation of a transportation network company (TNC) pilot project.
- Staff engaged the services of Windels Marx Lane & Mittendorf, LLP, to perform research outlining how jurisdictions have implemented TNC pilot projects, including the parameters of the project, metrics/measures used to document the impact of TNCs, as well as the timing and scope of the pilot projects. Further, Windels Marx Lane & Mittendorf, LLP were engaged to assist staff in developing possible pilot project options to test the introduction of TNCs in the Mississauga public vehicle marketplace.
- The consultant's report searched 30 of the largest cities in Canada and found that while these jurisdictions are dealing with TNCs in different ways, none of them have implemented a TNC pilot program. The consultant's report provides TNC pilot program-related information including the "*History of TNCs in the Jurisdiction*", "*Description of Pilot Program*", "*Findings*" and "*Action as a Result of the Pilot Program*" for the following cities in the United States where TNC pilot programs have been launched: Portland, Oregon; San Antonio, Texas; Birmingham, Alabama; Port of Seattle Commission (Seattle-Tacoma International Airport); General Mitchell International Airport (Milwaukee, Wisconsin); Port of Oakland (Oakland International Airport); Seminole County, Florida; Evesham Township,

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New Jersey; Macomb County, Michigan; and, Gainesville, Florida.

- The consultant's study introduced three different types of pilot programs that could be implemented based on the results of their study: *"General pilot programs"*, *"Pilot Programs to address needs of the municipality"* and *"Enact Law with Sunset provisions"*.
- The industry (traditional taxi and limousine industries, and TNC industry) and citizen representatives on the Public Vehicle Pilot Program Committee were requested to provide a written response by noon on June 6, 2015 summarizing their position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters of the pilot and what should be measured to assess the impact of the pilot. Input was received from the traditional taxi and limousine industries, and citizen representatives on the Public Vehicle Pilot Program Committee summarizing their position on the TNC pilot project.
- Parameters of a preferred pilot program are outlined in the report in accordance with the following proposed principles for a TNC pilot program: the TNC pilot program should test the feasibility of traditional ride-sharing services regulated using the ride-sharing service friendly, self-regulation model; the TNC pilot program should be implemented in a manner that has minimal impact on the traditional taxi and limousine industries; data on trip origin and destination should be collected from the traditional taxi and limousine industries, and TNCs, by service, in addition to data on trip volumes and response times; and, the cost to implement, monitor and assess the TNC pilot project should be recovered through user fees.

## Background

At its meeting of May 25, 2016 Council approved the following recommendation:

"Resolution No.: 0096-2016

*Now therefore be it resolved that a committee be created with the aim of developing a terms of reference for a limited one-year pilot program to allow Transport Network Companies (TNCs) to operate in Mississauga to determine how TNCs can operate within the Mississauga marketplace and under Council regulation; and*

*Be it further resolved that this committee be comprised of two councillors, one being the Chair of the Public Vehicle Advisory Committee (PVAC), and the Mayor as ex officio, and one of each of the following: a citizen representative, a taxi cab industry representative, and a representative from the TNC sector; and*

*Be it further resolved that this Committee will work with enforcement staff to develop a report with recommendations on the framework as soon as possible and no later than June 29, 2016 General Committee meeting; and*

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*Be it further resolved that Councillor Starr and Councillor Ras be appointed to the Committee and;*

*That a representative be appointed by the Tax Industry and TNCs by Monday, May 30, 2016 and if not the Committee will proceed;*

*That staff be directed to contact the citizen representatives on PVAC to confirm one representative to sit on the Committee.”*

The purpose of this report is to provide information to the Public Vehicle Pilot Program Committee on possible parameters for the implementation of a TNC pilot program.

## Comments

### Consultant's Study of TNC Pilot Programs:

Staff engaged the services of Windels Marx Lane & Mittendorf, LLP, to perform research outlining how jurisdictions have implemented TNC pilot projects, including the parameters of the project, metrics/measures used to document the impact of TNCs, as well as the timing and scope of the pilot projects. Further, Windels Marx Lane & Mittendorf, LLP were engaged to assist staff in developing possible pilot project options to test the introduction of TNCs in the Mississauga public vehicle marketplace. This new scope of services is further to previous work performed by Windels Marx Lane & Mittendorf, LLP for the City on the regulation of TNCs, including their report, dated February 2, 2016 and entitled “Study of Regulations for Transportation Network Companies (TNCs) Final Report” that was included as Appendix 3 in the report from the Commissioner of Transportation and Works, dated February 11, 2016 and entitled “Regulation of Transportation Network Companies”, which was considered by Council on March 9, 2016 and resulted in the following recommendation:

*“GC-0130-2016*

*WHEREAS Transportation Network Companies (“TNC”), such as UBER, have developed online enabled platforms (Apps) through the use of cell phones which connect passengers with drivers in order to transport the passengers for a fee;*

*AND WHEREAS UBER is operating within the City of Mississauga connecting passengers with drivers;*

*WHEREAS Uber and Uber drivers are currently operating within the City of Mississauga as a taxi broker and taxi driver respectively using names like UBER X, UBER XL and UBER SELECT App (“UBER X APP”) without being licensed according to the City’s*

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*Public Vehicle Licensing By-law 420-04, as amended and as such are operating contrary to the requirements of the By-law;*

*AND WHEREAS General Committee is concerned that Uber and Uber drivers will continue to contravene the City's Public Vehicle Licensing By-law as General Committee considers the regulation of transportation network companies ("TNC") including any possible amendments to the Public Vehicle Licensing By-law;*

*NOW THEREFORE BE IT RESOLVED:*

- 1. THAT the Director of Enforcement be directed to send correspondence to Uber (including all related companies that in any way participate in the operation of Uber in the City of Mississauga) and any other TNC operating in the City, directing them to suspend operation within the City of Mississauga and for Uber to advise any drivers using the Uber App in the City of Mississauga that the Uber App will no longer be available for use in Mississauga until any enabling amendments to the Public Vehicle Licensing By-law are made;*
- 2. That City staff continue to enforce the By-law and charge all drivers.*
- 3. THAT the City of Mississauga send out a communication that Uber drivers or drivers for other TNCs in the City of Mississauga cease operating in the City of Mississauga until any enabling amendments to the Public Vehicle Licensing By-law are made;*
- 4. THAT the City Solicitor be requested to report back to General Committee at a later date providing an update on the prosecution of Uber related charges under the City's Public Vehicle Licensing By-law;*
- 5. THAT the Federal and Provincial government be requested to undertake legislative changes to regulate TNCs to ensure that TNCs are regulated consistently across municipalities in Ontario;*
- 6. That PVAC holds an open education session with no further delegations to review all reports, materials and presentations available on the Uber/Taxi issue and makes its recommendations to Council."*

A copy of the report from Windels Marz Lane & Mittendorf, LLP, dated June 6, 2016 and entitled "Study of Pilot Programs for Transportation Network Companies ("TNCs") Final Report" is attached to this report as Appendix 1.

The consultant's report investigated how other jurisdictions have implemented TNC pilot programs. Further, the consultant's report searched 30 of the largest cities in Canada and found that while these jurisdictions are dealing with TNCs in different ways, none of them have

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implemented a TNC pilot program. There are some TNC pilot programs operating in the United States. The consultant's report provides TNC pilot program-related information including the *"History of TNCs in the Jurisdiction"*, *"Description of Pilot Program"*, *"Findings"* and *"Action as a Result of the Pilot Program"* for the following cities in the United States where TNC pilot programs have been launched:

- Portland, Oregon;
- San Antonio, Texas;
- Birmingham, Alabama;
- Port of Seattle Commission (Seattle-Tacoma International Airport);
- General Mitchell International Airport (Milwaukee, Wisconsin);
- Port of Oakland (Oakland International Airport);
- Seminole County, Florida;
- Evesham Township, New Jersey;
- Macomb County, Michigan; and,
- Gainesville, Florida.

The consultant's study introduced three different types of pilot programs that could be introduced based on the results of their study: *"General pilot programs"*, *"Pilot Programs to address needs of the municipality"* and *"Enact Law with Sunset provisions"*. Further information on the three types of programs introduced by the consultant as quoted directly from their report is noted below:

*"General pilot programs"*

*These pilots, instituted in Portland, Oregon and San Antonio, Texas came closest to the prototypical pilot program. Both municipalities set time limits on the programs and required participants to enter into agreements with the municipalities. The agreements also outline the requirements of the program, including insurance requirements, mandated background checks, and accessibility requirements.*

*Under a general pilot program, the City of Mississauga can subject TNCs to limits and requirements necessary to allow TNCs to enter the market while mitigating congestion. For example, the City of Mississauga can set the length of the pilot program, as the City of San Antonio has done. The City of Mississauga can also set a limit on the vehicle age, as the City of Birmingham has done. In addition, other variables that the City of Mississauga can regulate include, but are not limited to, the number of vehicles that TNCs can operate at any time, the times when TNCs are allowed or are not allowed to operate during the day, and the areas where TNCs may or may not operate.*

*The pilot programs discussed require TNCs to share data with regulators. The municipalities will use the data from the pilot to decide whether to institute permanent*

*rules and laws. The City of Mississauga should specify in its agreement the data that is required to be shared and when it must be given to the City. Many times, TNCs have opposed providing trip data to regulators, arguing that the information is a trade secret, however the City needs data to create policy. Thorough data ensures that any permanent rules or laws will be based on facts, rather than anecdotal evidence.*

*Furthermore, during the course of the pilot program, the City of Mississauga should also be gathering its own data on the effect of TNCs. This includes measuring the effect of TNCs on the taxi and for-hire vehicle market, wait times experienced by passengers for TNCs as well as passengers for taxicabs, and rider reactions to the TNCs.*

#### *Pilot Programs to address needs of the municipality*

*Many of the pilot programs were instituted to address gaps in the transportation network or FHV service. There were several pilots at airports where the airports likely established the pilot programs to address transportation shortages at the airports. Other jurisdictions have instituted pilot programs where they use TNCs to fill gaps in their transportation networks, or to try to reduce DUI. These municipalities are even subsidizing rides in TNCs to try to fulfill a need of the municipality. Under this type of program, the pilot agreement would have to limit where the TNCs may operate.*

*This may be an attractive option for Mississauga. A prior report on taxi service conducted by Hara Associates<sup>1</sup> found that while Mississauga has good taxi service, there are areas of the City near the airport where taxi service can be improved. The report concluded that there is some room to slightly increase the taxi fleet to address this slower service. A pilot can be instituted in the area near the airport to allow TNCs to try to address the slower service issue.*

*The City of Mississauga can also use this type of pilot to address other types of gaps in service. For example, the City of Mississauga can increase service for people with disabilities by requiring TNCs to provide wheelchair accessible service. This would be similar to City of Portland's approach, which required TNCs to provide a wheelchair accessible service option.*

*Alternatively, the City of Mississauga can create an alternative-fuel or high mileage pilot program for TNCs to further promote its goal of a clean and healthy natural environment that it has actively pursued under its Living Green Master Plan started in 2012. Under this type of pilot program, the City of Mississauga may allow TNCs to operate if the TNCs operate clean air, hybrid, or electric vehicles. This is similar to the Port of Seattle Commission's pilot program, which required all TNC vehicles to either have 47 miles per*

<sup>1</sup> "City of Mississauga, Taxi Plate Issuance Model Review," by Hara Associates Incorporated, dated October 7, 2015.



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*gallon mileage or to follow Seattle Port Commission's Environmental Key Performance Indicator standards of 45 miles per gallon and 7% reduction in deadheading.*

*Enact Law with Sunset provisions*

*While enacting a law with a sunset provision to collect data is not a true pilot program, it has many characteristics of a pilot. One U.S. City, Birmingham, Alabama addressed the issue of TNCs by enacting ordinances with a six month sunset clause. This allows the City to review the data from the six month period and decide if they want to make any amendments to their TNC laws. This may be an option if the legislature of the City is under pressure to address the TNC issue, but does not have enough information to draft a comprehensive law. Doing it this way allows legislators to tell their constituents that they passed a law, but it also provides regulators the data they need to help amend the law to fit the findings."*

Stakeholder Input:

On May 31, 2016 the industry (traditional taxi and limousine industries, TNC industry) and citizen representatives on the Public Vehicle Pilot Program Committee were requested to provide a written response by noon on June 6, 2015 summarizing their position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters of the pilot and what should be measured to assess the impact of the pilot. Appendix 2 provides copies of email correspondence from the Director of Enforcement, dated May 31, 2016, which was sent to the industry and citizen representatives on the Public Vehicle Pilot Program Committee requesting information on the TNC pilot project.

Mr. Mark Sexsmith, the traditional taxi and limousine industry representative, and Mr. Al Cormier, the Public Vehicle Advisory Committee citizen representative, on the Public Vehicle Pilot Program Committee provided responses by the deadline. A copy of their responses is attached as Appendices 3 and 4, respectively.

Mr. Chris Schafer, the TNC representative on the Public Vehicle Pilot Program Committee, indicated in email correspondence dated May 31 and June 1, 2016 that he was unable to respond with comments by the deadline and also by a revised, extended deadline. A copy of the email correspondence between Mr. Schafer and the Director of Enforcement on this matter is attached as Appendix 5.

Staff have not interpreted the input received from Mr. Sexsmith or Mr. Cormier for fear of miscommunicating their respective positions on this important matter. The Public Vehicle Pilot Program Committee may wish to have the respective industry and citizen representatives speak to their submissions at the Committee's meeting of June 13, 2016.

Preferred Option for TNC Pilot Project:

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In staff's opinion, by its nature a pilot is a contained experiment to test the impact of a change in a controlled environment in a manner in which the impact of the change can be measured, and before any changes are implemented on a more permanent basis. With that in mind and in light of the findings of the consultant, as well as the stakeholder input received to date, staff propose the following principles for the TNC pilot program:

- The TNC pilot program should address the needs of the municipality in terms of more responsive service near the airport (Malton Community) and better accessible service in the city.
- The TNC pilot program should test the feasibility of traditional ride-sharing services regulated using the ride-sharing service friendly, self-regulation model.
- The TNC pilot program should be implemented in a manner that has minimal impact on the traditional taxi and limousine industries.
- Data on trip origin and destination should be collected, from the traditional taxi and limousine industries and TNCs, by service, in addition to data on trip volumes and response times.
- The cost to implement, monitor and assess the TNC pilot project should be recovered through user fees.

As a result, staff recommend the pilot program be implemented as follows:

- TNCs be required to enter into an agreement with the City outlining the requirements of the pilot in terms of licensing requirements and training; operating conditions; fleet size restrictions; rate setting; vehicles/markings; and, data submission requirements for trip origin and destination, trip volumes and response times, by service.
- The TNC pilot program be implemented on a one-year trial basis for TNC ride-sharing services.
- The TNC itself will be required to obtain a TNC pilot project licence, which will include a one-time licensing fee, fee per registered TNC pilot program driver and per trip fees for trips originating in Mississauga. TNC drivers participating in the pilot will not be licensed by the municipality. Trips originating in Malton and trips offered by accessible TNC vehicles will be exempt from per trip fees.
- Licence requirements for TNC drivers participating in the TNC pilot will be the same as for taxi and limousine drivers, for screening, criminal record searches, driver abstract requirements, etc. Insurance requirements will be equivalent to taxis and limousines,

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while TNC drivers are operating as a ride-sharing service. TNC drivers participating in the pilot will be required to have a valid GST/HST registration number.

- The TNC itself will regulate its drivers to municipal standards. The municipality will audit the TNC for compliance.
- TNC driver training will be approved by the municipality, provided by the TNC itself and subject to municipal audit for compliance.
- TNC vehicles participating in the pilot must use an App, which calculates a fare based on distance travelled. Apps must provide information to both the driver and passenger about one another. Through the App, TNCs can choose to charge any rate and change this rate whenever they choose. The rate must be clear and transparent to the customer. TNC drivers will not be permitted to accept street hails under any conditions.
- There will be a maximum of 47 TNC drivers and vehicles participating in the TNC pilot for regular service vehicles. A minimum of 10 of the vehicles participating in the pilot must be fully accessible vehicles. (At the time of writing this report there are 47 traditional taxicab plates inactive. Further, the Hara report referenced in the Windels Marx Lane & Mittendorf, LLP report entitled “Study of Pilot Programs for Transportation Network Companies (“TNCs”) Final Report” indicated that 21% of Mississauga’s public vehicle service should be fully accessible to achieve reasonably comparable service, excluding accessible vehicles contracted to TransHelp).
- No identifying markings will be allowed on TNC vehicles participating in the TNC pilot except for a small decal required for enforcement purposes to identify approved TNC vehicles. On introduction into service and every six months thereafter, TNC drivers must submit to the TNC a record of inspection for the motor vehicle that meets or exceeds the requirements of the Ministry of Transportation. TNC regular vehicles must seat four passengers, including the driver, and must be 10 years old or newer. TNC accessible vehicles must be vehicles modified or constructed to permit the loading, unloading and transporting of individuals confined to wheelchairs or similar devices to assist persons with disabilities in accordance with both federal and provincial legislation. TNC accessible vehicles must be seven years old or newer. The TNC itself will regulate its driver vehicles to municipal standards. The municipality will audit the TNC for compliance.

## Financial Impact

The cost to implement, monitor and assess the TNC pilot project will be recovered through user fees.

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## Conclusion

At its meeting of May 25, 2016 Council approved the implementation of a TNC pilot project. This report presents the findings of the consultant's study of TNC pilot programs; input received from the traditional taxi and limousine industries, and citizen representatives on the Public Vehicle Pilot Program Committee summarizing their position on the TNC pilot project; and, staff's preferred option for a TNC pilot project.

## Attachments

- Appendix 1: Report from Windels Marx Lane & Mittendorf, LLP dated June 6, 2016 and entitled "Study of Pilot Programs for Transportation Network Companies ("TNCs")"
- Appendix 2: Emails from the Director of Enforcement, dated May 31, 2016 to the industry and citizen representatives on the Public Vehicle Pilot Program Committee requesting information on the TNC pilot project
- Appendix 3: Email response and attachment from Mr. Mark Sexsmith, dated June 4, 2016 and entitled "TNC Panel"
- Appendix 4: Email response and attachment from Mr. Al Cormier, dated June 5, 2016 and entitled "RE: Public Vehicle Pilot Program Committee"
- Appendix 5: Various email correspondence between Mr. Chris Schafer and Mr. Mickey Frost, dated May 31 and June 1, 2016 and entitled "RE: Public Vehicle Pilot Program Committee"




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Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Prepared by: Mickey Frost, HBA;CPA, CGA;MPA, Director of Enforcement



**STUDY OF PILOT PROGRAMS FOR  
TRANSPORTATION NETWORK  
COMPANIES ( TNCs )**

**June 7, 2016**



## TNC Pilot Programs

### *Introduction*

In the last few years, one of the biggest changes to the for-hire vehicle industry has been the growth of Transportation Network Companies (TNCs) that connect riders to drivers who use their private vehicles for compensation. Although these transactions would appear to be regulated by local laws governing for-hire vehicle service, TNCs have argued that they are providing a unique type of service that falls outside of traditional for-hire vehicle laws. TNCs have said that they are not transportation companies at all, but are technology companies.

One characteristic of many TNCs is that they consider themselves disrupters. Their typical business model involves entering a jurisdiction and operating without obtaining proper licenses or following existing regulations. Many TNCs will continue to operate outside the law until they are challenged by local regulators or law enforcement. The actions of many TNCs have created dilemmas for regulators who are sworn to enforce laws that are meant to protect public safety. However, in many jurisdictions, TNCs have become popular because of a perceived lack of service from existing for-hire vehicle services.

The growth of TNCs and their popularity has caused some regulators to develop rules and regulations to address the new entities. Some jurisdictions have enacted laws and regulations which treat the TNCs differently from existing for-hire vehicles, allowing them to operate under more lenient laws and rules, while some have required TNCs to operate under existing laws that apply to all for-hire vehicles.

Some jurisdictions have taken a more measured approach and are opting instead to institute pilot programs. Many of these jurisdictions have provisions in their laws to operate pilot programs to test new technology. Pilot program rules usually apply to new technologies where there are no existing rules or laws governing them. Pilots often require the suspension of certain rules that would make the new technology illegal. Pilots are for a defined duration, usually a year, to allow the local regulators to collect data so that they can decide whether it is worthwhile to pursue permanent laws and rules to regulate the new technology.

We understand that the City of Mississauga is interested in exploring how other jurisdictions have implemented TNC pilot programs, so we focused our search initially on other major Canadian cities. We searched for the status of TNCs in the 30 largest Canadian cities by population and found that while these jurisdictions are dealing with TNCs in different ways, none of them involved allowing TNCs to operate under a pilot program.

Some jurisdictions, such as those in Ottawa, have already passed regulations for TNCs after multiple city council meetings and hearings<sup>1</sup>. Other jurisdictions, such as Calgary and Edmonton in the Alberta province have also passed regulations that led to TNCs pausing operations<sup>2</sup>. Many jurisdictions, including those in the provinces of Ontario, British Columbia, and Saskatchewan, are still in the stages of reviewing existing taxi laws and holding meetings and public hearings. The only exception is the province of Quebec, where regulators are currently negotiating terms with Uber and a type of pilot program with temporary permits program are among the options that have been discussed<sup>3</sup>.

There are some TNC pilot programs operating in the United States, which range from general pilot programs to specialized pilot programs at the airport. Some US cities have used pilot programs to plug gaps in their transportation networks, such as subsidizing TNC trips to address inadequate public transportation options. One municipality has used TNCs to try to reduce the instances of DUI by subsidizing TNC rides from bars. Although adopting a pilot program would seem to be easier than enacting legislation, one US city, Birmingham, Alabama adopted ordinances governing TNCs, but included a six month sunset clause to allow it to evaluate the effectiveness of their ordinances and make determinations about amending them.

We have attached charts for ten jurisdictions describing their pilot programs. Where available, we have attached copies of the pilot program agreements, ordinances or other documentation. Finally, we have made some recommendations about types of pilot programs that Mississauga may consider implementing.

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<sup>1</sup> <http://www.cbc.ca/news/canada/toronto/new-uber-rules-1.3566298>.

<sup>2</sup> <http://www.cbc.ca/news/canada/edmonton/uber-suspends-operations-in-edmonton-over-insurance-delay-1.3469425>.

<sup>3</sup> <http://globalnews.ca/news/2726410/quebec-transport-minister-wont-back-down-on-essential-items-in-uber-legislation/>.

<b>Portland, Oregon</b>	
History of TNCs in the Jurisdiction <sup>4</sup>	In December 2014, Uber contacted Portland and expressed interest in bringing their service into the city. Portland requested a delay in order to review and update their existing taxi regulations. Mayor Charlie Hales appointed a "Private For-Hire Innovation Task Force" in December to consider a TNC program. Uber soon surrounded Portland by launching operations in Portland's suburbs and neighboring areas in Washington. Near the end of December 2014, Uber launched in Portland without the approval of the city government. Portland sued Uber for their illegal operations. However, in April 2015, Portland proposed a 120-day TNC pilot program in the city. The pilot program began in June 2015.
Description of Pilot Program <sup>5</sup>	<p>The pilot program was divided into two phases. Phase 1 was the 120-day pilot program that temporarily legalized TNCs in Portland. During Phase 2, the city assessed market data from the pilot program and solicited public input in order to reach a permanent decision.</p> <p>As part of Phase 1, the city lifted existing caps on taxi fares. Both taxis and TNCs were now able to set their own fares. Under Phase 1, TNCs were required to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/>accommodate the people with disabilities.<sup>6</sup></li> <li><input type="checkbox"/>provide a 24-hour service.<sup>7</sup></li> <li><input type="checkbox"/>have their drivers complete skills and knowledge testing as well as safety and customer service training.<sup>8</sup></li> </ul> <p>TNCs must regularly provide a list of their drivers to the Director of the Portland Bureau of Transportation. The Director must certify that the driver has met the pilot program's driver requirements before a driver can be permitted to operate under a TNC platform.<sup>9</sup> One of the driver requirements is that the driver undergoes a local and national criminal background check, conducted by a third-party provider accredited with the National Association of Professional Background Screeners.<sup>10</sup> The background check must be conducted by the third-party provider on behalf of the TNC. The TNC must</p>

<sup>4</sup> See <https://www.portlandoregon.gov/transportation/article/526682>;

[http://www.bizjournals.com/portland/morning\\_call/2015/04/portland-unveils-details-of-uber-lyft-and-taxi.html](http://www.bizjournals.com/portland/morning_call/2015/04/portland-unveils-details-of-uber-lyft-and-taxi.html).

<sup>5</sup> See Appendix A (Portland Bureau of Transportation Pilot Program Agreement); Appendix B (Portland Private-For-Hire Transportation Rules).

<sup>6</sup> Appendix B, Section 16.40.190.

<sup>7</sup> Appendix B, Section 16.40.240.

<sup>8</sup> Appendix B, Section 16.40.270 (D).

<sup>9</sup> Appendix B, Section 16.40.270 (A).

<sup>10</sup> Appendix B, Section 16.40.270 (D).



	<p>send the driver's background check to the Director with its list of drivers in order to be certified.</p> <p>The criminal background check must include:<sup>11</sup></p> <ol style="list-style-type: none"> <li>1. Multi-State/Multi Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search),</li> <li>2. All motor vehicle records associated with the applicant driver, and</li> <li>3. Search of National Sex Offender Registry.</li> </ol> <p>The city also created an insurance program based upon three periods of TNC operations:<sup>12</sup></p> <ul style="list-style-type: none"> <li><input type="checkbox"/>Period 1, when the TNC driver is logged into the TNC application and waiting for a fare,</li> <li><input type="checkbox"/>Period 2, when the driver has received a match and is on his way to pick up the passenger, and</li> <li><input type="checkbox"/>Period 3, when the passenger is in the vehicle.</li> </ul> <p>During Period 1, TNCs must provide proof of 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.</p> <p>During Periods 2 and 3, TNCs must provide proof of 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>
Findings <sup>13</sup>	<p>According to the Portland Bureau of Transportation, within six months, Uber and Lyft took over 60% of the for-hire transportation market share. Taxi ridership in Portland decreased by 16%. Overall, for-hire ridership increased in Portland by 40%, which suggested there had been a sizeable unmet demand for the service in the city.</p>
Action as a Result of the Pilot Program <sup>14</sup>	<p>In December 2015, Portland approved permanent rules for TNCs. The permanent rules kept in place the rules under the pilot program, including the removal of fare restrictions for both taxis and TNCs.</p>

<sup>11</sup> Appendix B, Section 16.240.270 (D).

<sup>12</sup> Appendix B, Section 16.40.230.

<sup>13</sup> See <https://www.portlandoregon.gov/transportation/article/549240>.

<sup>14</sup> See [http://www.oregonlive.com/commuting/index.ssf/2015/12/in\\_narrow\\_vote\\_uber\\_and\\_lyft\\_g.html](http://www.oregonlive.com/commuting/index.ssf/2015/12/in_narrow_vote_uber_and_lyft_g.html); <http://www.geekwire.com/2015/portland-passes-permanent-laws-legalize-uber-lyft/>.

<b>San Antonio, Texas</b>	
History of TNCs in the Jurisdiction <sup>15</sup>	<p>Lyft and Uber arrived in San Antonio in the spring of 2014 and soon faced resistance from the taxi industry and the San Antonio City Council. In December 2014, the Council passed an ordinance that required TNC drivers to pass a background check and pay a driver's fee. The ordinance also mandated a \$200,000 minimum insurance policy for each TNC vehicle. Even though the Council eventually removed the insurance requirement, Lyft and Uber left San Antonio in response to the December ordinance.</p> <p>To try to create an environment where TNCs will operate in San Antonio, in August 2015, the Council proposed a nine-month TNC pilot program. As of February 2016, four TNCs (Lyft, Uber, Get Me, and Bid My Ride) had agreed to participate in the pilot program.</p>
Description of Pilot Program <sup>16</sup>	<p>Under the nine-month pilot program:</p> <ul style="list-style-type: none"> <li>□TNCs must □obtain and review a criminal research history report□for each applicant driver before permitting a person to operate under its platform. The report must be conducted initially and then each year thereafter. The report must be performed by a third-party provider accredited with the National Association of Professional Background Screeners. The report must include a criminal background check and a review of the national sex offender registry.<sup>17</sup></li> <li>□Drivers have the option to voluntarily submit a fingerprint identity verification criminal background check. Prospective passengers then have the option to choose drivers that have completed this background check.<sup>18</sup></li> <li>□The city collects performance data on ride-share operations in San Antonio which must be provided by the TNCs.<sup>19</sup></li> <li>□There is a zero-tolerance policy for drugs, alcohol, harassment, and discrimination.<sup>20</sup></li> <li>□TNCs and drivers are required to comply with state insurance requirements for TNC vehicles.<sup>21</sup></li> </ul>

<sup>15</sup> See <http://www.sacurrent.com/Blogs/archives/2015/08/11/heres-everything-you-need-to-know-about-the-pilot-program-that-would-bring-lyft-back>; <http://www.sacurrent.com/Blogs/archives/2015/08/07/lyft-agrees-to-come-back-to-san-antonio>.

<sup>16</sup> See Appendix C (San Antonio Agreement).

<sup>17</sup> Appendix C, Section 5C.3, page 3.

<sup>18</sup> Appendix C, Section 5A.3, page 2.

<sup>19</sup> Appendix C, Section 5F, page 5.

<sup>20</sup> Appendix C, Section 5C.7, page 3; 5C.8, page 4.

<sup>21</sup> Appendix C, Section 5D, page 4.

	<p><input type="checkbox"/> Vehicles must be inspected before operating.<sup>22</sup></p> <p><input type="checkbox"/> San Antonio has the power to conduct random visual inspections of active drivers and vehicles.<sup>23</sup></p> <p><input type="checkbox"/> The TNCs must pay San Antonio \$1 per airport pick-up.<sup>24</sup></p> <p><input type="checkbox"/> Either party may terminate the agreement with a 30-day notice.<sup>25</sup></p>
Findings	<p>As of June 1, 2016, the pilot program is still underway. In May and June, 2016, San Antonio will hold two public meetings to discuss the pilot programs and the future of TNCs. San Antonio has also created an online survey regarding ride-share usage on their government website: <a href="http://www.sanantonio.gov/SAPD/ProgramsandServices/rideshare.aspx">http://www.sanantonio.gov/SAPD/ProgramsandServices/rideshare.aspx</a></p> <p>The findings from this comprehensive pilot program are still largely undisclosed. However, in March 2016, a San Antonio City Councilman revealed that the percentage of TNC drivers who voluntarily completed the fingerprint background checks was <input type="checkbox"/> in the single digits.<input type="checkbox"/><sup>26</sup></p>
Action as a Result of the Pilot Program	N/A <input type="checkbox"/> program still ongoing.

<sup>22</sup> Appendix C, Section 5E.2, page 4.

<sup>23</sup> Appendix C, Section 5H.1, page 6.

<sup>24</sup> Appendix C, Section 5G.1, page 5.

<sup>25</sup> Appendix C, Section 6.2, page 6.

<sup>26</sup> <http://www.sacurrent.com/sanantonio/few-sa-uber-lyft-drivers-have-completed-voluntary-background-checks/Content?oid=2512322>.

<b>Birmingham, Alabama</b>	
History of TNCs in the Jurisdiction	<p>Throughout 2014 and 2015, Uber and Birmingham city officials discussed the introduction of TNCs into the city. The two parties had difficulty reaching an agreement on background checks, insurance, and permits. In November, 2015, the two parties reached an agreement and the Birmingham City Council agreed to consider passing an ordinance regarding TNCs. On December 23, 2015, Birmingham passed a series of ordinances that officially recognized and regulated TNCs in their jurisdiction. Although these ordinances do not create a trial program, they contain a sunset provision that requires Birmingham to review the TNC regulations within six months.</p>
Description of Pilot Program <sup>27</sup>	<p>Although not a pilot program, the Birmingham ordinance creates a regulatory system that will be reviewed in six months, after which the city will reevaluate their TNC regulations. Under the ordinance:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/>TNC companies must receive a business license from the city.<sup>28</sup></li> <li><input type="checkbox"/>TNC drivers must receive individual business licenses from the city.</li> <li><input type="checkbox"/>TNCs may set their own fares.<sup>29</sup></li> <li><input type="checkbox"/>TNCs must adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or sexual identity.<sup>30</sup></li> <li><input type="checkbox"/>TNC companies must themselves conduct, or have a nationally accredited third-party conduct, a local and national criminal background check on each applicant driver. The background check must include a <input type="checkbox"/>Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search)<input type="checkbox"/> and a review of the National Sex Offender Public Website.<sup>31</sup></li> <li><input type="checkbox"/>TNC vehicles must be under ten years old.<sup>32</sup></li> <li><input type="checkbox"/>All TNC vehicles must undergo inspections.<sup>33</sup></li> </ul>

<sup>27</sup> See Appendix D (Birmingham TNC Ordinance).

<sup>28</sup> Appendix D, Ordinance No. 15-183, Section 12-16-171 (a), page 9.

<sup>29</sup> Appendix D, Ordinance No. 15-183, Section 12-16-171 (b), page 9.

<sup>30</sup> Appendix D, Ordinance No. 15-183, Section 12-16-171 (i), page 13.

<sup>31</sup> Appendix D, Ordinance No. 15-183, Section 12-16-172 (b) (2), page 15.

<sup>32</sup> Appendix D, Ordinance No. 15-183, Section 12-16-170 (c), page 8.

<sup>33</sup> Appendix D, Ordinance No. 15-183, Section 12-16-170, page 7.

	<input type="checkbox"/> The city may perform random inspections to ensure compliance with the background checks, inspections, and licensing. <sup>34</sup> <input type="checkbox"/> Drivers logged into the TNC service and available for a ride must satisfy the minimum insurance coverage under state law. <sup>35</sup> <input type="checkbox"/> Drivers performing TNC services must have insurance that provides at least \$1 million for death, bodily injury, and property damage. <sup>36</sup>
Findings	N/A
Action as a Result of the Pilot Program	N/A

<sup>34</sup> Appendix D, Ordinance No. 15-183, Section 12-16-171 (e), page 11.

<sup>35</sup> Appendix D, Ordinance No. 15-183, Section 12-16-169, page 4.

<sup>36</sup> Appendix D, Ordinance No. 15-183, Section 12-16-169, page 4.

<b>Port of Seattle Commission (Seattle-Tacoma International Airport)</b>	
History of TNCs in the Jurisdiction <sup>37</sup>	TNCs began operations in Seattle, Washington in 2013. However, the Port of Seattle Commission, which operates the Seattle-Tacoma International Airport, had an exclusive contract with Seattle's taxi company. Therefore, TNCs had been able to drop off passengers at the airport but could not pick them up. Uber had operated in the airport for several months despite the exclusive contract. The Port began a one-year TNC pilot program on March 31, 2016.
Description of Pilot Program <sup>38</sup>	<p>Several rules under the pilot program are unique to the airport setting:</p> <ul style="list-style-type: none"> <li>☐TNC vehicles must wait in a specified staging area of the airport.</li> <li>☐TNCs must pay a one-time fee to the Port. The fee will be \$10,000 if the TNC picks up fewer than 1,000 passengers per month and \$100,000 if the TNC picks up more than 10,000 passengers per month.</li> <li>☐TNCs must pay a \$5 fee to the Port for every airport pick-up. This fee will increase in several stages if energy requirements (see below) are not met.</li> </ul> <p>Several other rules under the program include:</p> <ul style="list-style-type: none"> <li>☐Environmental requirements - TNCs must have an "all-green" fleet (which requires 47 mpg or greater) or must implement an Environmental Key Performance Indicator (which requires 45 mpg and a 7% reduction in "deadheading," which occurs when a driver drops a passenger off at the airport but returns to the city without a passenger).</li> <li>☐Data collection - The Port will collect specific, individual ridesharing data from TNC companies.</li> <li>☐Random observations - Port employees will be authorized to make random periodic observations of TNC vehicles.</li> <li>☐Insurance requirements - All TNC vehicles must have a \$1 million insurance policy in place at all times when on Port property.</li> </ul>
Findings	N/A ☐program still ongoing.
Action as a Result of the Pilot Program	N/A ☐program still ongoing.

<sup>37</sup> See <http://www.geekwire.com/2016/seattle-airport-plans-allow-uber-lyft-pickups-next-week/>.

<sup>38</sup> See Appendix E (Port of Seattle Commission TNC Staff Memorandum); <http://www.geekwire.com/2016/seattle-airport-plans-allow-uber-lyft-pickups-next-week/>.

<b>General Mitchell International Airport (Milwaukee, Wisconsin)</b>	
History of TNCs in the Jurisdiction <sup>39</sup>	TNCs operate in Milwaukee, Wisconsin, but had only been able to drop off passengers at General Mitchell International Airport. On March 14, 2015, the airport announced a 90-day pilot program allowing TNCs to pick up passengers at the airport.
Description of Pilot Program <sup>40</sup>	The airport pilot program allows TNCs to pick-up passengers in a specific area of the airport. For each pick-up, the TNC will pay Mitchell International Airport a \$3 fee. Furthermore, TNCs must comply with any state or local regulations that are already in place.
Findings	N/A □program still ongoing.
Action as a Result of the Pilot Program	N/A □program still ongoing.

<sup>39</sup> See <http://www.jsonline.com/business/mitchell-airport-may-create-rules-regulations-for-ride-share-services-such-as-uber-lyft-b99661213z1-367980911.html>; <http://fox6now.com/2016/03/15/90-day-pilot-program-uber-lyft-now-permitted-to-pick-up-passengers-at-mitchell-airport/>.

<sup>40</sup> See Appendix F (General Mitchell International Airport TNC Agreement Press Release).

<b>Port of Oakland (Oakland International Airport)</b>	
History of TNCs in the Jurisdiction <sup>41</sup>	TNCs operate in Oakland, California but had been unable to pick up passengers at the Oakland International Airport. In July 2015, the Port of Oakland announced an eight-month pilot program with Lyft, allowing the company to pick up passengers at the airport. The Port reached a similar agreement with Uber two weeks later, in August 2015.
Description of Pilot Program <sup>42</sup>	The Port will monitor TNC usage in the airport to determine whether TNCs will become a permanent transportation option in the airport. Specifically, the Port will assess the safety of the services and the customer response to TNCs.
Findings	N/A □program still ongoing.
Action as a Result of the Pilot Program	N/A

<sup>41</sup> See <http://www.portofoakland.com/press-releases/press-release-444/>.

<sup>42</sup> <http://www.latimes.com/travel/california/la-trb-oakland-uber-lyft-bart-station-20150818-story.html>.



<b>Seminole County, Florida</b>	
History of TNCs in the Jurisdiction <sup>43</sup>	TNCs had already operated in the jurisdiction when several cities announced a new, specialized pilot program with Uber. The first was Altamonte Springs, Florida, which in March 2016 announced a one-year pilot program with Uber. Shortly thereafter, several other cities in Seminole County adopted similar one-year programs.
Description of Pilot Program <sup>44</sup>	To address the challenge of insufficient public transportation, the cities will subsidize Uber rides by paying 20% of any Uber trip that begins and ends within their city limits and 25% of any Uber trip to and from a train station to any destination within the city's limits. Altamonte Springs expects the program to cost \$500,000, with the city paying \$300,000 and several sponsors covering the remainder.
Findings	Although the program is still ongoing, early reports from Altamonte Springs suggest that Uber ridership has increased tenfold in the six weeks after the program began. <sup>45</sup>
Action as a Result of the Pilot Program	N/A □program still ongoing.

<sup>43</sup> See <http://www.orlandosentinel.com/news/seminole/os-altamonte-springs-uber-transportation-20160304-story.html>; <http://www.bizjournals.com/orlando/news/2016/03/21/altamonte-springs-launches-uber-partnership-and.html>; [http://www.bizjournals.com/orlando/morning\\_call/2016/05/3-more-seminole-county-cities-ok-uber-pilot.html](http://www.bizjournals.com/orlando/morning_call/2016/05/3-more-seminole-county-cities-ok-uber-pilot.html).

<sup>44</sup> See Appendix G (Altamonte Springs Uber Press Release).

<sup>45</sup> <http://cities-today.com/five-us-cities-team-up-to-subsidise-uber-fares/>.

<b>Evesham Township, New Jersey</b>	
History of TNCs in the Jurisdiction	TNCs already operated in Evesham Township, New Jersey when this specialized pilot program was announced. In 2014, Evesham Township saw a spike in drunk driving and the local government sought to incorporate TNCs into a possible solution. In October 2015, the town announced a pilot program with Uber to combat drunk driving.
Description of Pilot Program <sup>46</sup>	Under the program, the town will pay a \$20 credit towards all Uber rides that depart from 19 specified bars within the town. The credit is in place from the hours of 9:00pm - 2:00am. The pilot program will last until June 1, 2016.
Findings	Since the pilot program began, police have reportedly arrested 83% fewer Evesham residents departing from liquor-serving establishments. Overall, there has been a 55% reduction in DUI arrests in the town. <sup>47</sup>
Action as a Result of the Pilot Program	N/A □program still ongoing.

<sup>46</sup> See <http://6abc.com/news/uber-evesham-twp-team-up-to-fight-dui/1035010/>; <https://newsroom.uber.com/us-new-jersey/working-together-for-safer-streets-in-evesham/>.

<sup>47</sup> <http://philadelphia.cbslocal.com/2016/01/15/evesham-sees-significant-reduction-in-dui-arrests-following-uber-free-ride-program/>.

<b>Macomb County, Michigan</b>	
History of TNCs in the Jurisdiction <sup>48</sup>	TNCs had already operated in Macomb County, Michigan when, in June 2015, the County announced a specialized, 60-day pilot program with Uber.
Description of Pilot Program <sup>49</sup>	Under the 60-day pilot program Uber will credit \$20 towards every trip to Macomb County courthouses by prospective jurors traveling for jury duty. It appears to be the first such program in the United States.
Findings	N/A
Action as a Result of the Pilot Program	The County was still promoting the service as of February 2016, though it is not clear whether Uber is still covering the cost of the program.

<sup>48</sup> See <http://www.freep.com/story/news/local/michigan/macomb/2015/07/01/macomb-jury-duty-uber-free-ride/29590739/>; <http://www.craigslist.com/article/20150630/NEWS01/150639997/macomb-county-jurors-can-get-free-ride-to-court-on-uber>.

<sup>49</sup> See Appendix H (Macomb County Uber Press Release).

<b>Gainesville, Florida</b>	
History of TNCs in the Jurisdiction <sup>50</sup>	TNCs had operated in the jurisdiction for several years before this specialized pilot program was announced. In June, 2015, the city of Gainesville announced, in collaboration with Uber, ElderCare of Alachua County, and the Gainesville Area Chamber of Commerce, the "Freedom in Motion" program. The six-month trial program sought to provide affordable transportation for senior citizens using Uber.
Description of Pilot Program	Under the program, ElderCare was billed whenever a senior citizen requested a ride from one of two participating senior citizen communities to one of several specified locations. Depending on their income, the senior citizen might have to pay a \$1 to \$5 copay. The city of Gainesville contributed \$15,000 to the pilot program. Free technology tutorials were made available to those who required it.
Findings	N/A □program still ongoing.
Action as a Result of the Pilot Program	In January, 2016, Uber announced that the program had been extended. <sup>51</sup>

<sup>50</sup> See <http://www.gainesville.com/article/20150903/ARTICLES/150909889?p=1&tc=pg;http://www.wuft.org/news/2015/09/03/new-program-offers-transportation-to-gainesville-seniors/>.

<sup>51</sup> <https://newsroom.uber.com/us-florida/freedom-in-motion/>.

## Policy Recommendations

Based upon our analysis of the existing pilot programs, there appear to be three different types of pilot programs that Mississauga can implement.

### *General pilot programs*

These pilots, instituted in Portland, Oregon and San Antonio, Texas came closest to the prototypical pilot program. Both municipalities set time limits on the programs and required participants to enter into agreements with the municipalities. The agreements also outline the requirements of the program, including insurance requirements, mandated background checks, and accessibility requirements.

Under a general pilot program, the City of Mississauga can subject TNCs to limits and requirements necessary to allow TNCs to enter the market while mitigating congestion. For example, the City of Mississauga can set the length of the pilot program, as the City of San Antonio has done. The City of Mississauga can also set a limit on the vehicle age, as the City of Birmingham has done. In addition, other variables that the City of Mississauga can regulate include, but are not limited to, the number of vehicles that TNCs can operate at any time, the times when TNCs are allowed or are not allowed to operate during the day, and the areas where TNCs may or may operate.

The pilot programs discussed require TNCs to share data with regulators. The municipalities will use the data from the pilot to decide whether to institute permanent rules and laws. The City of Mississauga should specify in its agreement the data that is required to be shared and when it must be given to the City. Many times, TNCs have opposed providing trip data to regulators, arguing that the information is a trade secret, however the City needs data to create policy. Thorough data ensures that any permanent rules or laws will be based on facts, rather than anecdotal evidence.

Furthermore, during the course of the pilot program, the City of Mississauga should also be gathering its own data on the effect of TNCs. This includes measuring the effect of TNCs on the taxi and for-hire vehicle market, wait times experienced by passengers for TNCs as well as passengers for taxicabs, and rider reactions to the TNCs.

### *Pilot Programs to address needs of the municipality*

Many of the pilot programs were instituted to address gaps in the transportation network or FHV service. There were several pilots at airports where the airports likely established the pilot programs to address transportation shortages at the airports. Other jurisdictions have instituted pilot programs where they use TNCs to fill gaps in their transportation networks, or to try to reduce DUI. These municipalities are even subsidizing rides in TNCs to try to fulfill a need of the municipality. Under this type of program, the pilot agreement would have to limit where the TNCs may operate.

This may be an attractive option for Mississauga. A prior report on taxi service conducted by Hara Associates<sup>52</sup> found that while Mississauga has good taxi service, there are areas of the City near the airport where taxi service can be improved. The report concluded that there is some room to slightly increase the taxi fleet to address this slower service. A pilot can be instituted in the area near the airport to allow TNCs to try to address the slower service issue.

The City of Mississauga can also use this type of pilot to address other types of gaps in service. For example, the City of Mississauga can increase service for people with disabilities by requiring TNCs to provide wheelchair accessible service. This would be similar to City of Portland's approach, which required TNCs to provide a wheelchair accessible service option.

Alternatively, the City of Mississauga can create an alternative-fuel or high mileage pilot program for TNCs to further promote its goal of a clean and healthy natural environment that it has actively pursued under its Living Green Master Plan started in 2012. Under this type of pilot program, the City of Mississauga may allow TNCs to operate if the TNCs operate clean air, hybrid, or electric vehicles. This is similar to the Port of Seattle Commission's pilot program, which required all TNC vehicles to either have 47 miles per gallon mileage or to follow Seattle Port Commission's Environmental Key Performance Indicator standards of 45 miles per gallon and 7% reduction in deadheading.

### *Enact Law with Sunset provisions*

While enacting a law with a sunset provision to collect data is not a true pilot program, it has many characteristics of a pilot. One U.S. City, Birmingham, Alabama addressed the issue of TNCs by enacting ordinances with a six month sunset clause. This allows the City to review the data from the six month period and decide if they want to make any amendments to their TNC laws. This may be an option if the legislature of the City is under pressure to address the TNC issue, but does not have enough information to draft a comprehensive law. Doing it this way allows legislators to tell their constituents that they passed a law, but it also provides regulators the data they need to help amend the law to fit the findings.

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<sup>52</sup> [City of Mississauga, Taxi Plate Issuance Model Review, by Hara Associates Incorporated, dated October 7, 2015.]

## **List of Appendices**

- Appendix A □ Portland Bureau of Transportation Pilot Program Agreement
- Appendix B □ Portland Private-For-Hire Transportation Rules
- Appendix C □ San Antonio Agreement
- Appendix D □ Birmingham TNC Ordinance
- Appendix E □ Port of Seattle Commission TNC Staff Memorandum
- Appendix F □ General Mitchell International Airport TNC Agreement Press Release
- Appendix G □ Altamonte Springs Uber Press Release
- Appendix H □ Macomb County Uber Press Release

## **Appendix A**

### **Portland Bureau of Transportation Pilot Program Agreement**





Steve  
Novick  
Commissioner

Leah Treat  
Director

## **Private For-Hire Transportation Innovation Pilot Program: Transportation Network Service Guiding Regulatory Principles**

### **Introduction and Background**

The purpose of the City of Portland's Private For-Hire Transportation Program (PFHT) is to provide for the safe, fair and efficient operation of private "for-hire" transportation services. The City Code defines private for-hire transportation as providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, or that is regulated entirely by the state of Oregon or the federal government.

The City of Portland's private for-hire transportation network is made up of different modes of private for-hire service with different business models, privileges and regulatory burdens, and each type of service serves an essential role in the overall city-wide transportation network. The private for-hire market has significantly changed as consumer demands have evolved and as Portland experiences population growth and a thriving tourism industry. In addition to the changing demands, an ECONorthwest study found that in 2013, Portland had 7.5 taxis per 10,000 residents in 2013, the second-lowest among 10 cities in the study and 6 of the 10 cities in the study had taxis available at twice the rate as Portland;

A new model of for-hire transportation has emerged in response to the changing markets and consumer demand. City Council has defined this new private for-hire transportation model as "Transportation Network Companies" pursuant to section 16.40.030 of City Code. Transportation Network Companies (TNC) connect passengers to drivers providing private for-hire transportation service through an internet based digital or software platform/application.

The City has an interest in ensuring that each type of private for-hire transportation provider complies with City regulations that protect public health, safety, consumer protection, morals or general welfare. Transportation Commissioner Steve Novick convened a 12-member, community PFHT Innovation Task Force (Task Force) to provide guidance and recommendations on how the City's PFHT regulatory program should evolve and respond to new developments in the industry, including the entry of TNCs. The Task Force has met ten times since January 2015 and has heard from taxi drivers, taxi companies, TNC drivers, TNC companies and the general public. The Task Force also convened a Listening Session for PFHT drivers and a Community Forum for the general public.

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FAX 503-823-7576 • TTY 503-823-6868 • [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

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To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW Fifth Ave., Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

On April 9, 2015, the Task Force made recommendations to City Council with a phased approach to updating private for-hire regulations, with Phase 1 to include a 120-day pilot program, during which time TNC permits would be made available, regulations for taxi companies would be modified and market data will be collected and analyzed. While Phase 1 is in operation, the Task Force will continue to meet, assess market data and solicit public input that will inform recommendations to all of the City's PFHT rules. The Task Force's final report is expected in July 2015 with regulatory recommendations for all modes of for-hire transportation.

### Interim Administrative Rule Authority and Justification

The City of Portland has a responsibility to ensure the safety and reliability of vehicles for-hire as a matter of public concern and has the authority, delegated by ORS 221.495, to license, control and regulate privately owned vehicles for hire operating within the City of Portland. In addition, the Portland Bureau of Transportation Director has the authority pursuant to PCC 16.40.520 J to authorize interim administrative rules that could be effective for not more than 120 days.

#### ***16.40.520 Administrative Rule Authority and Process***

*J. "Notwithstanding Subsections 16.40.520 C. and D., the Director may adopt an interim rule without prior public notice or Board action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reason for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of not longer than 120 days."*

While the Task Force will continue to meet and develop recommendations for a final program (Phase 2), this Interim Rule is necessary to implement the Task Force recommendations in order to ensure public safety and consumer protections in light of the evolving private for-hire transportation landscape. Phase 1 (Interim Rule) will allow Transportation Network Companies to operate in the City of Portland, and create parity where possible between the Taxi Companies and the Transportation Network Companies in order to avoid any prejudice to the interests of affected parties.

The Interim Rule is necessary to provide sufficient private for-hire supply to meet currently unmet public and accessible ride service demand. The Phase 1 Interim Rule will allow the City to gather critical data in an effort to improve all aspects of the private for-hire regulations and the city's transportation network.

### Implementation of Pilot Program

Pursuant to PCC 16.40.520 Administrative Rule Authority and Process, the Bureau of Transportation Director will authorize Interim Administrative Rules consistent with the Guiding Principles outlined in this document. The term of the interim administrative rules will be for 120 days and will be considered the "Pilot Program".

# Guiding Principles

## SAFETY AND SERVICE PRINCIPLES

1. TNCs will be required to certify compliance with City requirements for a vehicle to be certified as a permitted transportation network vehicle.
  - The term of any certified TNC Vehicle will not exceed the authority of the interim administrative rule and is subject to Certification Requirements.
  - Applications for TNC Vehicle permit will be made directly to an affiliated TNC. The TNC will certify to the Administrator, pursuant to Certification Requirements, that the vehicle meets all requirements before the vehicle may be put into service as a TNC Vehicle.
  - All TNC Vehicles will maintain, at all times, a vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
  - No vehicle older than 10 years, based on the model year, will be allowed to operate as a TNC Vehicle. The age of a vehicle is determined by the manufacturer's model year, regardless of when the vehicle was purchased or put into service as a TNC Vehicle.
  - Each TNC Vehicle must pass a standardized vehicle safety test as performed by either a Master Mechanic certified by the National Institute for Automotive Service Excellence (ASE) or by an ASE Blue Seal Recognized Shop if the vehicle
    - is more than one year old, based on model year, or
    - has 10,000 miles or more on its odometer, or
    - has the "check engine" light illuminated, regardless of model year or mileage.

The ASE Master Mechanic or ASE Blue Seal Shop will then issue to the applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection.

- Each TNC Vehicle will be kept clean, kept in good appearance and good repair, be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, kept in a safe condition; and equipped with all pollution control equipment originally installed by the manufacturer. TNC vehicles should be required to be equipped with fire extinguisher no later than 60 days into the pilot program. In addition, the use of tobacco products will be prohibited in any TNC Vehicle.

## 2. TNC Vehicles will follow operating requirements and prohibitions.

- TNC Trade Dress signage will be required for each TNC Vehicle in operation. Such signage will be clearly visible during all times a TNC Vehicle is operating.
- Secure, digital records with contact information from drivers and riders shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders. TNCs own the digital records and are responsible for their maintenance and the records produced by them. If a Portland Police Bureau Officer requests access to any record to assist in the investigation of any crime, the TNC must provide access thereto within 24 hours.
- In determining whether a vehicle meets the vehicle condition requirements, the following will apply:
  - The outside of TNC vehicles will be required to be free of dirt, grease, grime, glue, tape (such as duct or masking tape), trash, litter or other substance. This will apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
  - Good appearance and good repair includes no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, wheel covers, upholstery, ashtrays, or carpeting; and the horn and all lights, turn signals and back-up signals are in good working order; and, the vehicle body is free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
  - Properly equipped will include having properly functioning windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions. All equipment and devices must be maintained in good working order.
  - Safe condition will require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- Transferring certification of a permitted TNC Vehicle will be prohibited.
- A copy of the vehicle's registration and proof of insurance must be kept in every TNC Vehicle. In addition, the City will require proof of TNC insurance and proof of a TNC Driver's business license number be kept in every TNC Vehicle.

### 3. TNCs will be required to certify driver background checks and other driver-related information.

- TNCs will be responsible for certifying all affiliated transportation network drivers in accordance to City requirements and subject to Certification Requirements. Upon certification of such requirements, the TNC will be required to submit to the City active TNC driver information to certify permitted drivers. .
- The term of any TNC Driver Permit will be consistent with the term of the interim administrative rule.
- Applications for TNC Driver permits will be made directly to the affiliated TNC. The TNC will certify to the Administrator, pursuant to Certification Requirements, that the driver meets all requirements before the driver may operate as a TNC Driver.
- The TNC will be required to conduct a national criminal and driving background checks through a third-party provider, accredited by the National Association of Professional Background Screeners. A TNC Driver 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 a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
  - During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
    - any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
    - any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
  - During the 5-year period preceding the submission of the initial application, the applicant had greater than 10 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
  - During the 10-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
  - The applicant has more than two traffic violations or infractions of any kind within the previous 12 months from the date of the application;
  - The applicant has more than four infractions of any kind within the previous 12 months from the date of the application;
  - The applicant does not have at least 2 years' worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the

- application's submission;
  - The applicant is less than 21 years old; or
  - The applicant is unable to obtain car insurance for any reason.
- Driver background checks must include a check of driving records in Oregon and in any jurisdiction where the applicant was licensed to drive in the last 10 years.
- All TNC Drivers working for a TNC must maintain current, valid personal automobile insurance that meets the State of Oregon requirements.
- All TNC Drivers working for a TNC must comply with all provisions of the Business License Law, Chapter 7.02.

4. TNC Drivers will be required to complete skills and knowledge testing as well as safety and customer service training.

- TNC Drivers will be required to successfully complete each of the following Bureau approved tests as administered by the Bureau or a permitted TNC within 4 months of certification of the driver's permit:
  - Map-reading;
  - Relevant City Code provisions and Administrative Rules; and
  - Portland-area attractions.
- Drivers must successfully complete a Bureau-approved driver safety training program within 4 months of certification of the driver's permit. The following driver safety programs are approved by the Bureau:
  - Fifty Five Alive;
  - National Traffic Safety Institute classroom program with additional Passenger/Van module.
  - Any driver safety program offered by a TNC that is approved by the Administrator as being equivalent to those programs listed in this Section.
- Drivers must successfully complete a Bureau-approved customer service training program within 4 months of certification of the driver's permit. The following customer service programs are approved by the Bureau for purposes of this Rule:
  - Travel Oregon's online customer service training. A score of 80% or better is required to pass.
  - The Administrator will approve a TNC Services specific customer service training as this becomes available.

## 5. TNC Drivers will follow driver-conduct requirements and prohibitions

- Driver Conduct. No permitted TNC driver will be allowed to:
  - Allow another person to use his/her driver's permit;
  - Drive or allow another person to drive a TNC vehicle without a valid driver's license while the vehicle is being used to provide TNC Services;
  - Operate any TNC vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;
  - Operate any for-hire transportation vehicle while consuming, or while under the influence of illegal drugs;
  - Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs;
  - Use a for-hire transportation vehicle in the commission of any crime;
  - Use profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
  - Smoke any substance or use tobacco in any form inside a permitted TNC Vehicle;
  - Allow any passenger to smoke any substance or use tobacco in any form inside a permitted TNC Vehicle;
  - Defraud a passenger in any way;
  - Be discourteous to a passenger;
  - Refuse to issue a fully completed receipt for a fare paid if one is requested; or
  - Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
  - Operate any TNC vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
  - Refuse to transport to a requested destination any passenger of proper demeanor whose request for service has been accepted on the App.
- No Driver (taxi driver, transportation network driver or LPT driver) is allowed to drive after engaging in more than 14 hours of commercial activity in any given 24-hour period.
- A TNC Driver shall only accept rides booked through a TNC digital platform and shall not solicit or accept street-hails or stop in any City-approved taxi zones.
- TNC Drivers will carry proof of TNC insurance at all times while operating as a TNC Driver.
- TNC Drivers will carry documentation of the driver's City of Portland Business License at all times while operating as a TNC Driver.
- Transferring TNC Driver Permits from one Driver to another will be prohibited.

## 6. TNCs will be required to provide a minimum level of service.

- Permitted TNCs will have to comply with the following minimum standards:
  - A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests.
  - Acceptance of any request for TNC Service received from any location within the City.
  - The TNC App used to connect drivers to riders must display an accurate picture of the TNC driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.

## 7. TNC Drivers will need to abide by a cap on the hours of driving.

- No Driver (taxi driver, transportation network driver or LPT driver) is allowed to drive after engaging in more than 14 hours of commercial activity in any given 24-hour period.

# INSURANCE PRINCIPLES

## 8. A Transportation Network Company will be properly insured.

- In order to provide protection to the public, the Transportation Network Company will be required to provide appropriate levels of insurance during commercial activity. Transportation Network Service is defined by three distinct periods:
  - Period 1: The TNC Driver has logged into the App. The App is open and the driver is waiting for a match.
  - Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e. the driver is on his/her way to pick up the passenger).
  - Period 3: The Passenger is in the vehicle and until the passenger safely exits the vehicle at the destination.
- Before a TNC vehicle is used to provide TNC services, the vehicle must be covered by a primary automobile insurance policy for TNC services secured by the TNC, the TNC Driver, or a combination of both.
- The Transportation Network Company 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). In addition, the Transportation Network Company will be responsible for ensuring the driver and vehicle have appropriate insurance coverage as required by State law. Insurance requirements of this section may be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer.

- *Commercial Business Insurance.* TNC 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 TNC permit.
- *Commercial Vehicle Insurance.* All TNC permit holders, regardless of whether the company holds title to a vehicle or not, must provide the City with proof of the following coverages:
  - 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.
  - The required Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
- TNCs will provide certification of insurance that all TNC Vehicles operating for such company maintain current insurance satisfying the requirements of Period 1 and Period 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

## EQUITY AND INCLUSION PRINCIPLES

### 9. TNCs will implement service performance measures to provide timely and equitable service to persons with disabilities.

- Equitable Service is defined as responding to requests for wheelchair accessible vehicle service within the same amount of time as comparable requests for non-wheelchair accessible vehicle service.
- Wait time is defined as the time between an accepted service request and the vehicle arrival.

- Differential service means the difference between the wait time for wheelchair accessible service requests and non-wheelchair accessible service requests.
- For the Pilot Program the following equitable service performance measures will be implemented:
  - 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;
- TNCs will be required to provide an option for riders on the App to request wheelchair accessible vehicle service.
- TNCs will be prohibited from applying additional fare charges for wheelchair accessible vehicle service.
- Service animals must be reasonably accommodated by TNC Drivers.

## COMPLIANCE PRINCIPLES

### 10. TNC rates charged to passengers will be transparent and will not be capped, except for during times of emergency.

- All TNC Fares must be made clear and transparent to the TNC Passenger on the App prior to the TNC Passenger accepting a ride.
- The Bureau Director will limit or prohibit surge pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor pursuant to Portland City Code 15.04.040.

### 11. TNCs will follow operating responsibilities and prohibitions

- TNCs, Vehicles and Drivers will be prohibited from accepting street-hails and from waiting in designated taxi zones.
- All TNC Passengers must 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 TNC and TNC contact information.

- All permitted TNCs must employ, at all times, a Zero Tolerance Policy for drugs and alcohol use for all TNC Drivers.
- TNCs will maintain, during all times when the TNC Permit is valid, a locally-based agent of service with regular hours of business during weekdays and the ability to leave messages 24 hours per day and 7 days per week via telephone and email. Response to messages must be made within 48 hours.
- TNCs will be required to keep documentation of all Certification Requirements. Such records must be kept on file during the term of the TNC Permit and for 2 years after the expiration of such Permit. Upon request or subpoena, TNC records will be provided to law enforcement officers.
- 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.

## 12. Permits Are Required For Transportation Network Services

- The operation of a Transportation Network Company is a privilege and not a right. For transportation network services to be provided in the City of Portland, the Transportation Network Company, Transportation Network Vehicle and Transportation Network Driver will be required to obtain permits and follow guidelines for standards and operating requirements.
- An applicant for a Transportation Network Company permit must submit to the Administrator:
  - A completed application on a form supplied by the Bureau;
  - Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
  - Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
  - A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
  - A nonrefundable application fee in the amount of \$250.
- After receiving a completed TNC application form and upon successful completion of all the requirements of the application requirements, the Administrator will review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- The Commissioner-in-Charge will direct the Bureau to issue a Transportation Network Company permit if the application is approved. If the application is denied, the applicant may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

- The TNC will be required to provide a certification to the Bureau that each TNC Driver has met all conditions consistent with the TNC Driver requirements. Drivers not meeting all such conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver on a TNC platform. Such requirements will include:
  - Background Checks;
  - Personal Automobile Liability Insurance;
  - Valid Driver License;
  - TNC Driver Business License Number; and
  - Driver Training and Skills/Knowledge Testing within four months of certification of a driver's permit.
- TNCs will be required to provide a certification to the Bureau that each TNC Vehicle has met all conditions consistent with TNC Vehicle requirements. Vehicles not meeting all such conditions will not be allowed to operate as a TNC Vehicle. Such requirements will include:
  - Vehicle safety inspection;
  - Vehicle license plate number;
  - Vehicle condition;
  - TNC Commercial Automobile Liability Insurance;
  - Personal Automobile Liability Insurance, as required by state law.
- All certifications required will be provided by the TNC on a form approved by the Administrator and will be attested to by an authorized representative of the TNC.
- TNCs, TNC Drivers, and TNC Vehicles permitted under this Rule are not allowed to operate at the Port of Portland without specific permission or approval from the Port of Portland.
- All TNC permit holders will comply with TNC insurance requirements. All TNCs must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements.
- The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.
- Transferring permits will be prohibited.
- TNC Services may only be provided by a Transportation Network Company, Vehicle or Driver once valid permits are granted by the City.

### 13. TNCs will pay a permit fee.

- Each TNC will be charged a flat fee of \$20,000 for the 120-day pilot program.

- The permit fee paid for the pilot program will be applied to the annual permit fee if the permit is renewed.
- Each TNC will be charged for the cost of data analysis (apportioned between permitted companies).

#### 14. TNC will be required to provide data.

- Each TNC will enter into an agreement with the City to provide aggregate and anonymized data focused on transportation, accessibility and service to help the City improve access to for-hire transportation. Examples of relevant data may include, but not be limited to, the following:
  - type of ride requested (wheelchair accessible);
  - trip origin zip code;
  - trip destination zip code;
  - identification of every request that is unfulfilled;
- Each TNC will 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 to the TNC.
- TNCs will be required to provide any other data identified by the Director to ensure compliance with the requirements of the Pilot Program.
- TNCs will be required to submit data, in aggregate form, pursuant to a data sharing agreement with the City and permitted companies.
- The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
- In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.

#### 15. The City will enforce TNC Service, Company, Vehicle, and Driver requirements.

- Pursuant to PCC 16.10.660 designated City Employees are authorized to enforce the provisions of Chapter 16.40 and its administrative rules, including the Interim Rule, and other related work under the direction of the Director of the Portland Bureau of

### Transportation.

- TNCs, TNC Vehicles, and TNC Drivers will be prohibited from blocking from service or refusing service to any City employee authorized to enforce the provisions of this rule.
- The City will maintain the right to audit any certification and other records with 24 hours verbal or written notice including:
  - Company requirements
  - Vehicle requirements
  - Driver requirements
- The Administrator will have the authority to demand that a for-hire vehicle be made available for inspection within 48-hours' notice. In addition, authorized City personnel will have the authority to inspect any for-hire vehicle at any time if the vehicle is within the City limits, does not have a passenger inside and is parked in the public right of way or on public property.
- The permits issued to TNC Drivers and TNCs under the Interim Rule may be suspended by the Director, or designee, if the TNC Driver or TNC does not maintain a required current business license issued by the City of Portland.
- The permits issued to TNC Drivers, TNC Vehicles, and TNCs may be suspended or revoked during the 120-day Pilot Program if any of the provisions of this Rule are not maintained.
- For the purposes of investigating citizen complaints and to aid in enforcement of the Interim Rule, the Administrator or designee may require a TNC to report financial and operating data, in such form and at such times as the Administrator requires. The company must compile the necessary data and submit reports to the Administrator as requested and within the timeframe demanded subject to the requirements of the Interim Rule, but in no event must the TNC be forced to submit this information without at least 72 hours prior notice by the Administrator or designee.
- Except as otherwise required by law, information submitted to the Administrator under the Interim Rule can only be used within the City government. Such information may not be released to the public except in aggregate form.
- Information submitted under the Interim Rule may become a matter of public record as necessary to initiate, prosecute and defend an enforcement action.
- The City has the ability to issue civil penalties against TNCs, TNC Vehicles, and TNC Drivers, up to and including suspension and revocation.

TNC CIVIL PENALTY TABLE

Requirement	1st Offense	2nd Offense	Subsequent Offenses
TNC Permit	\$1,500	\$2,500	\$5,000
TNC Vehicle Conditions	\$1,250	\$2,500	\$5,000
TNC Driver Business License	\$500	\$1,000	\$2,000
Minimum Standards	\$500	\$1,000	\$2,000
Surge Pricing	\$1,500	\$2,500	\$5,000
Accessible Service Measures	\$2,500	\$5,000	\$10,000
TNC Required Equipment	\$1,250	\$2,500	\$5,000
TNC Vehicle Identification	\$1,250	\$2,500	\$5,000
TNC Driver Conduct	\$1,250	\$2,500	\$5,000
Driver Maximum Hours	\$1,250	\$2,500	\$5,000
TNC Vehicle Requirements	\$1,250	\$2,500	\$5,000
TNC Vehicle Inspection	\$1,250	\$2,500	\$5,000
TNC Insurance	\$1,250	\$2,500	\$5,000
TNC Data Reporting	\$1,250	\$2,500	\$5,000

- Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If either the payment is not made or the required conditions are not met, any permit or certification may be suspended unless a timely appeal has been filed. Any suspension will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.
- The Administrator may suspend any TNC permit or TNC Driver certification if the suspension is necessary to protect public safety, or the TNC or TNC Driver insurance is not current.
- The Administrator may revoke any TNC permit or TNC certification if applicable provisions of PCC 16.40.550 B. are found.
- In the event that a TNC permit is revoked, all TNC Drivers and vehicles affiliated with that company are simultaneously revoked and void unless they are certified by another permitted TNC.
- Any violation of an interim rule section that is not found in the Civil Penalty Table and which is not specifically prescribed by Rule Section, but which places an obligation or requirement on a driver or company, will result in a penalty of \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for subsequent offenses.
- Under City Code Chapter 16.40, operating private for-hire vehicles without permits is a criminal offense, subjecting the operator to arrest and vehicle impoundment. Continued violations of criminal provisions of Chapter 16.40 and the property that is used to commit such prohibited conduct could be subject to civil forfeiture.





## **Appendix B**

### **Portland Private-For-Hire Transportation Rules**



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF PUBLIC SAFETY

October 29, 2015

**New Rules for Private For-Hire Transportation**

Over a year in the making and after nearly 700 hours of public Task Force meetings, and having received an extraordinary amount of thoughtful public input, I am pleased to offer new rules to ensure that private for-hire transportation (PFHT) in the City of Portland is safe and reliable and that allow for fair competition and innovation.

I sincerely thank all who provided input and engaged with the City as we reviewed current PFHT regulations and developed new rules that provide necessary safeguards and standards to protect consumers, ensure accessibility for all, and allow for a fair, competitive market for drivers and companies through Portland's PFHT industry.

Specifically, I'd like to thank the diligent and creative members of the PFHT Innovation Task Force who developed sound recommendations that served as the basis for the PFHT Pilot Program and my final regulatory proposal. I also thank all the drivers, company representatives and transportation experts who provided indispensable insight into this longstanding and ever evolving industry. Lastly, I thank Leah Treat and Bureau of Transportation, as well as staff in the Revenue Bureau and City Attorney's office who worked tirelessly to shepherd along this engaging process, providing support to the Task Force and gathering and analyzing information and data that informed these new rules of the road.

Please find a summary of the new rules attached, along with the Task Force's final recommendations, a summary report of the PFHT Pilot Program, an overview of the history of PFHT in Portland, and the full regulatory proposal attached.

Sincerely,

Commissioner Steve Novick  
City of Portland, Oregon

**Portland Private For-Hire Transportation  
Revised Code Comparison  
November 2015**

TOPIC	Current PFHT Code Requirements	Revised PFHT Regulations
Accessible Service	<p>At least 10 percent of every Taxi Company fleet must be wheelchair accessible and passengers with service animals must be accommodated. During the PFHT Pilot, TNCs are required to provide 24/7, citywide WAV service and also required to accommodate passengers with service animals.</p>	<p>All companies must adhere to the ADA. As a condition of a permit, Taxi Companies, TNCs and Shuttle Companies are specifically required to reasonably accommodate all persons with disabilities, including individuals accompanied by service animals and those with mobility devices. To accommodate those with mobility devices, companies may own and operate a fleet of wheelchair accessible vehicles (WAV) or partner with a WAV transportation operator to accommodate all WAV requests.</p> <p>In collaboration with the PFHT Advisory Committee and the Portland Commission on Disability, PBOT will establish an Accessible Transportation Fund with revenue generated by a mandated, minimal fare fee on all taxi and TNC trips that is used as an incentive to help ensure that the higher cost of providing WAV trips is not a barrier to providing WAV service.</p>
Agent & Terms of Service	<p>No requirements for agents of services or terms of service.</p>	<p>Companies must maintain a locally-based agent of service for available for legal inquiries with regular hours of weekday business. Companies' user terms of services must state that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect in Portland and that any tort claim shall be governed by Oregon tort law in effect at the time of the claim.</p>
Citywide Service	<p>Citywide service required, 24 hours per day, 7 days per week all requests made within the City of Portland. Drivers are prohibited from refusing service to any passenger of proper demeanor and who is able to demonstrate the ability to pay the fare.</p>	<p>Citywide service required, 24 hours per day, 7 days per week all requests made within the City of Portland. Drivers are prohibited from refusing service to any passenger of proper demeanor and who is able to demonstrate the ability to pay the fare.</p>

Customer Service	No requirements for customer service support.	Companies must maintain customer service support with posted contact information, including a local phone number and address, and the ability to leave messages 24/7. Response must be provided within 24hrs.
Data Reporting	Records of every trip provided must be maintained by taxi companies for at least one year and must be provided to the City upon request. Taxi Companies must also report vehicle crashes, suspensions/revocations of drivers' vehicle license, and any arrest, charge or conviction of a driver that occurs while operating a for-hire vehicle or that involves theft, robbery, burglary, assault, sex crimes, drugs, or prostitution.	Companies must provide aggregated and anonymized trip data to PBOT for analysis, including WAV trips and unfulfilled requests, Companies must also report vehicle crashes, crimes against drivers, and number of passenger complaints. Companies must also report suspensions/revocations of drivers' vehicle license, and any arrest, charge or conviction of a driver that occurs while operating a for-hire vehicle or that involves theft, robbery, burglary, assault, sex crimes, drugs, or prostitution. Additional reporting may be required as determined by the Director to ensure compliance with all PFHT program requirements.
Driver Background Checks	A national criminal background check and driving history review of all drivers must be conducted annually and include review of multi-state/multi-jurisdiction criminal records and all motor vehicle records associated with a driver. Drivers may not have a felony conviction of any kind in the past ten years, may not have a felony conviction of any kind involving physical harm to a person, may not have specific criminal misdemeanor convictions in past five years, and may not have more than five traffic violations in the past five years or more than two in the past year; drivers are not eligible to provide PFHT services if the applicant is unable to obtain car insurance for any reason. Drivers must apply to provide PFHT service to the City and must, at all times, meet criminal background and driving history requirements of the PFHT program established in Chapter 16.40. The City	A national criminal background check and driving history review of all drivers must be conducted annually and include review of multi-state/multi-jurisdiction criminal records, all motor vehicle records associated with a driver, and a review of the Dru Sjodin National Sex Offender Registry. Drivers may not have a felony conviction of any kind in the past ten years, may not have a felony conviction of any kind involving physical harm to a person, may not have specific criminal misdemeanor convictions in past five years, and may not have more than five traffic violations in the past five years or more than two in the past year; drivers are not eligible to provide PFHT services if the applicant is unable to obtain car insurance for any reason. Drivers must apply to provide PFHT service to a permitted PFHT Company and must, at all times, meet criminal background and driving history requirements of the PFHT program established in Chapter 16.40.  In the course of a statewide access review of the LEDS database, the Oregon State Police (OSP) determined that the City is not authorized

Driver Background Checks (cont.)	conducts criminal background checks by accessing and reviewing the Law Enforcement Data Systems (LEDS), maintained by the Oregon State Police. LEDS records reviews are limited to detailed Oregon criminal histories. Details of out-of-state criminal histories must be obtained through a separate FBI criminal background check.	access to LEDs under State statute and OSP policy for the purpose of reviewing applicant PFHT drivers. Alternatively, all driver background checks will be performed by a contracted background check vendor, accredited by the National Association of Professional Background Screeners (NAPBS) and capable of performing exhaustive national criminal background checks. Companies must ensure that all affiliated drivers satisfy all background check requirements and must comply with regular driver audits by PBOT to ensure compliance at all times. Companies may elect to contract directly with a NAPBS-accredited vendor or request that PBOT process driver background checks, at cost to the company, and conducted by a NAPBS accredited, contracted vendor.
Driver Training	Drivers must pass a City-administered knowledge and within 6 months of issuance of a driver's permit, drivers must certify completion of City-approved driver safety and customer service training. Permits automatically revoked if not successfully completed within 6 months.	Drivers must successfully complete trainings administered and/or approved by PBOT within 30 days in the following subject areas: <ul style="list-style-type: none"> <li>• PFHT Code provisions and rules</li> <li>• Vision Zero principles of traffic safety</li> <li>• Portland-area attractions</li> <li>• Customer service</li> </ul>
Environmental Impacts	Vehicles must be equipped with all pollution control equipment originally installed by the vehicle manufacturer.	Vehicles must meet Oregon Department of Environmental Quality motor vehicle emissions. Although little is currently known about the environmental impacts specific to the PFHT industry, PBOT has and will continue to work with the Bureau of Planning and Sustainability, PFHT operators and other stakeholders to monitor and assess the environmental impacts of Portland's PFHT industry. Collecting and analyzing data, including vehicle miles traveled, will provide important insight into environmental impacts of Portland's PFHT operators.

Fare Rate/Pricing	<p>Maximum fare rates established by Code for Taxi Companies for trips within the City limits, with a minimum fare of \$2.50 for one passenger and waiting time assessed at a rate of \$30 per hour or proportionate fraction thereof. Maximum charges may not exceed \$2.60 per mile and for each extra passenger, \$1 additional charge. Rate schedules must be posted in a conspicuous place in the vehicle.</p>	<p>No mandated fare rates. Companies may set fare rates but are required to report fare rates to PBOT and provide notice to any fare rate changes prior to implementation. Fare rates must be made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Dynamic pricing allowed, except during emergencies and at all times for WAV vehicles. Receipts must be provided to passengers upon request once a trip is completed.</p>
Fees	<p>In addition to initial permit application fees, annual permit fees are assessed to each permitted PFHT company, driver and vehicle. Permit fees vary by company type and are scaled by company fleet-size. PFHT Program costs are funded by permit fees.</p>	<p>All PFHT operators are required to pay fees as a condition of a permit. In addition to initial permit application fees, PFHT companies, drivers and vehicles will continue to be assessed annual permit fees. However, permit fee for Taxis and TNCs will be assessed differently. Each year, PBOT will establish a fare surcharge necessary to fund all PFHT Program costs necessary to administer and ensure compliance with all Taxi and TNC requirements. Taxis and TNCs will add that City Surcharge (estimated to be approximately 40¢ to 50¢) to each customer fare, essentially assessing permit fees to each trip provided by Taxis and TNCs. PBOT will collect the City Surcharge fare fees from Taxi Companies and TNCs quarterly. The City Surcharge rate will be set by PBOT and presented to the PFHT Advisory Committee annually.</p>
Hailing	<p>Street hailing of rides and waiting in designated taxi zones limited to taxis only. An advance reservation of at least 60 minutes required for executive town cars. Shuttles only allowed to pick-up passengers along a fixed route and time schedule.</p>	<p>Taxis have the exclusive right to queue in designated taxi stand and may accept street-hails to include from hotel zones. TNCs may not accept street-hails and may only accept rides booked through an affiliated TNC app. Executive town cars are also prohibited from accepting street-hails, except from hotel zones, and no advance reservation is required. Shuttles may only accept street-hails received along the shuttle company's fixed route and time schedule, as approved by PBOT.</p>

## Insurance

Taxis are required to obtain and maintain the following and provide copies of insurance policies rated as A.M. Best A- or better to the City, with the City listed as an additional named insured to claims:

- General commercial liability insurance with limits of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Vehicle insurance with limits of at least \$500,000 per occurrence.

During the PFHT Pilot, TNCs are required to obtain and maintain the following and provide copies of insurance policies rated as A.M. Best A- or better to the City, with the City listed as an additional named insured to claims:

- General commercial liability insurance with limits of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Primary vehicle insurance during Period 1 of at least \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage.
- Primary vehicle insurance during Periods 2-3 of at least \$1,000,000 in combined single limit coverage for death, personal injury and property damage per incident and \$1,000,000 in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.
- All TNC drivers must maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

Taxis are required to obtain and maintain the following and provide copies of insurance policies rated as A.M. Best A- or better to the City, with the City listed as an additional named insured to claims:

- General commercial liability insurance with limits of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Vehicle Insurance with limits of at least \$500,000 per occurrence.

TNCs are required to obtain and maintain the following and provide copies of insurance policies rated as A.M. Best A- or better to the City, with the City listed as an additional named insured to claims:

- General commercial liability insurance with limits of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Primary vehicle insurance during Period 1 of at least \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage.
- Primary vehicle insurance during Periods 2-3 of at least \$1,000,000 in combined single limit coverage for death, personal injury and property damage per incident and \$1,000,000 in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.
- All TNC drivers must maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

Maximum Driving Hours	Maximum of 14 hours in any given 24-hour period for drivers to be driving or be on duty (in any combination thereof). Records of driving hours must be maintained for a period of at least 1 year from the date of the driver's last for-hire service.	Drivers are prohibited from driving more than 12 hours in any given 24-hour period. Drivers are required to document driving hours and provide such records upon request by enforcement staff.
Permit Caps	New company permits must be justified by documenting the need and demand for additional taxi vehicles and by providing proof the PFHT administrator of a new company's financial viability.	No limits or caps to the number of company, vehicle or driver permits. Companies, drivers and vehicles must meet and comply with all other regulatory requirements.
PFHT Program Focus	Program emphasis on the administration of permits with limited capacity for proactive and frequent enforcement activities.	Institute a PFHT program framework focused on increased compliance and enforcement by the City. Regulations, policies, fees and penalties informed by required data provided by PFHT operators and analyzed by PBOT. All PFHT Program costs, including expanded enforcement activities, will be funded by fees assed to PFHT companies.
Secure Digital Records	Taxis have been required to maintain digital security camera systems in vehicles. During the PFHT Pilot, Taxis and TNCs are required to maintain digital records to provide a verifiable way to identify drivers and riders for investigatory purposes. Digital security camera systems are required in vehicles if driver and passenger name and contact information is documented for each trip.	Taxis and TNCs are required to maintain digital records to provide a verifiable way to identify drivers and riders for investigatory purposes. Digital security camera systems are required in vehicles if driver and passenger name and contact information is documented for each trip. Taxis are allowed to accept street hails and queue in taxi stands, while TNCs are prohibited from doing so. These differences are bound together: For TNCs, the TNC app records who the drivers and the customers are prior to arranging rides, whereas street hails accepted by Taxis are anonymous, making cameras necessary to record who is involved in Taxi trips.



Public Involvement	<p>The 14-member PFHT Board of Review advises PBOT on all matters relating to the PFHT industry and is granted specific authority to approve or deny additional taxi vehicle permits for existing taxi companies, provides recommendations for the approval/denial of new taxi company permits, establishes administrative rules, and regulate fuel surcharges. Members include representation from PBOT, the tourism industry, persons with disabilities, the riding public, the Port of Portland, TriMet, a Taxi Company, a LPT Company, a SAT Company, Limousine Company, a Pedicab Company, a Taxi Driver, and LPT Driver.</p>	<p>The PFHT Board replaced with the PFHT Advisory Committee that consists of nineteen diverse members with expertise, knowledge and interest in of PFHT in the City of Portland. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators and PFHT drivers in the City of Portland. Members include representation from PBOT (non-voting member), the tourism industry, the Portland Commission of Disabilities, an at-large community member with a disability, the riding public, the Port of Portland, TriMet, a Taxi Company, a Taxi Driver, a TNC, and TNC Driver, an Executive Town Car Company, an Executive Town Car Driver, a Shuttle Company, a Shuttle Driver, a Limousine or Party Bus Company, a Tour Bus Company, a Pedicab Company, and a Non-emergency Medical Transportation (NEMT) Company.</p>
Signage/Notices	<p>Every taxicab must be painted in the unique colors of its company and must prominently display the taxi company name, phone number and taxi number on both sides of the vehicle. SATs required to prominently display on the exterior of vehicles, "RESERVED, NOT FOR HIRE."</p>	<p>Taxi Vehicles must be painted in the unique colors of its company and must prominently display the taxi company name, phone number and taxi number on both sides of the vehicle. TNC vehicles must display trade dress on the front and back of vehicles that is visible from at least 50 feet. Shuttles and NEMT vehicles must prominently display on the sides of vehicles, company name and contact information.</p>
Vehicle Inspection & Condition	<p>Vehicles cannot be over 10 years old and must pass an annual inspection by an ASE Certified Master Mechanic. Vehicles must be kept clean, in good appearance and be properly equipped with all pollution control equipment originally installed by the manufacturer. Taxi Vehicles must be equipped with top lights, taximeters, a fire extinguisher, and a first aid kit.</p>	<p>Vehicles cannot be over 10 years old, must pass an annual inspection by an ASE Certified Mechanic and meet Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro Vehicles, and must be kept clean, in good appearance. Taxi and TNCs must be equipped with fire extinguishers, first aid kits and hands-free accessories for mobile devices. Taxi vehicles must be equipped with a top light and a taximeter.</p>



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**Steve Novick** Commissioner **Leah Treat** Director

## **Portland's Private for-Hire Transportation Market: Summary Report of the PFHT Innovation Pilot Program**

I am pleased to submit a detailed report analyzing taxi and Transportation Network ridership during the first four months of Portland's Private for-Hire Transportation Innovation Pilot Program.

In January 2015, I convened a 12-member community Task Force to provide guidance and recommendations about 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 (TNCs). 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 throughout the PFHT industry.

Following a presentation of regulatory recommendations from the Task Force and a great deal of public input, Council approved the PFHT Innovation Pilot Program with revised regulations for taxi companies and new rules that allow for TNCs. The Portland Bureau of Transportation is managing and overseeing the Pilot Program, which began in April 2015.

The following status report includes trip pattern data from May to August 2015. Data collection is a critical component of the Pilot. PFHT Program staff worked collaboratively with taxi companies, Transportation Network Companies and industry experts to analyze ridership data to better understand trip trends and PFHT market patterns. Program staff also collect data to ensure compliance with all PFHT regulatory requirements. Data points collected and analyzed include trip date, time, origin and destination, wait time for vehicles, duration of the trip, wheelchair accessible service availability, and unfulfilled rides.



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Ave, Portland, OR 97204, or by telephone (503) 823-2559, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

Additionally, this report includes an overview of transportation options in Portland for people with disabilities, which have historically been limited and challenging to access. These challenges are widely known and experienced in the disability community—in Portland and throughout the U.S.—and have also been highlighted as we evaluate PFHT service and regulations. Coupled with the 25th Anniversary of the Americans with Disabilities Act, which was passed by Congress in July 1990, I am hopeful that additional attention to transportation accessibility will result in much needed improvements to transportation options for people with disabilities.

Lastly, I want to thank members of the PFHT Innovation Task Force who spent more than 700 hours since January 2015 soliciting public input, reviewing current PFHT regulations and developing thoughtful and creative new PFHT service requirements that ensure public safety, improve transportation options for consumers and create a fair, competitive market for companies and drivers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Novick", with a stylized flourish at the end.

Commissioner Steve Novick  
City of Portland, Oregon

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## 1. INTRODUCTION

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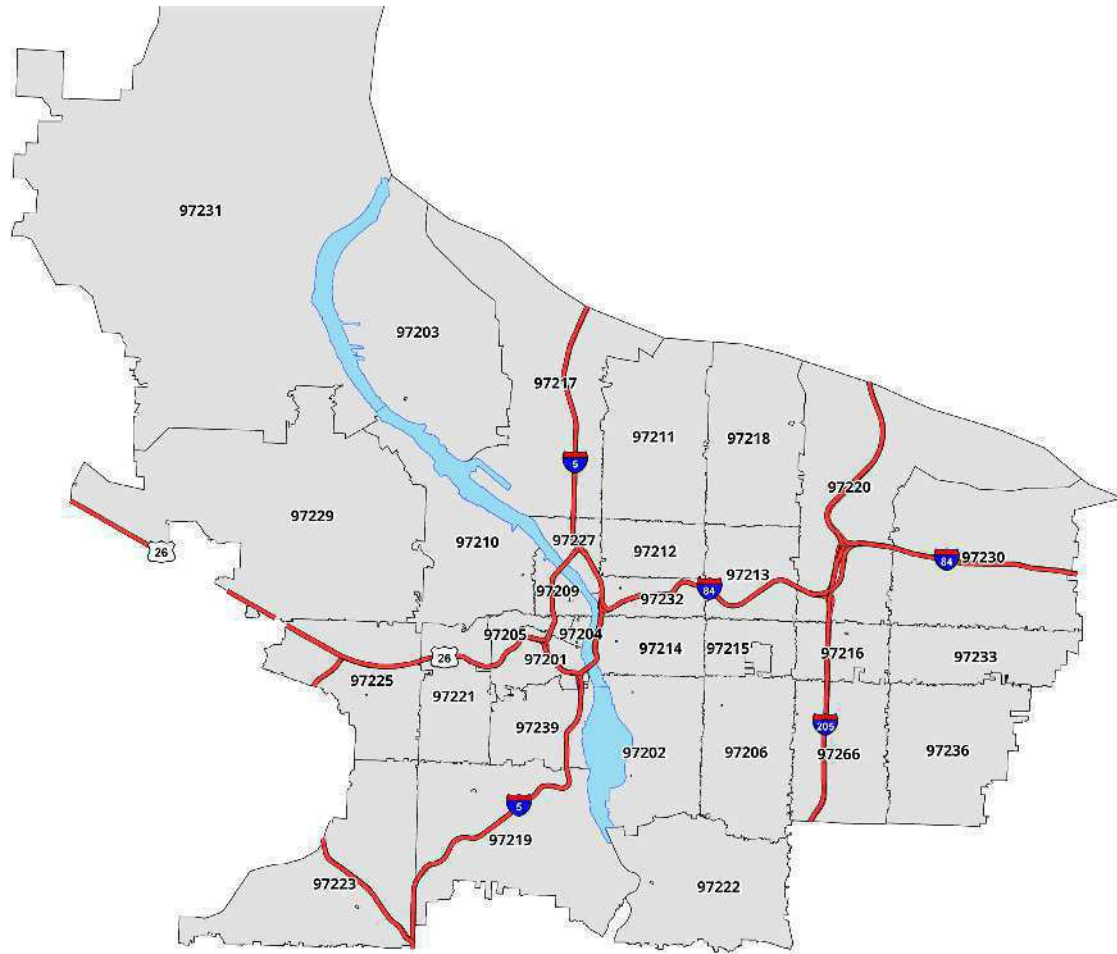
Responding to changes in the Private for-Hire Transportation (PFHT) market and changes in consumer demand, the Portland City Council initiated the PFHT Innovation Pilot Program that established new regulations for taxi companies and transportation network companies (TNCs). The Pilot Program officially began on April 24, 2015 and required permitted taxi companies and TNCs to report aggregated, anonymized ridership data for analysis by the Portland Bureau of Transportation. This report analyzes data received from Portland's new TNCs, Uber and Lyft, as well as from Portland's taxi companies (with the exception of EcoCab that began operating after the start of the Pilot Program):

- Broadway Cab
- Green Cab
- New Rose City Cab
- Portland Taxi Cab Company
- Radio Cab
- Sassy's Cab (owned by Broadway Cab)
- Union Cab

In order to accurately evaluate both industries, this report uses data from trips that originated between May 1st and August 31st. In comparing taxi and TNC ridership patterns, it is important to understand the different types of taxi and TNC trips that are analyzed in this report, and the reporting capacity of the different companies. All TNC trips must be requested through a TNC smartphone app and rides are provided on-demand by the nearest TNC driver. Taxi service may similarly be requested on-demand through a taxi's dispatch service (via telephone or, for some, via a smartphone app), but may also be pre-arranged through advance reservation. Taxi companies also have the exclusive ability to accept immediate street-hails and queue in any of the 46 designated taxi stands throughout the city, which TNCs are prohibited from doing.

Because TNCs process all of their records through a central database, all data records submitted by TNCs were complete, and represent the full population size of the rides given. The ability for taxi companies to report data for the performance metrics in this report was dependent on their dispatching system, which often left records missing or incomplete. Despite these missing data points, the number of complete records submitted represented a very large sample size from which PBOT could confidently extrapolate to represent the entire taxi industry in Portland.

## CITY OF PORTLAND MAP



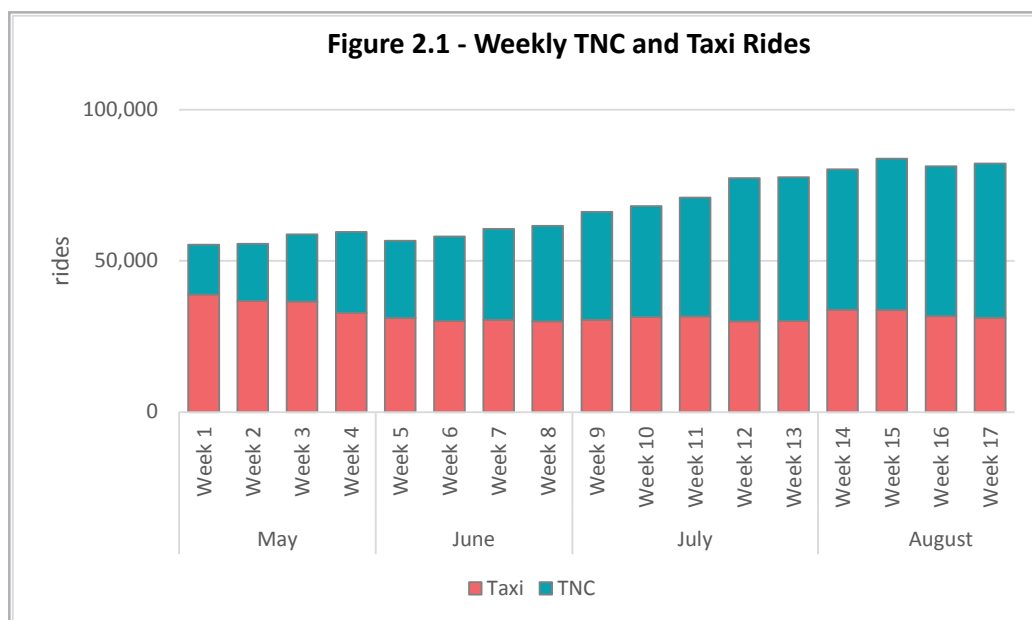
ZIP Code	Neighborhood	ZIP Code	Neighborhood
97201	Downtown PSU South Waterfront	97219	Burlingame Tryon-Stevens
97202	Sellwood Eastmoreland	97220	Montavilla Hazelwood Parkrose
97203	St. Johns University Park	97221	Sylvan
97204	Downtown Core	97222	Milwaukie Southgate
97205	Goose Hollow Downtown Core	97223	Raleigh Hills Metzger
97206	Brentwood Woodstock Mt.Scott Foster-Powell	97225	West Slope
97209	Pearl Old Town	97227	Overlook Boise Eliot
97210	Northwest Hillside	97229	Forest Park NW Heights
97211	Woodlawn Concordia	97230	Hazelwood Russell Wilkes
97212	Irvington Alameda	97231	Forest Park Linnton
97213	Rose City Park Roseway	97232	Kerns Lloyd
97214	Buckman HAND Sunnyside Richmond	97233	Hazelwood Centennial
97215	Mt. Tabor	97236	Pleasant Valley Powellhurst Centennial
97216	Montavilla Hazelwood	97239	Hillsdale South Portland Homestead
97217	Overlook Kenton Piedmont Haden Island	97266	Lents Powellhurst
97218	Cully Airport		

## 2. DATE & TIME TRIP PATTERNS

During the first four months (May through August) of the Pilot Program, Portland's permitted taxi companies and transportation network companies (TNCs) provided over 1 million rides to customers. These ridership patterns reflect growing consumer demand for for-hire transportation service within the Portland Metro area. While taxi companies and TNCs offer similar services, unique ridership patterns between the two company types are reflected in the trip data analyzed within this report.

Ridership among the two new entrants into Portland's PFHT market, Uber and Lyft, took off dramatically in the first four months of their operation in the City. In this short period of time, TNC ridership increased by 125% from May to August. Ridership among taxi companies, on the other hand, decreased by 16% from May to August. Combined, overall ridership in the Portland market increased by almost 40% between May and August.

Of the more than 1 million trips that were provided between May and August 2015, 52% were provided by TNCs and 48% were provided by taxi companies. Early in the Pilot Program, taxi service accounted for 70% of the market share of for-hire ridership (see Figure 2.1). However, by mid-June, TNC ridership increased to account for half of the market share of ridership. Ridership among the two TNCs continued to increase and by the end of August, TNCs held 60% of the market share while taxis held 40%.

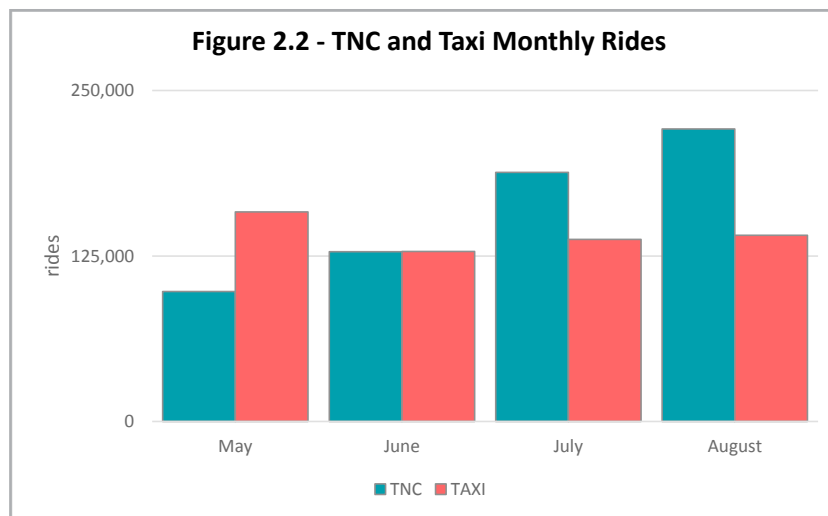


This increase can reasonably be attributed to several factors. Most notably, these numbers strongly suggest that prior to the PFHT Innovation Pilot Program, consumer demand for paid transportation services far outpaced the available supply of taxicabs in Portland. Four months into the Pilot, aggregated ridership data suggests that consumer demand is being better served

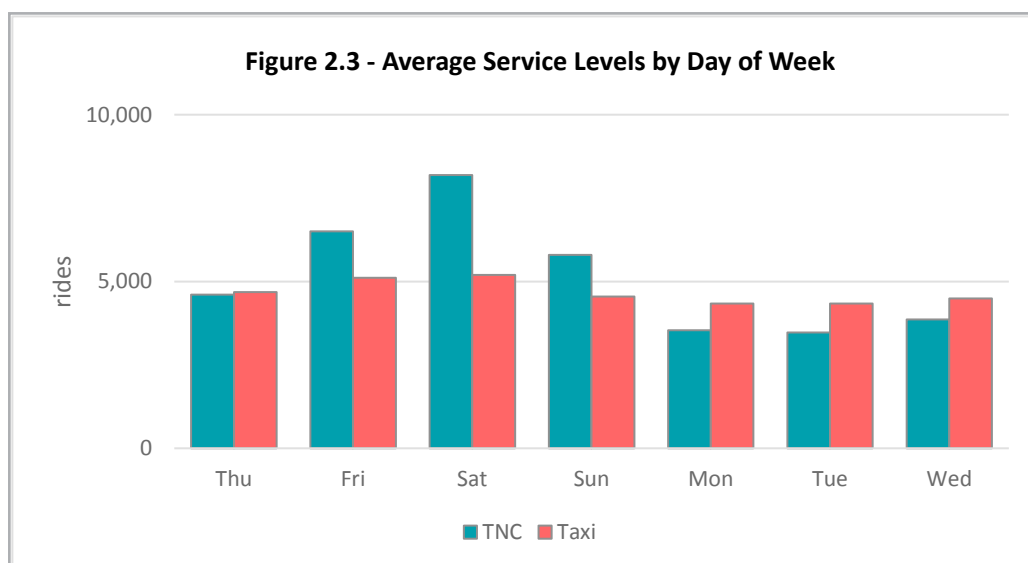


with the addition of new taxi vehicles, new taxi companies, and transportation network companies. Portland's PFHT market is likely to continue to adjust to consumer demand, service supply, and other factors. More long-term market impacts will be reflected in subsequent PFHT reports.

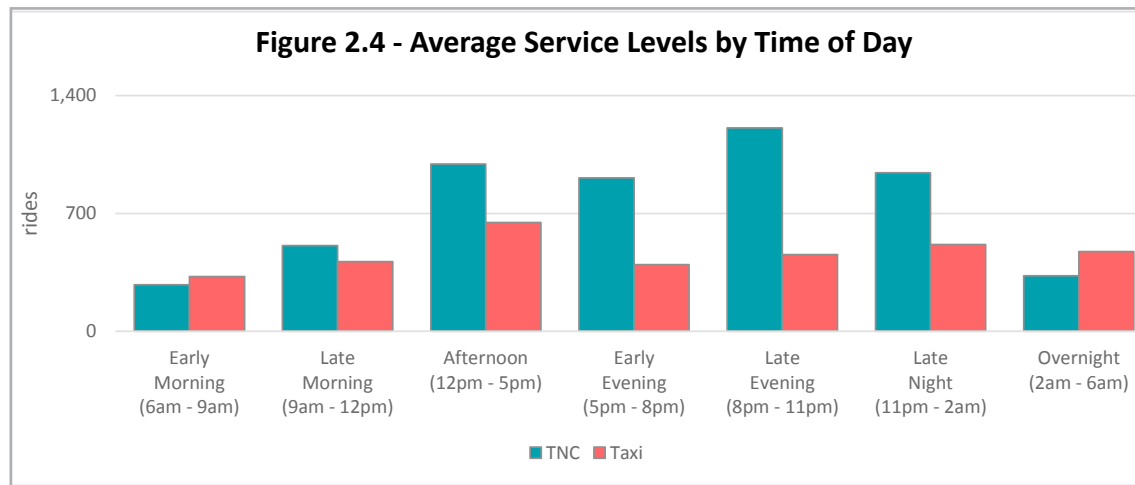
Figure 2.2 displays the change in ridership between taxi companies and TNCs by month. At the beginning of the Pilot Program in May, taxis provided an average of 5,500 rides per day compared to the daily average of 2,300 TNC rides. However, TNC ridership expanded and soon began to outpace the average daily taxi ridership. By the end of August, TNCs provided a daily average of over 8,000 rides and taxi ridership declined to an average of 4,500 rides per day. Again, overall ridership increased and by August, 100,000 more rides were fulfilled than were in May.



Distinct ridership patterns among taxis and TNCs can be seen by comparing weekend (Friday-Sunday) and weekday (Monday-Thursday) trip trends in Figure 2.3, below. Ridership was generally higher on weekends for both taxis and TNCs. These higher weekend ridership trends were clearly pronounced for TNCs, whereas taxi ridership was less varied between weekdays and weekends.



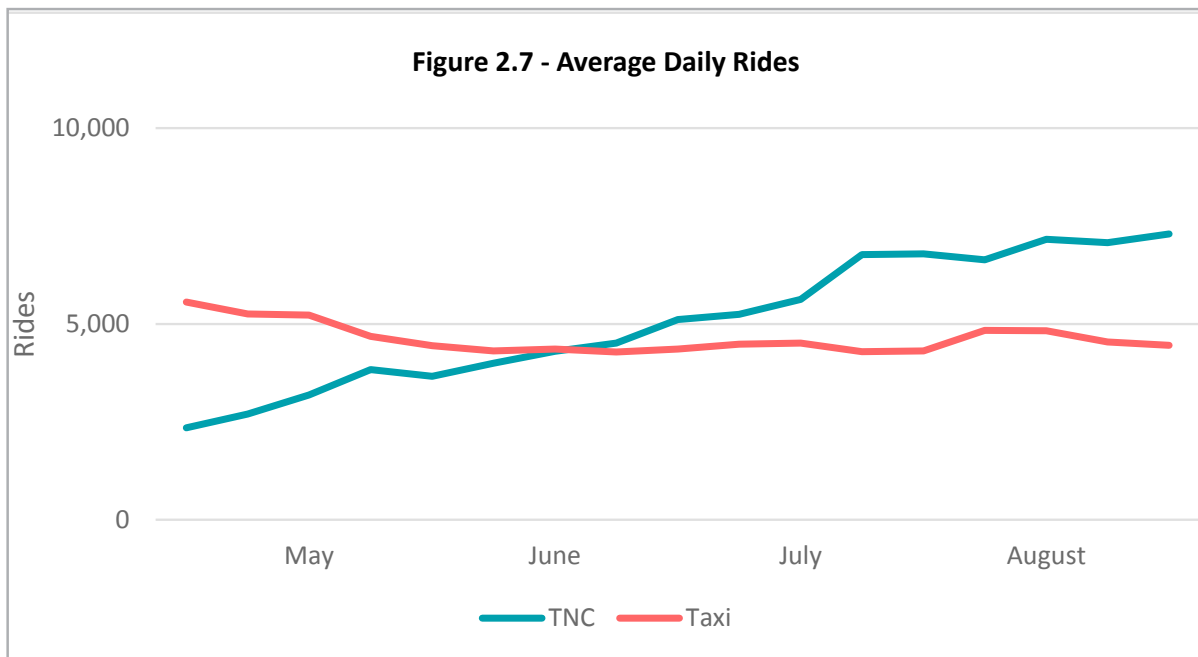
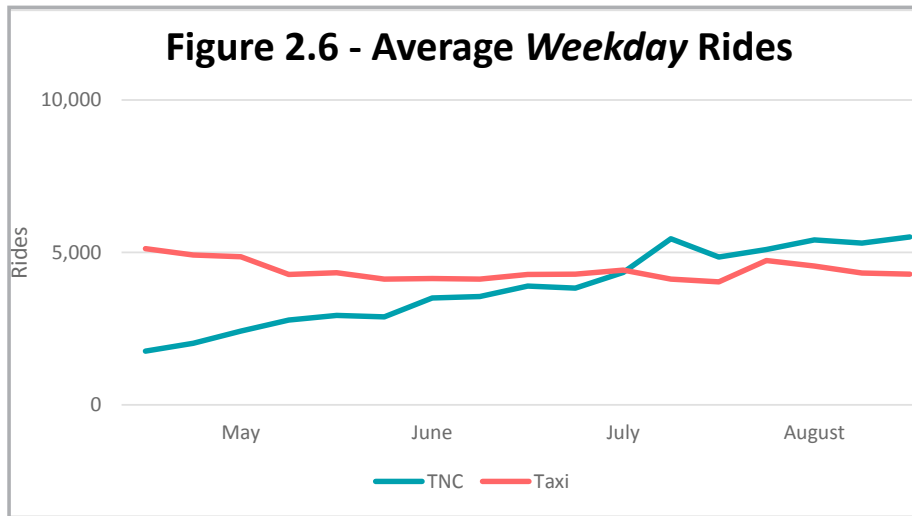
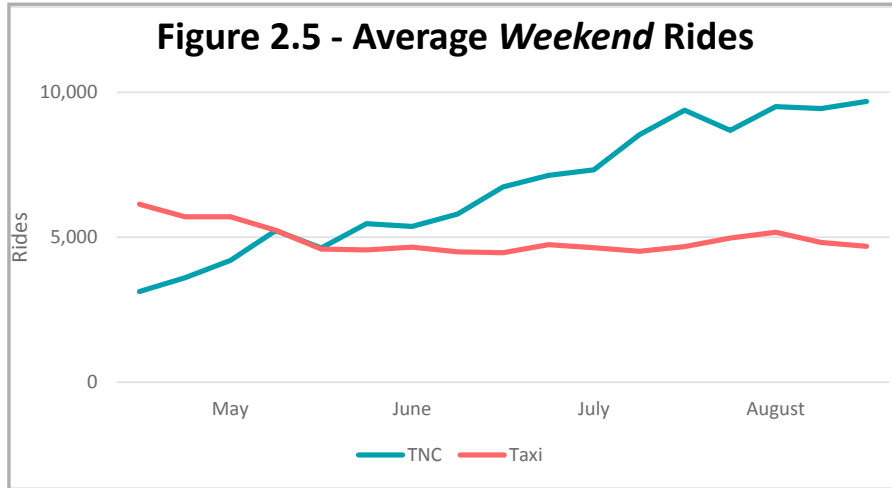
Along with noticeable ridership patterns between weekdays and weekends, there were distinct trip trends at different times of the day (see Figure 2.4 below). For taxi service<sup>1</sup>, peak ride-time occurred during the afternoon (12 pm - 5 pm), with smaller peaks during the late-night and overnight hours (11pm - 6am). For TNCs, peak ride-time occurred mostly during the late evening hours (8 pm - 11 pm). The increase in rides during the evening and late night hours are likely attributed to late-night entertainment in Portland, while the overnight peak is likely related to early morning flights out of the Portland Airport.



Changes in market patterns over the course of the Pilot can be seen in weekday and weekend trip trends. As depicted in Figures 2.5 - 2.7, on the next page, TNC ridership outpaced taxi ridership on both weekdays and weekends. TNCs saw a greater uptick in weekend ridership than on weekday at the onset of the Pilot. Just seven weeks into the pilot, weekend ridership among TNCs outpaced weekend taxi ridership. It was not until week eleven (about mid-July) that weekday TNC ridership surpassed weekday taxis<sup>2</sup> ridership.

<sup>1</sup> Includes data related to on-demand and reserved pickups. Street hail data submitted did not have timestamps and were not included here.

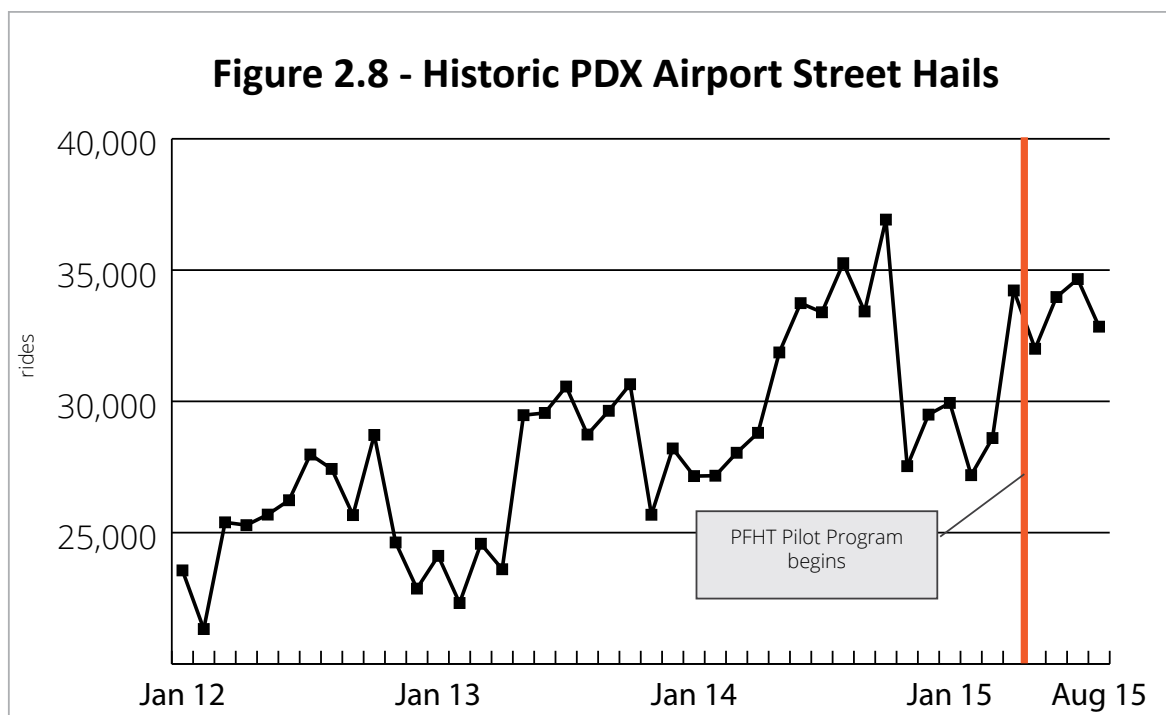
<sup>2</sup> Taxi data in this chart is comprised of on-demand rides, reserved rides, and street hails.



### Impacts on Taxi Business

Historic taxi ridership data was not provided for analysis, which would provide important insight into the impacts of Pilot Program regulatory and market changes to Portland's taxi companies. However, the Port of Portland closely monitors taxi drop-off and pick-up trip counts at the Portland International Airport (PDX) and provided taxi trip counts from 2013 to 2015. These trip counts may not be representative of historic citywide taxi ridership, but the data provides useful context of recent taxi trip trends.

Figure 2.8 shows seasonal taxi street-hail count variations within recent years, as well as the steady increase in taxi traffic from the airport over the past three years. During this period, the number of permitted taxis grew from 410 in 2012 to 650 by August, 2015.



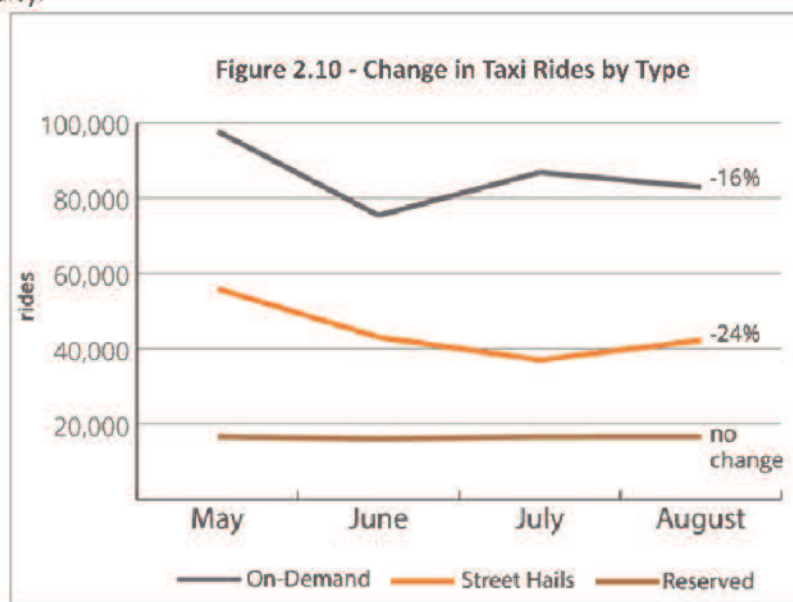
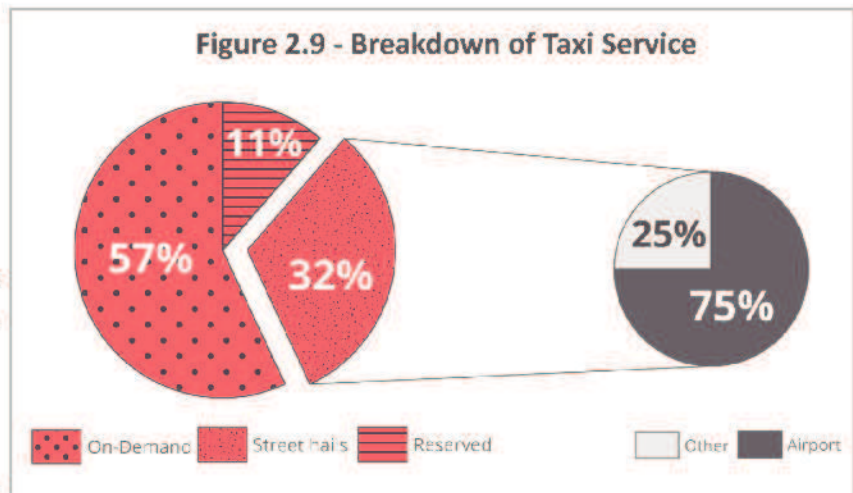
In comparing taxi and TNC ridership patterns, it is important to understand the different types of taxi and TNC trips that are analyzed in this report. All TNC trips must be requested through a TNC smartphone app and rides are provided on-demand by the nearest TNC driver. Taxi service may similarly be requested on-demand through a taxi's dispatch service (via telephone or, for some, via a smartphone app), but may also be pre-arranged through advance reservation. Taxi companies also have the exclusive ability to accept immediate street-hails and queue in any of the 46 designated taxi stands throughout the city, which TNCs are prohibited from doing.

Based on the data provided during the Pilot Program, on-demand dispatch trips account for about 60% of the taxi service in Portland, with the remaining 40% of taxi trips being street-hailed trips or booked in advance through reservation (Figure 2.9)<sup>3</sup>.

The proportional representation of each taxi service type remained relatively stable during the Pilot Program, but taxis saw

an overall decline in on-demand retail rides and street hails (see Figure 2.10). On-demand rides (which are directly competitive to TNCs) saw a 16% decrease over the four months, while reserved pickup rides saw no change between the start and end of the Pilot Program. Taxi street hails saw a 24% decline.

Street hails accounted for approximately 30% of the all taxi trips during the Pilot Program. Of those street hails, most originated from the Portland International Airport. Between May and August, taxi street-hails from the airport increased by nearly 3%. However, overall taxi street hails decreased by 24%, as mentioned above. This overall decrease, despite an increase in trips from the airport, is due to a significant decrease (60%) of street hail service from hotels throughout the City.

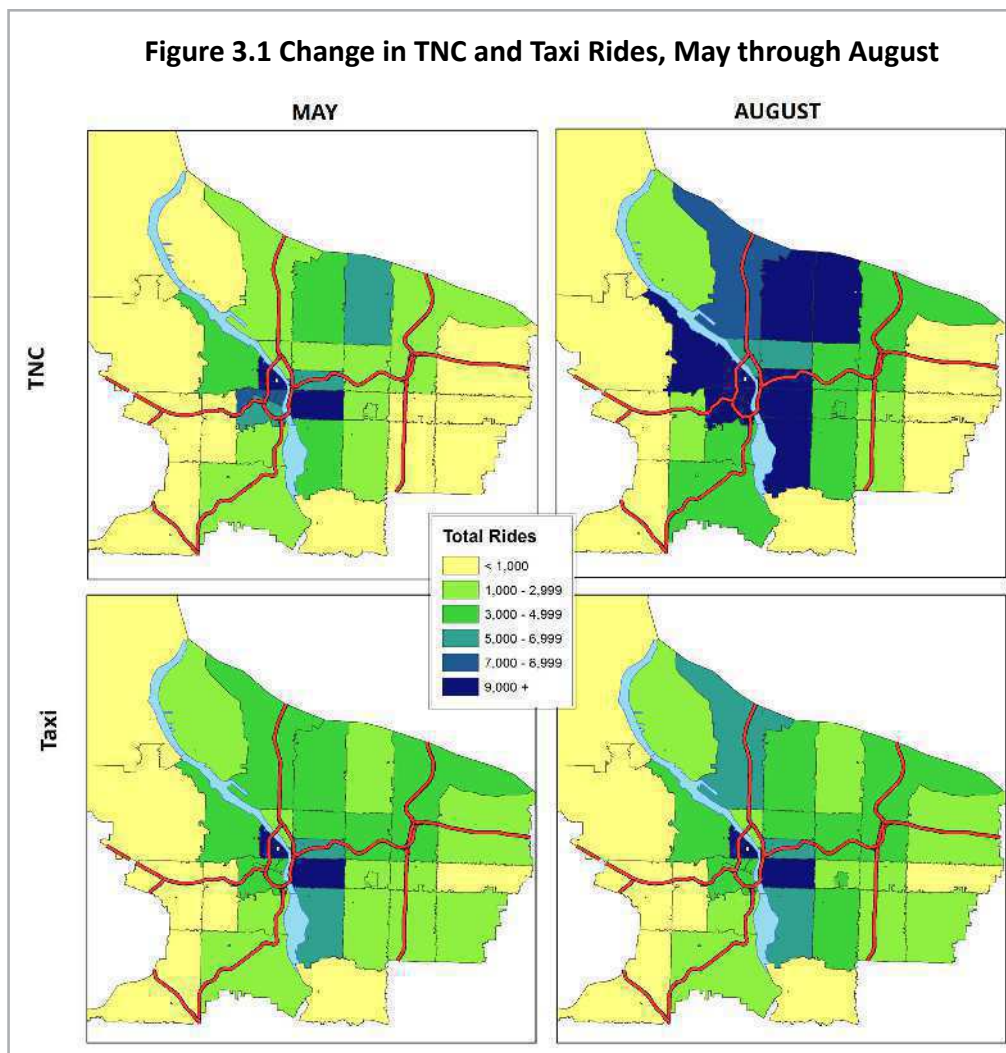


<sup>3</sup> It is important to note that this is an industry average, and may not be indicative of an individual taxi company.

### 3. LOCATION TRENDS

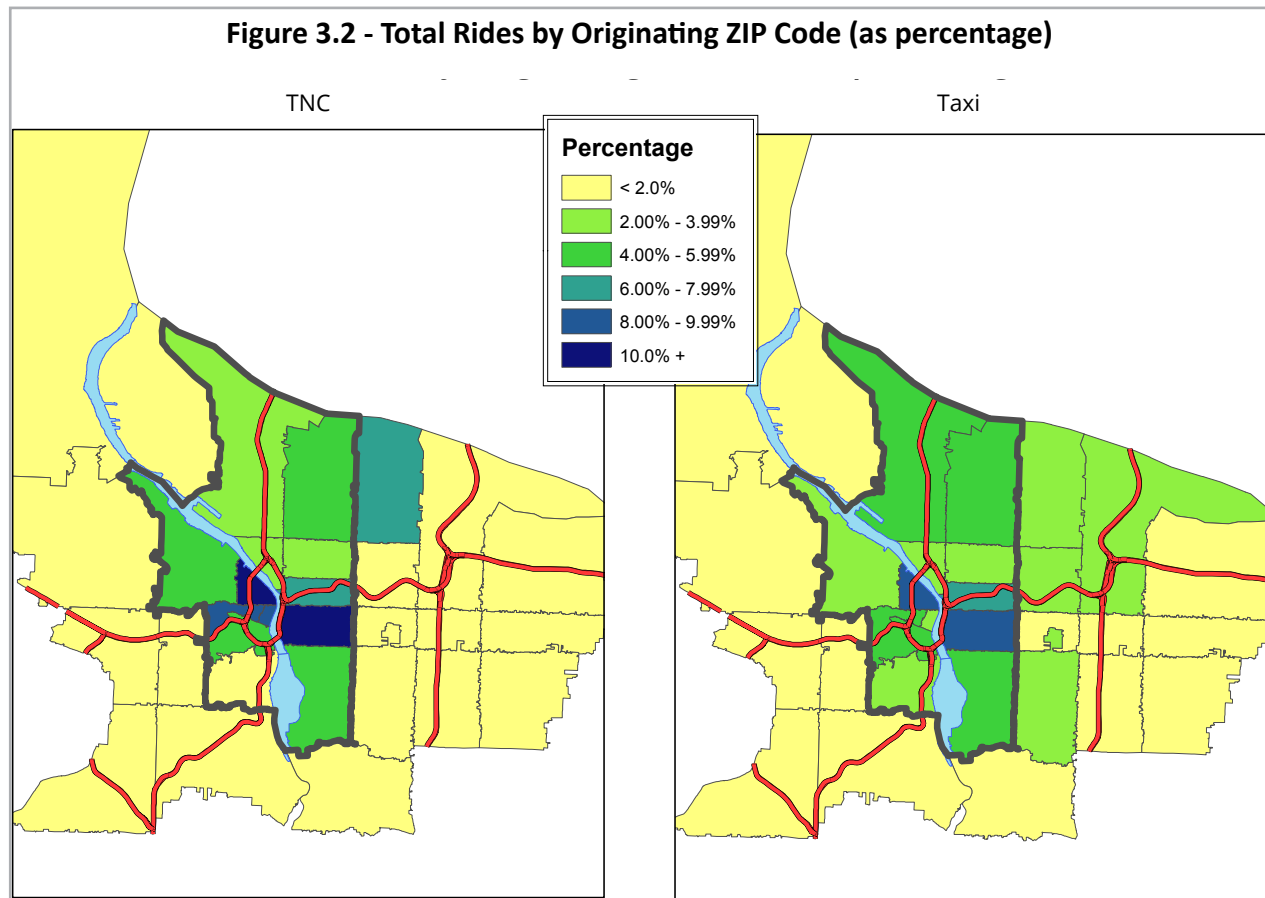
Figure 3.1 shows the change in ridership throughout the City of Portland among taxis<sup>4</sup> and TNCs from May to August. There was a clear pattern of growth from TNCs between May and August, most of which occurred in the areas closest to the City Center. Of the roughly 98,000 TNC rides and 158,000 taxi rides provided in May, most originated in the central city and from the Portland International Airport (within the 97218 ZIP code area). Though ridership for taxis and TNCs remained concentrated in the central city and from the airport, TNC ridership expanded to other neighborhoods by August.

Looking at the change in taxi service over the four months, Figure 3.1 shows very little change within the specific ZIP codes throughout the area. So although taxis did lose a proportion of their retail service, no specific area of the City seemed to be noticeably affected, and the decrease occurred uniformly throughout the City. In terms of total trip counts, TNCs provided more rides than taxis in 20 of the 31 ZIP code areas within the City of Portland.



<sup>4</sup> Includes taxi on-demand rides and reserved rides.

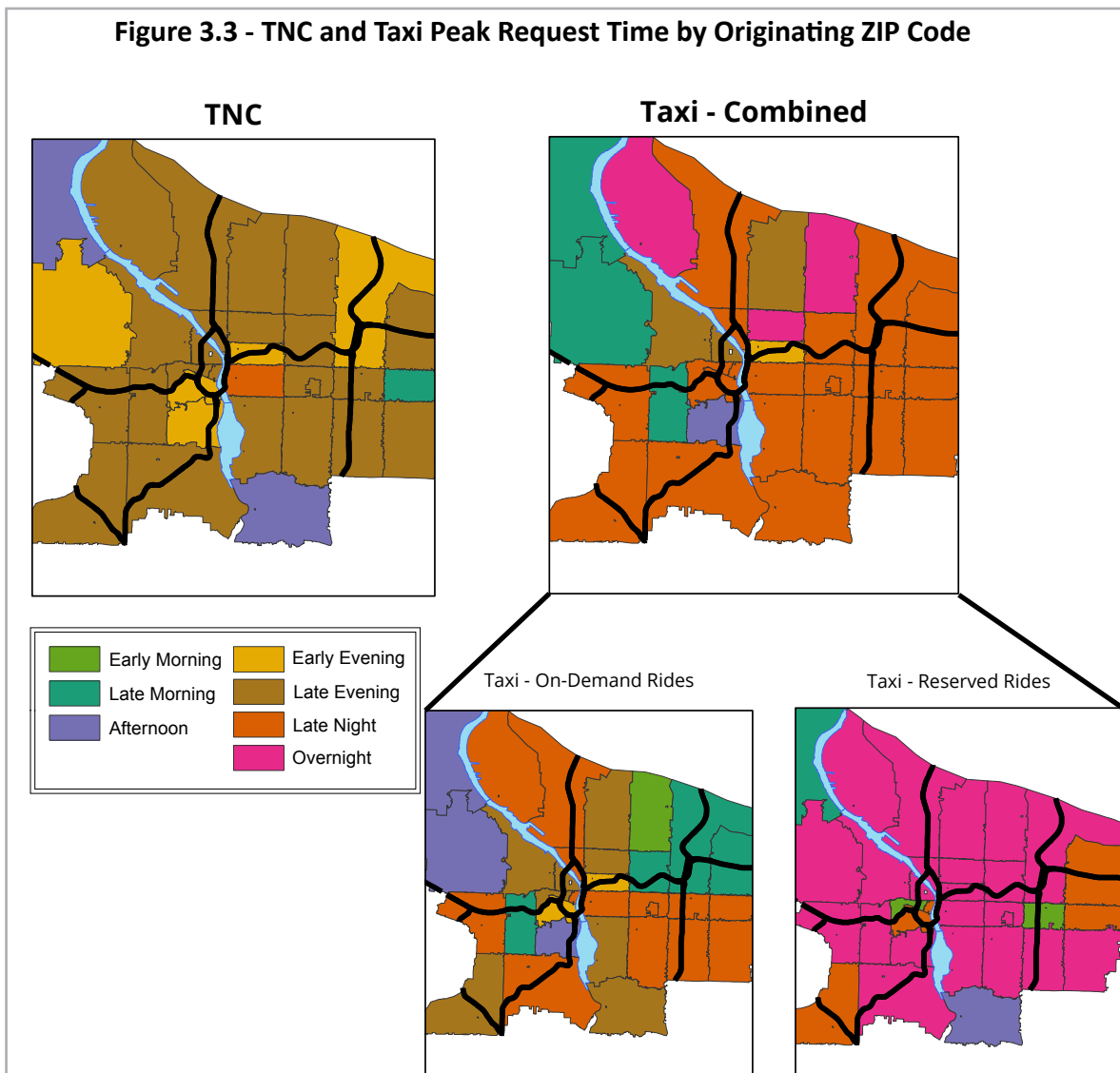
Depicting ridership as a percentage of overall originating trips by ZIP code provides important insight into service coverage by taxis and TNCs. One of the key minimum standards of service requirements of Portland's PFHT program mandates that taxis and TNCs provide citywide, 24/7 service. Figure 3.2 affirms that taxis and TNCs provide full, citywide service, with rides originating in all ZIP code areas within the City of Portland. Again, ridership is geographically concentrated in the city center for both taxis and TNCs. However, overall taxi ridership is more dispersed throughout the City than is TNC ridership.





### ***Peak Ridership Times throughout the City***

Unique ridership patterns can be also seen between taxis and TNCs by analyzing the time of day of originating trips. Figure 3.3 shows this peak ride time geographically for each of the ZIP code areas within Portland. In a vast majority of the City, TNC peak ride time was during the late evening (8pm - 11pm) while taxi rides were, for the most part, provided during the late night hours (11pm - 2am). Breaking taxi service down into on-demand and reserved rides shows that throughout the City, reserved rides tend to occur in the overnight hours (2am – 6am) while on-demand rides have no clear pattern.





### East Portland Trip Trends

**Figure 3.4 - Map of East Portland**

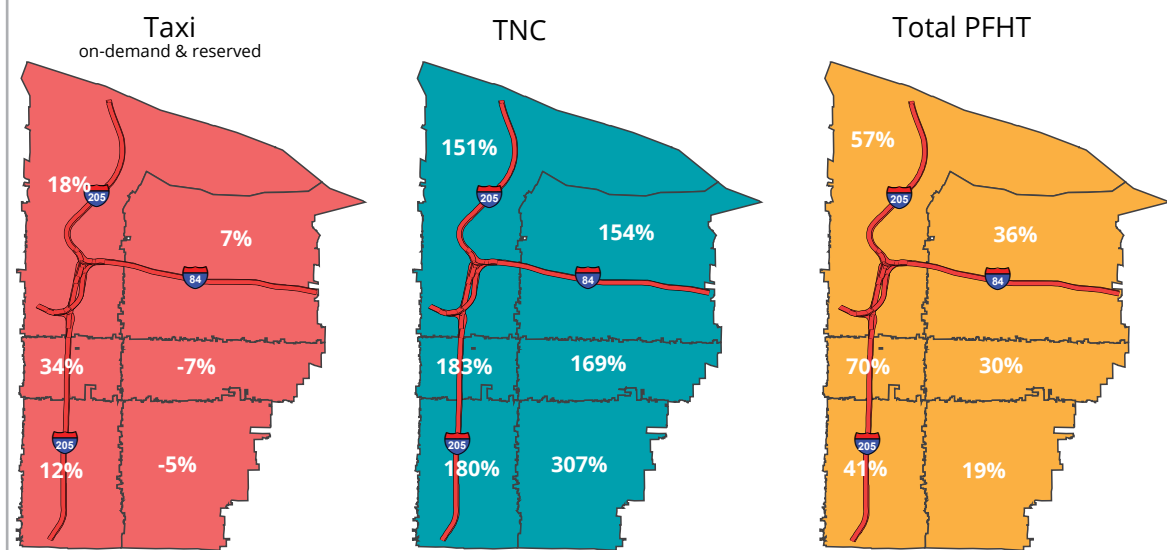


As the Portland Bureau of Transportation seeks to advance equity, improving transportation options in historically underserved neighborhoods is a top priority. This is particularly true for East Portland neighborhoods (see Figure 3.4 for reference map). Concerns have been raised in other cities that taxis and TNCs predominately service city centers and avoid outlying neighborhoods. Monitoring ridership trends in all neighborhoods, and specifically in East Portland, was an important focus during the Pilot Program.

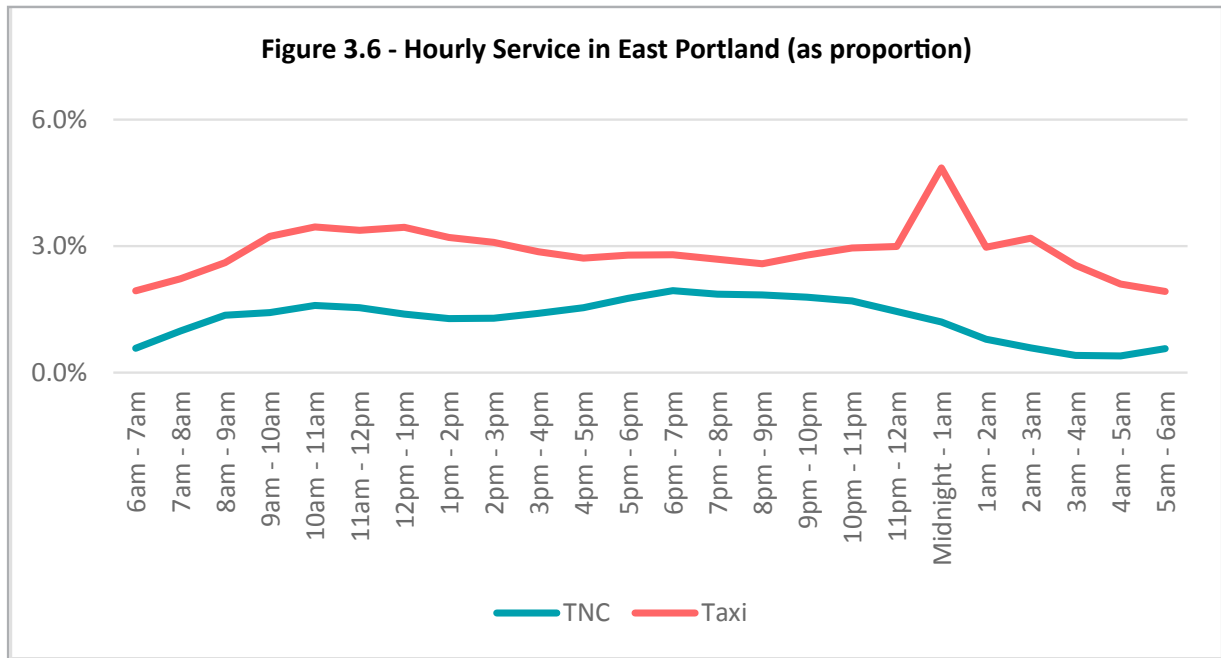
Trips originating from East Portland account for 8% of all taxi rides and 3% of all TNC rides that were provided from May to August. Figure 3.5, below, shows ridership changes among taxis, TNCs and overall service throughout East Portland. Although TNC ridership in East Portland was sparse in May compared to taxi ridership, TNC ridership within the area grew substantially during the Pilot Program. TNC service increased by almost 170% between May and August, while taxi service increased 15% during this period. Combined, East Portland saw a nearly 50% increase in total level of service during these four months.

Additionally, as the number of TNC rides completed in East Portland increased, the number of unfulfilled TNC rides (rides that were requested but not completed due to lack of available TNC vehicles) dropped substantially. Overall, the number of unfulfilled rides in East Portland decreased by 48% between May and August.

**Figure 3.5 - East Portland Change in Level of Service**



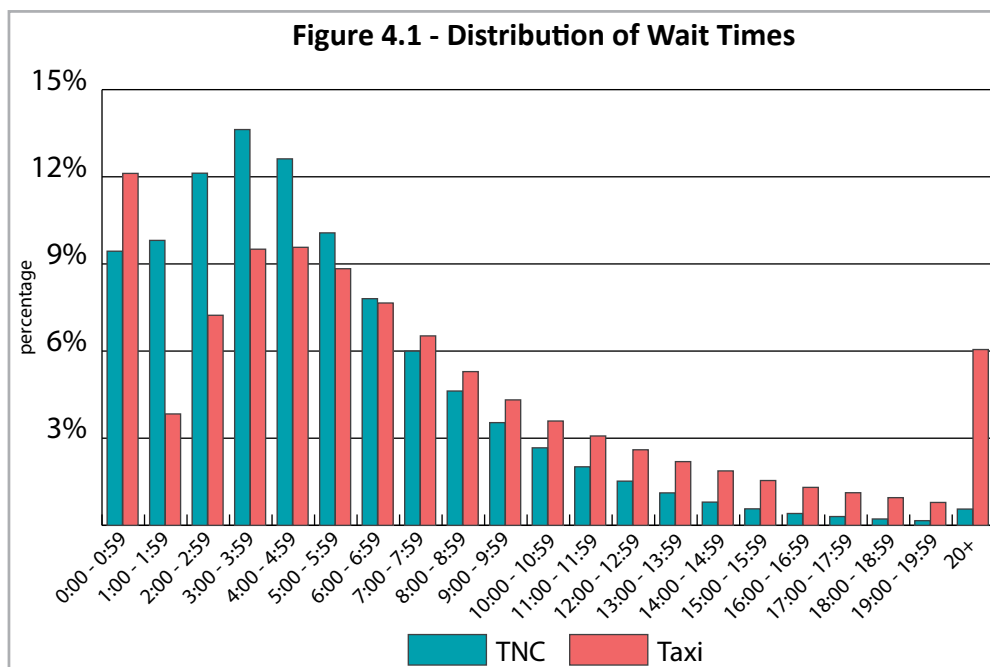
Overall service in East Portland markedly improved by nearly 50% since the beginning of the Pilot Program. Figure 3.6 also shows ridership in East Portland throughout the hours of the day, as a proportion of rides given by TNCs and taxis. Both TNCs and taxis provided service to East Portland at all hours of the day.



## 4. CITYWIDE WAIT TIMES

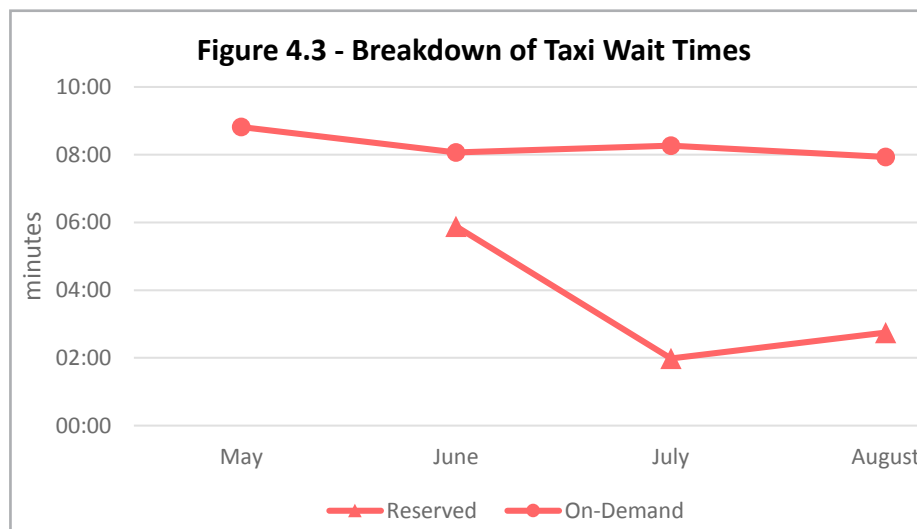
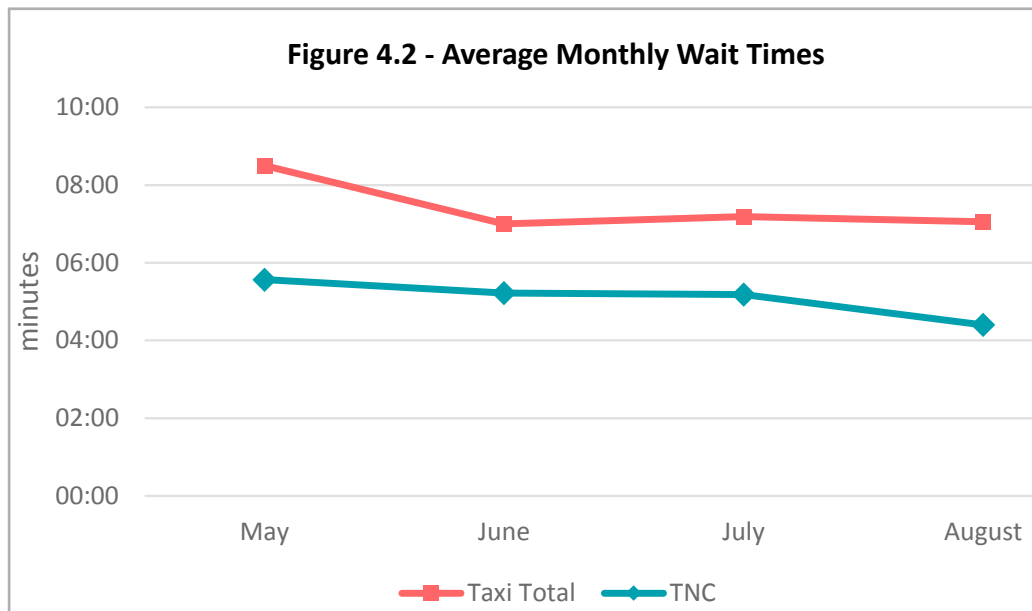
Notable differences between taxi and TNC service can again be seen when analyzing the amount of time consumers experienced between when a ride was requested and when a vehicle arrived to the requested pick-up location. For the purposes of this report, this time is referred to simply as the “wait time.”

Figure 4.1 shows that, overall, 75% of TNC passengers waited six minutes or less for a ride, while 58% of taxi passengers received a ride within the same amount of time<sup>5</sup>. Additionally, a key difference in wait time patterns is seen by looking to the number of rides that took 20 minutes or more to arrive to passengers’ requested pick-up location. In total, roughly 6% of taxi passengers (or 1 in every 17) waited more than 20 minutes for taxi service during the first four months of the Pilot. As was previously explained, TNCs and taxis provide similar services but do so through different means. In comparing TNC and taxi wait times, it is important to understand the different types of taxi trips that are analyzed in this report. All TNC trips must be requested through a TNC app and rides are provided on-demand by the nearest TNC driver. Taxi service may similarly be requested on-demand through a taxi’s dispatch service (via telephone or for some, via smart-phone app), but may also be pre-arranged through advance reservation.



<sup>5</sup> Only 74% of on-demand taxi data and 65% of reserved ride data had a valid wait time to be analyzed. Wait times were typically calculated as the difference between “call time” (for on-demand rides) or “pickup time” (for reserved rides) and the “driver on-site time”. In some instances, wait times were not able to be calculated due to blank “driver on-site” fields (it is unclear why some of the data records were missing values). In other instances, the dispatching system of the taxi company was not able to determine the “driver on-site time”. Despite these missing data points, the number of complete records represents a large sample size, and this sample data was consistently distributed. As a result, PBOT is confident that the data submitted was an accurate baseline for which to extrapolate to the entire taxi industry.

Figure 4.2 shows the average wait time by month for all TNC and taxi trips. For Figure 4.2, taxi on-demand service and reserved ride service have been combined, but are shown separated in Figure 4.3. While it may be expected that reserved taxi trips would not have wait times, Figure 4.3 indicates that wait times for reserved trips often averaged at least two minutes<sup>6</sup>.



Comparing average wait times by time-of-day and by originating ZIP code area (Figures 4.4 - 4.6 on the next page), reveals that TNCs and taxis had similar wait time patterns. However, TNCs had consistently shorter wait times at nearly all times of the day and across nearly all ZIP code areas, including popular business district areas such as Belmont/Hawthorne (97232), Clinton/Division (97214) and Albina (97227), and at the airport (ZIP Code 97218). TNCs and taxis generally had longer wait times in areas further from the city center.

<sup>6</sup> Data from reserved ride records for the month of May was omitted due to inconsistencies with data reporting.

Figure 4.4 - Average Wait Times by Originating ZIP Code



Figure 4.5 - Average Wait Times by ZIP Code

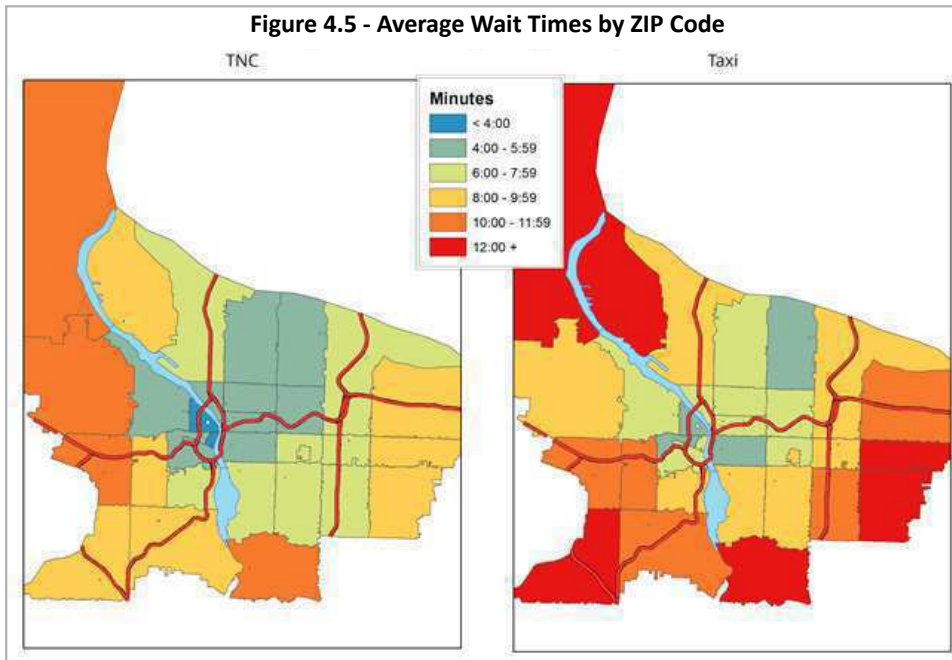


Figure 4.6 - Average Wait Times by Time of Day

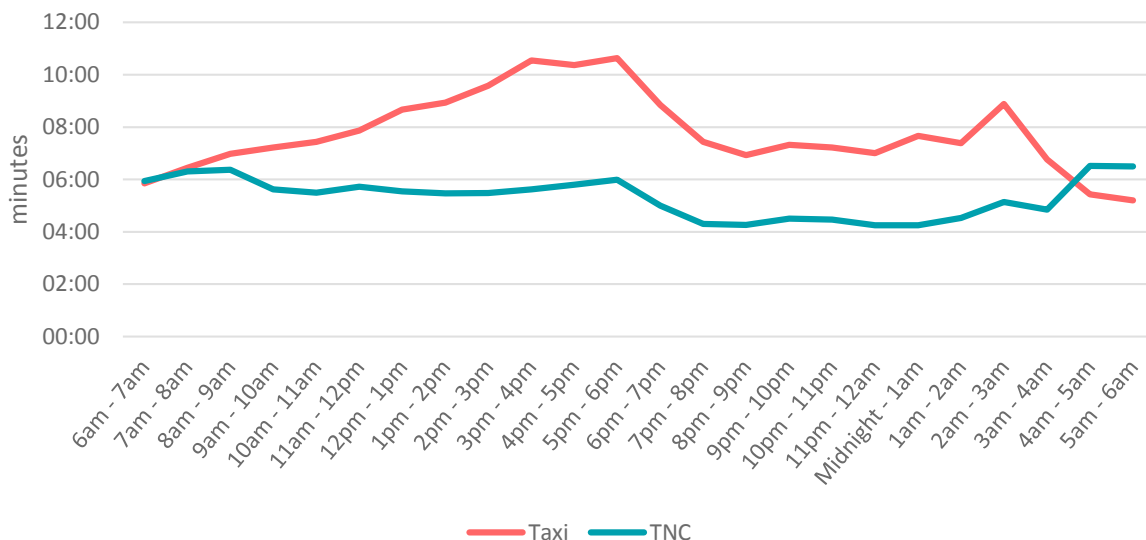
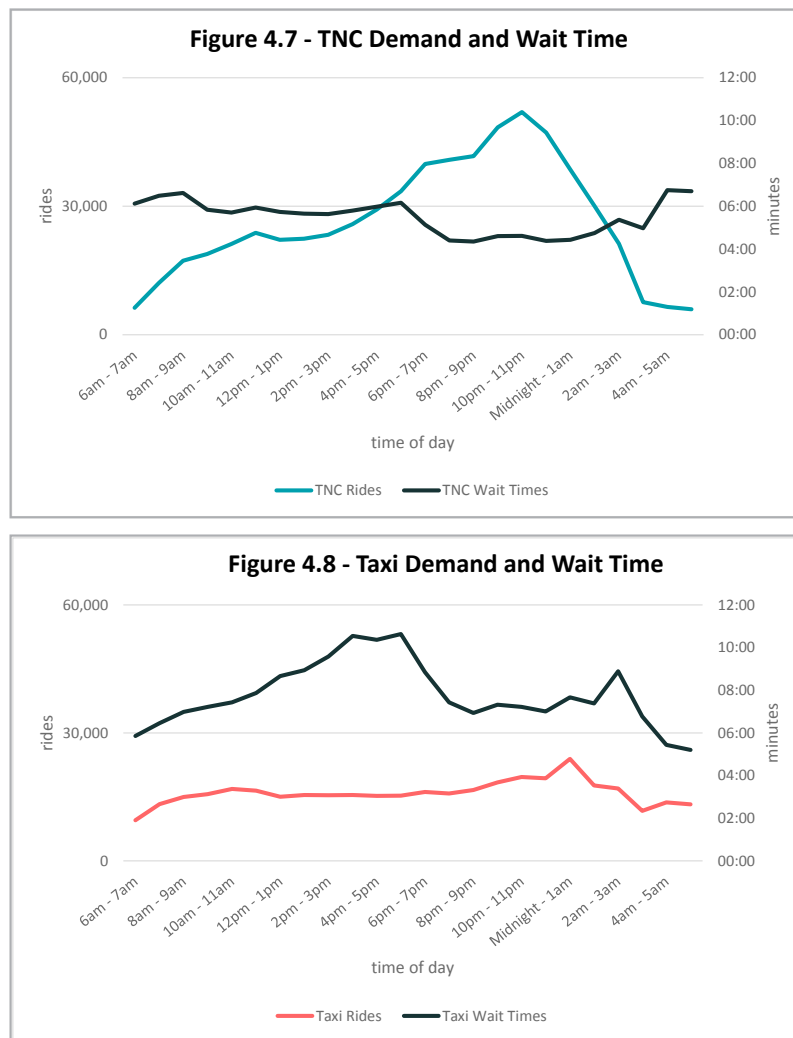


Figure 4.7 and 4.8 compare wait times to passenger demand by time-of-day. For TNCs, wait times stayed generally consistent throughout the day, and actually decreased during periods of high-demand (the evening hours).

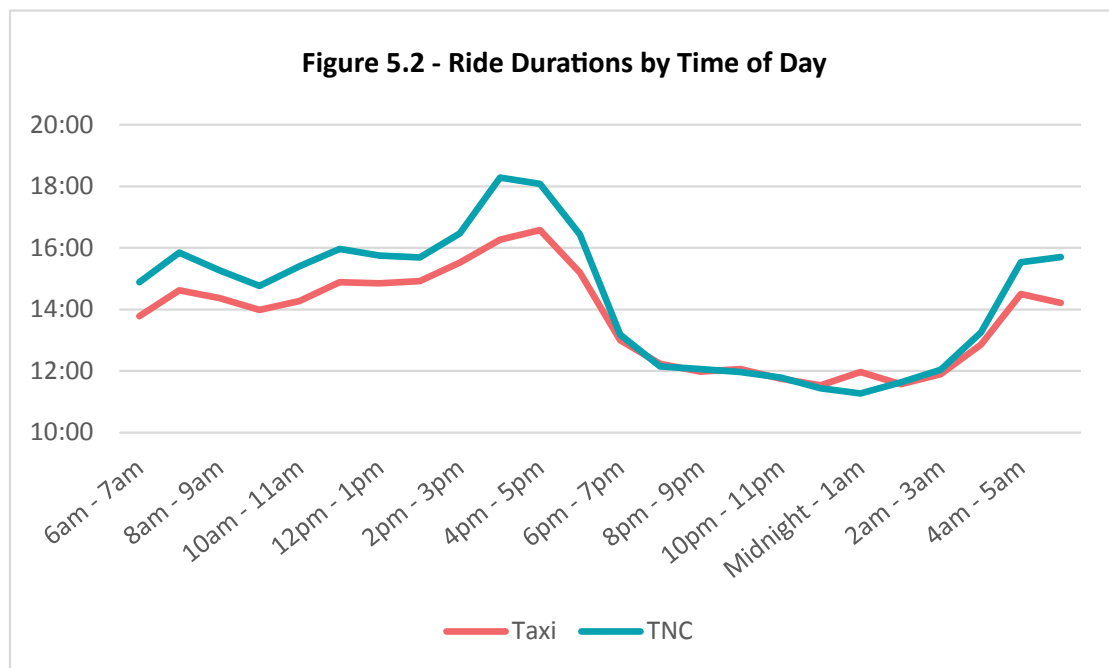
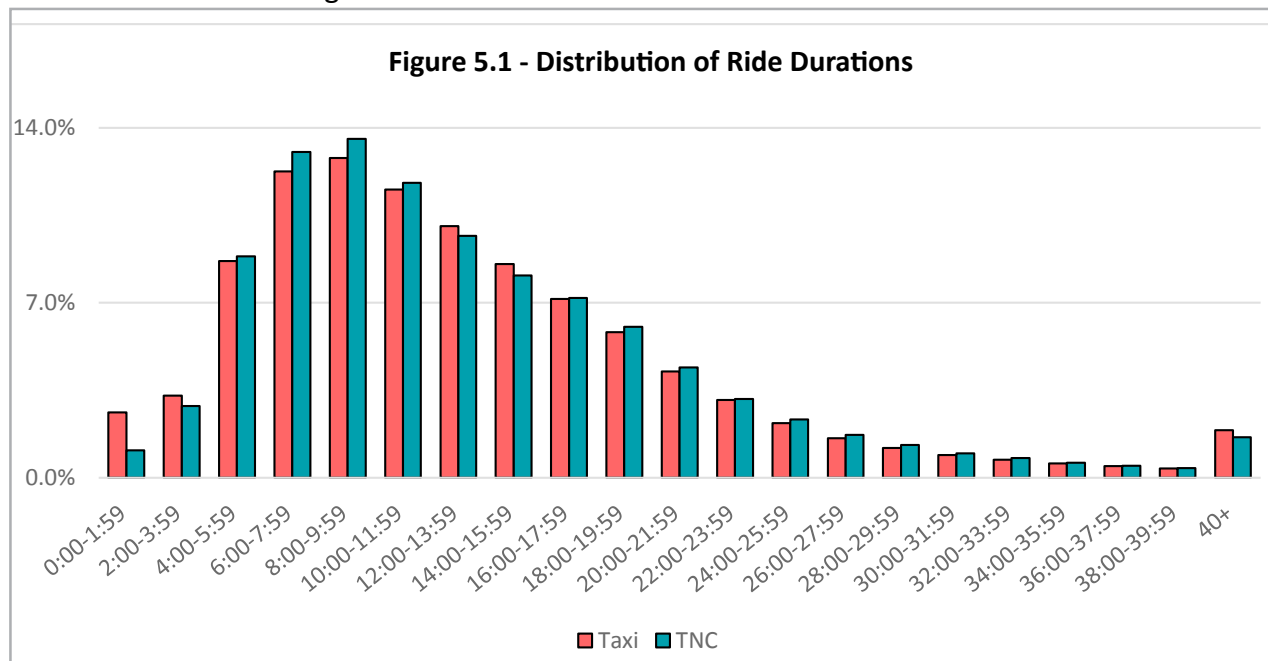


These consistent and relatively short wait times may be credited to the TNCs' use of dynamic pricing, or surge pricing, which incentivizes more drivers during periods of high demand. On the other hand, demand for taxi service was relatively consistent during the daytime hours, but wait times varied throughout the day. Not enough data or information is currently available to make conclusive correlations, but factors that have been cited as impacting wait times include how taxi driver shifts are scheduled, which may not reflect real-time changes in consumer demand.

Additionally, the types of dispatch systems utilized by TNCs and taxi companies may impact wait time patterns. TNCs utilize a dispatch system primarily based on proximity of driver to passenger. In contrast, most taxi companies utilize a zone dispatch system to respond to passenger requests based on a queue of drivers waiting for a fare. This type of dispatch system may provide more equity for taxi drivers, but not necessarily more efficiency, and may contribute to longer wait times.

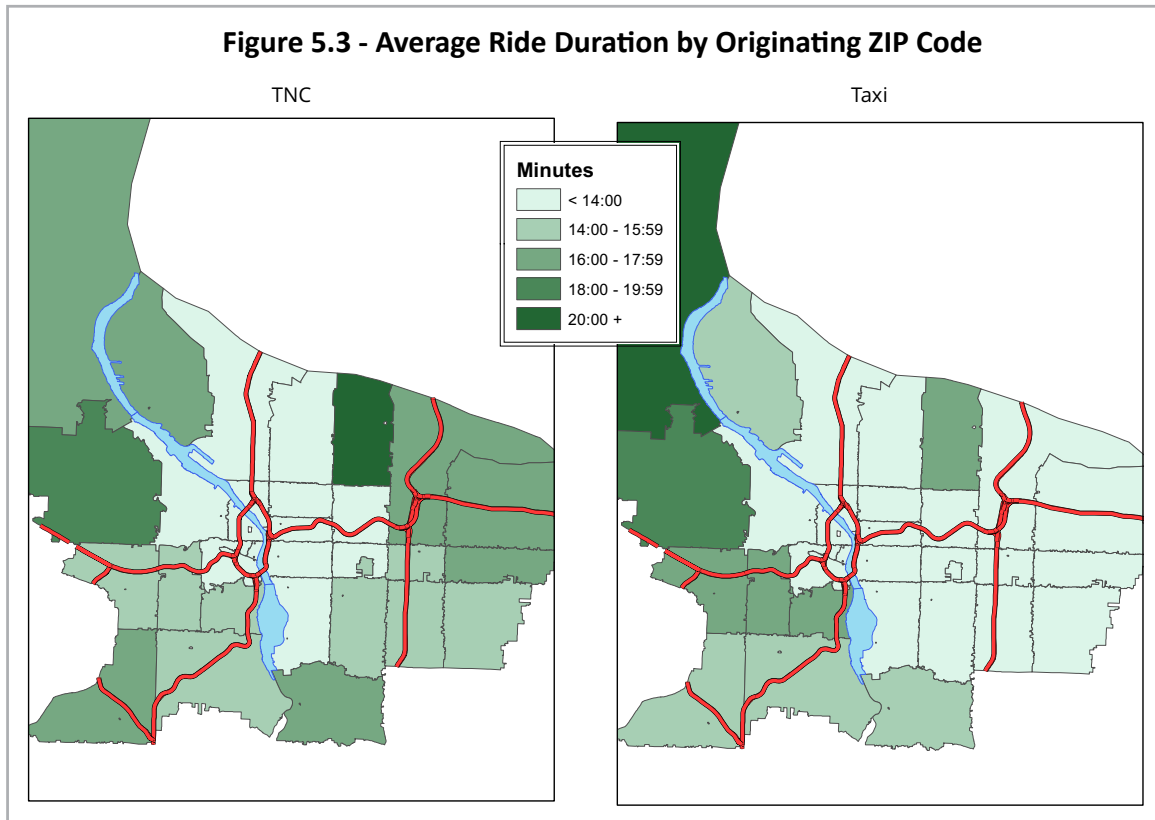
## 5. RIDE DURATIONS

Average ride durations<sup>7</sup> were similar between on-demand taxi and TNC trips, as can be seen in Figure 5.1. Most of the taxi and TNC rides provided from May to August had durations of 12 minutes or less. Additionally, taxis and TNCs provided a notable number of ride with durations of 40 minutes or longer, which were likely trips to and from the Portland International Airport or to and from surrounding suburbs.

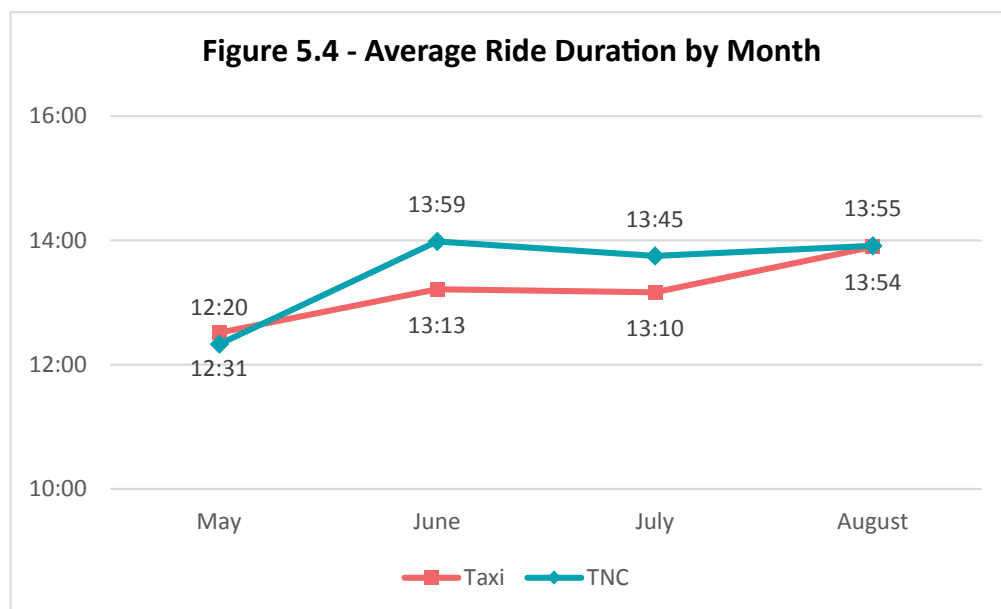


<sup>7</sup> For TNCs, ride duration is defined as the time between when the driver officially began the ride on the app platform and when the ride officially ended. For taxis, ride duration is defined as the time between when the meter was turned on and when the meter was turned off.

Figure 5.3 displays taxi and TNC ride durations by originating zip code area within the city. For both taxis and TNCs, trips originating closer to the center of the city generally had shorter ride durations. Conversely, taxi and TNC trips that originated further from the center of the city had longer ride durations.



By August, average ride durations for taxi and TNC service were almost identical, as seen in Figure 5.4.





## 6. ACCESSIBLE TRANSPORTATION

Seniors and people with disabilities often require special accommodations and assistance to access and utilize transportation services. The Americans with Disabilities Act (ADA), a landmark civil rights bill enacted by Congress 25 years ago, prohibits discrimination, guarantees that people with disabilities have the same opportunities as those without disabilities and requires that government agencies and public services provide reasonable accommodations to people with disabilities.



The National Commission on Disability (2015) explains that, “[Private for hire transportation services] may not charge higher fares for passengers with disabilities; they may not refuse to serve a passenger with a disability who can use a taxi sedan (including people who use wheelchairs); they may not refuse to stow a wheelchair or other mobility device in the trunk of a sedan or impose a special charge for doing so; and they must accept passengers traveling with service animals.”

In the 2015 report, *Transportation Update: Where We’ve Gone and What We’ve Learned*, the National Commission on Disability (NCD) finds that, “Since the 2005 NCD report, wheelchair-accessible taxis have become more available in larger communities around the country. Cities with accessible taxi services include, Chicago, Boston, San Francisco, Miami, Las Vegas, and Portland.”

Portland is one of the first U.S. cities to adopt wheelchair accessible vehicle (WAV) requirements for taxi companies, some of which may be credited to TriMet’s efforts to become compliant with the ADA requirements established in the mid-1990s. TriMet began partnering with taxi companies to provide stop-gap transportation service to people with disabilities, and TriMet maintains contracts with several taxi companies and other transportation operators to this day to supplement ADA transit service.

There are, in fact, several transportation options currently available to Portlanders with disabilities: privately-owned and operated vehicles, transportation service provided by TriMet and the TriMet LIFT paratransit program, Medicaid-funded, non-emergency medical transportation services (under the local authority of Coordinated Care Organizations) and private for-hire transportation service to consumers. However, the availability and accessibility of these options varies greatly depending on the specific needs and resources of individual consumers and the overall demand for these services at any given time.

People who need wheelchair accessible vehicles (WAVs) often experience substantially greater challenges in accessing those vehicles. Privately-owned, consumer-operated WAVs can be cost restrictive, particularly given that Americans with disabilities experience poverty at twice the rate as those without disabilities. On average, American households with an adult member with a disability earn nearly 40% less than households without an adult member with a disability (U.S. Senate Committee on Health, Education, Labor & Pensions, 2014).

TriMet is mandated by the ADA to provide reasonable accommodations to those who are unable to use TriMet buses and/or light rail some or all of the time due to a disability or medical

condition. TriMet's LIFT paratransit service is a shared-ride public transportation service and is generally regarded as reliable, but the service requires advance reservation and is only available within the TriMet service district during regular hours of TriMet operations (4:30am-2:30am, seven days a week). TriMet LIFT service is federally and locally subsidized so that the cost to consumers is significantly reduced. Qualifying users are eligible for discounted "LIFT Paratransit" or "Honored Citizen" passes.

Similarly, WAV fares for private for hire transportation are regulated so they are the same as non-WAV fares. However, private for-hire transportation operators report that WAV trips take longer and cost up to \$30 and \$40 more than non-WAV trips. These additional operating costs have been absorbed by the overall operating costs to taxi companies and most recently TNCs. However, several Portland taxi companies have mitigated those higher operational costs by markedly subsidizing retail WAV service through contracting taxi WAVs to other transportation service providers, including paratransit, mass-transit operators, and non-emergency medical transportation brokers. That has had the unintended consequence of further confining the already limited availability of wheelchair accessible transportation service in Portland.

### ***History of Wheelchair Accessible PFHT Regulations***

Shortly after Congress passed the Americans with Disabilities Act in 1990, TriMet began developing and implementing ADA policies and protocols, in many ways setting the national pace for improving transportation options for people with disabilities. At the same time, the City set a goal for taxi companies to increase the size of their respective wheelchair accessible fleets to a minimum of 20% of each company's total fleet. The WAV fleet requirement was intended to ensure that taxi companies could meet demand for WAV service from consumers requesting retail transportation service and from other transportation operators needing additional WAV capacity, including TriMet.

Maintaining an operational fleet of WAV taxis proved to be challenging for most taxi companies, largely because of the higher initial and ongoing costs of WAV service compared to traditional taxi sedan service. In 2003, the PFHT Board and a coalition of taxi companies developed an agreement to form a central WAV dispatch broker between taxi companies. Pooling WAV resources and utilizing a centralized WAV broker was expected to be a more efficient and cost effective method to provide WAV service to the community.

This centralized and shared WAV-fleet agreement, known as the Portland Accessible Cab Association (PACA), was finalized and began operating in June 2004. Under the PACA agreement, 10% of a participating taxi company's fleet needed to be WAVs, instead of the 20% that was otherwise required. Unfortunately, this centralized model proved challenging to coordinate and was formally disbanded in December 2012. However, not all taxi companies that had participated in the PACA brought their fleets back in to compliance with the 20% WAV requirement. The PFHT Board began considering increasing WAV fleet requirements to 30% to improve WAV service, but this requirement was never adopted. In years since the formal end of PACA, WAV taxi fleets ranged from 10-20%. Today, Taxi WAVs constitute about 15% of all of Portland's permitted taxi vehicles.

In July 2014, the PFHT program was transferred from the Revenue Bureau to the Portland

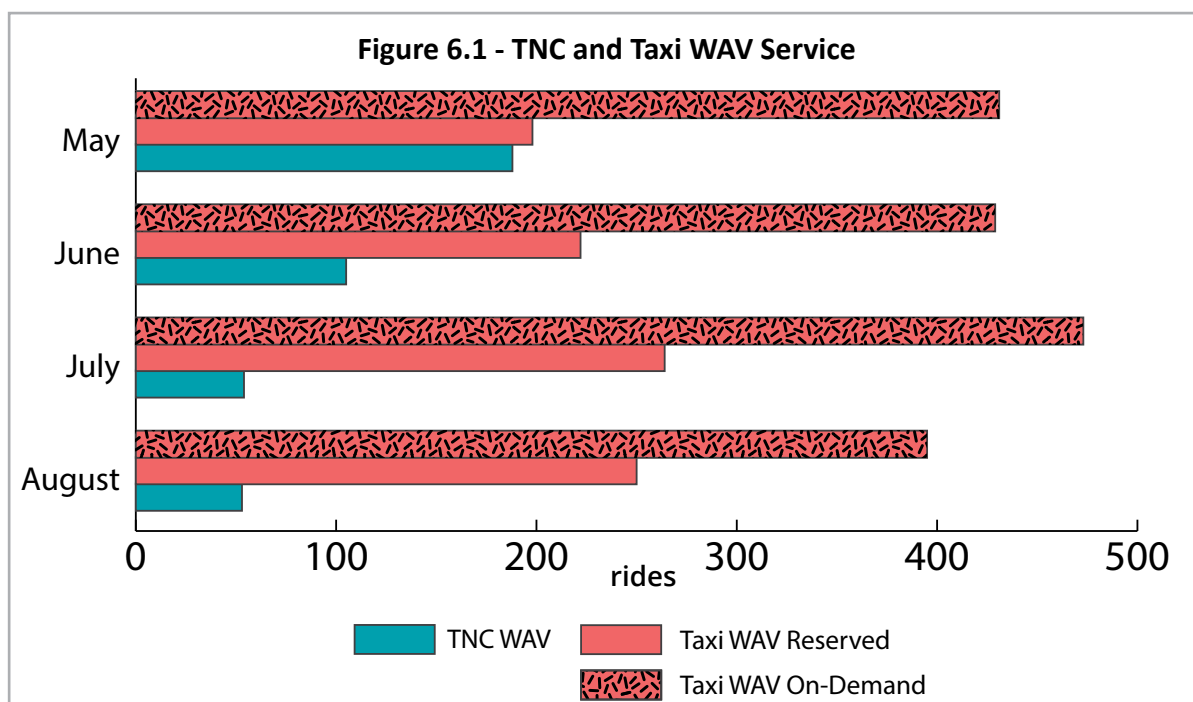
Bureau of Transportation to better align with the City's overall transportation policies and goals. At the direction of Transportation Commissioner Steve Novick, the PFHT was asked to reevaluate all pending permit applications for new and existing taxi companies. After review, the Board voted in February 2015 to approve all 242 requested taxi vehicle permits from the six existing taxi companies in Portland. The Board added a condition to the additional vehicle permits, requiring that taxi companies bring their fleets into the 20% WAV compliance requirement prior to the approval of additional taxi sedan permits.

A special PFHT Innovation Task Force was convened by Commissioner Novick in January 2015 to review existing PFHT regulations and to recommend regulatory changes to ensure public safety, improve service and ensure a fair, competitive market for companies and drivers. The Task Force, independent of the PFHT Board, recommended that service performance standards, not fleet vehicle requirements, would provide a better and more efficient means of ensuring PFHT WAV service to people with disabilities.

The PFHT Innovation Pilot Program, approved by Portland City Council in April 2015, supports this recommendation. In order to transition the PFHT industry from a WAV fleet requirement to service performance standards largely tied to response times and service requests, three provisions are included in the Pilot Program: one, lower WAV fleet requirements for taxi companies (10%); two, the expanded use of permits for non-emergency transportation vehicles; and three data-informed performance standards for TNCs.

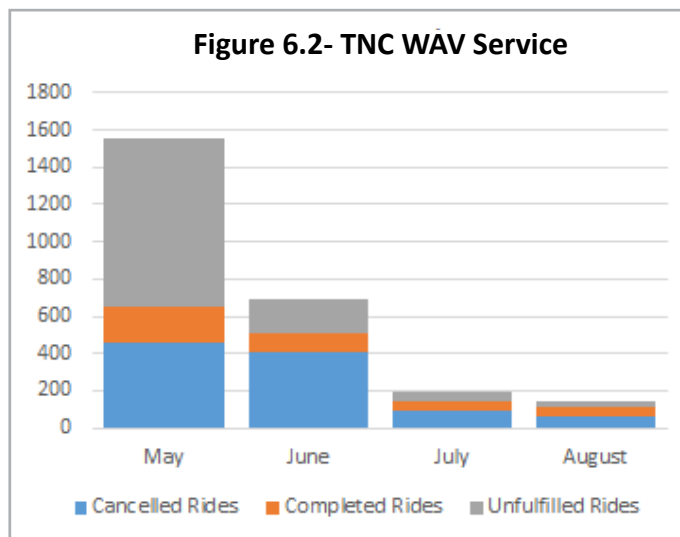
### ***Wheelchair Accessible Vehicle Trips***

Accessible transportation service to passengers with disabilities has been an important and closely monitored service during the Pilot Program. The PFHT Program requires that all taxis and TNCs accommodate requests for service from people with disabilities, including those who are accompanied by a service animal and those needing wheelchair accessible vehicles (WAV).

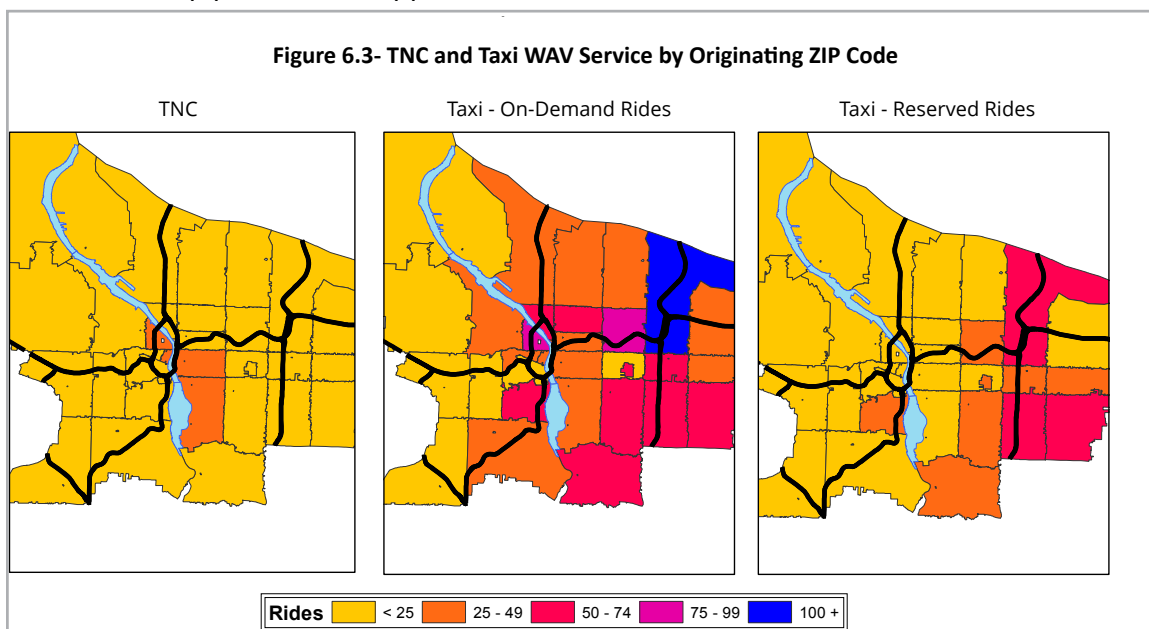


During the four-month initial pilot period, TNCs provided 400 WAV rides, while taxis provided 2,600 WAV rides. Figure 6.1, above, shows the change in WAV rides for both TNCs and taxis over the course of the pilot program. Taxis provide two types of dispatched WAV service: reserved pickups and on-demand pickups<sup>8</sup>. TNCs, however, only provide on-demand WAV service. Interestingly, reserved taxi WAV rides constitute only 35% of the taxi WAV service, while the remaining 65% of taxi WAV trips were requested on-demand. Over the course of the pilot program, on-demand taxi WAV rides decreased 8% from an about 430 per month to 395 per month, while reserved taxi WAV rides increased 26% from 200 per month to 250 per month.

TNC WAV service decreased over 70% during the course of the pilot program, from 188 rides in May to 53 rides in August. Figure 6.2 shows that although the number of completed TNC WAV trips decreased, the demand also decreased. It is unclear why there was a decrease, but it may be attributed to large numbers of customers requesting WAV rides at the beginning of the pilot without understanding what type of service they were requesting. Uber and Lyft have since put in mechanisms for drivers to confirm with passengers that they are in fact in need of a WAV vehicle before the ride is dispatched.



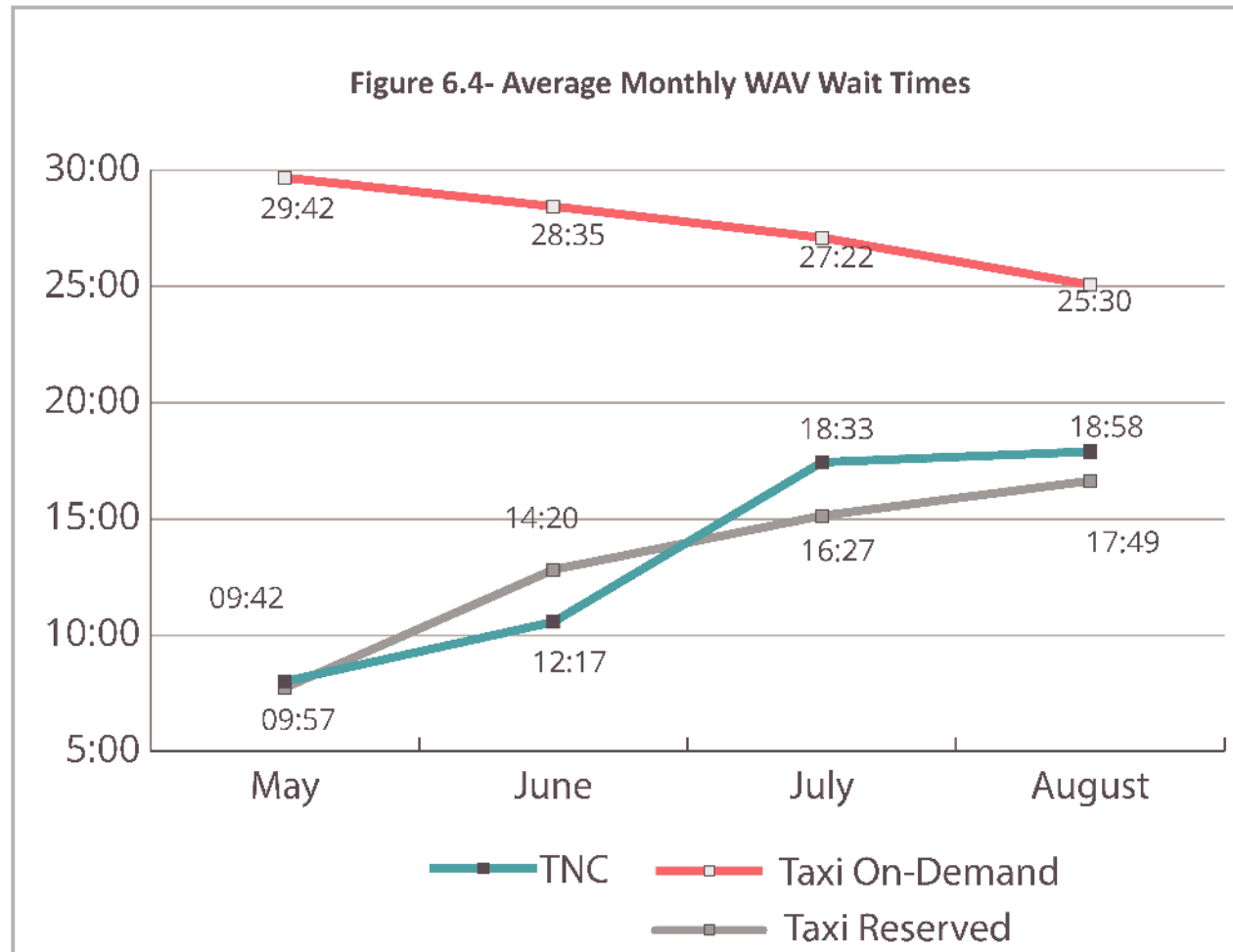
The breakdown of WAV trips by originating ZIP code area can be seen in Figure 6.3, below. A large portion of taxi WAV trips originated in areas with several medical offices, whereas no clear TNC WAV ridership patterns are apparent.



<sup>8</sup> This does not include SAT or any other contracted WAV service.

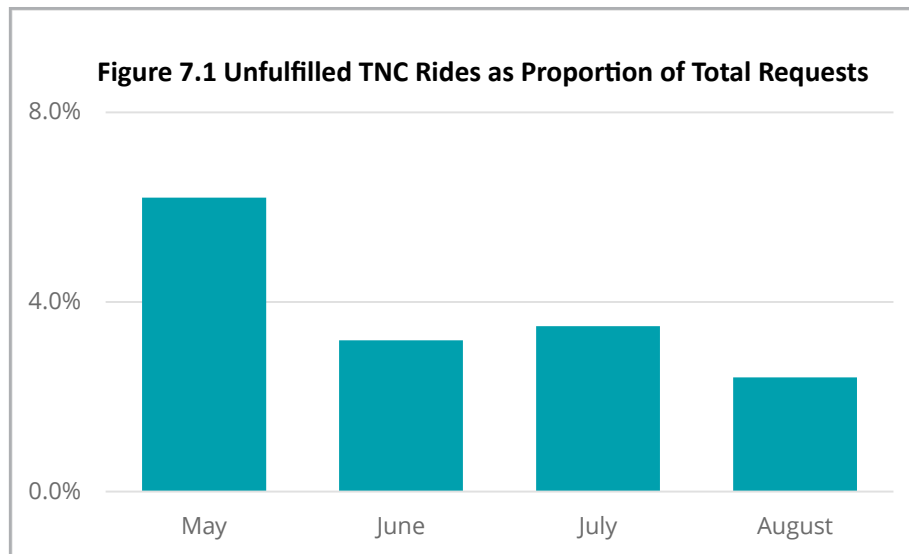
Although taxis provided significantly more WAV trips than did TNCs, on-demand taxi WAV trips had consistently higher wait times compared to TNCs WAV trips. Additionally, while average TNC WAV wait times increased since the beginning of the pilot period, August wait times were still nearly seven minutes shorter than on-demand taxi WAV trips. Despite their longer wait times, taxis have been able to improve average WAV wait times over the past four months, reducing wait-times by nearly four minutes for on-demand WAV service.

Contrary to the short wait times for reserved non-WAV taxi trips, reserved WAV taxi riders still experienced significant wait times despite arranging service in advance (see Figure 6.4). Of the total reserved WAV taxi trips, about 15% of riders waited 30 minutes or more after their scheduled pickup-time and before a taxi WAV arrived. For on-demand WAV taxi rides, this proportion jumps to about 35%. Only 4% of TNC WAV riders waited more than 30 minutes for a TNC WAV to arrive.

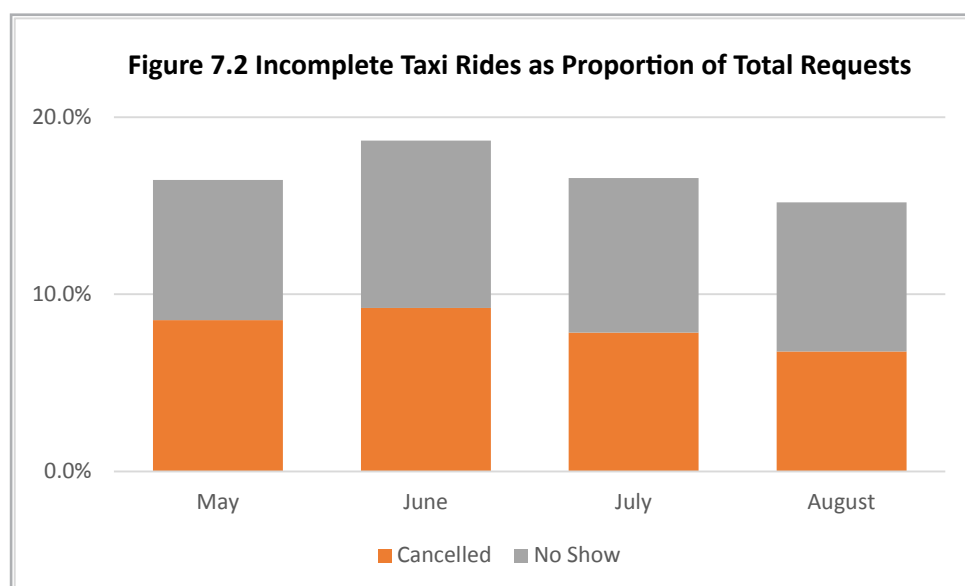


## 7. TNC UNFULFILLED AND TAXI INCOMPLETE TRIPS

TNC unfulfilled rides are rides that are actively requested by a customer, but never fulfilled because there were no vehicles available. From May to August, unfulfilled TNCs rides decreased noticeably, as seen in Figure 7.1. In May, unfulfilled TNC rides made up about 6% of total ride requests, and dropped to roughly 2% by the end of August.



Incomplete taxi rides refer to rides that are either actively canceled by consumers, or are rides that were requested but the consumer is not present at the requested pick-up location. Incomplete taxi trips decreased slightly during the Pilot Program (Figure 7.2) from roughly 17% of total taxi requests in May to roughly 15% of total taxi requests in August. This decrease is largely attributed to a reduction in canceled rides, which decreased 1.7 percentage points over the course of the pilot program.



## 8. COMPLIANCE

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PBOT's PFHT program has established new policies and protocols to ensure compliance with all program rules and regulations. The objective of the procedures is to inspect, educate and to enforce compliance. A key element to achieving compliance is the ongoing education, particularly when adapting to new regulations. This is true not only for permitted companies and drivers, but for compliance staff, law enforcement and the general public. The program primarily uses three methods to seek compliance: one, random certification audits; two, regular field compliance inspections; and three, complaint investigations. Consequences of violating pilot rules and regulations range from warnings to civil penalties that escalate with recurring offenses and permit suspension or revocation.

As a condition of a City of Portland Permit, taxi companies and TNCs must adhere to minimum standards of service that included the following:

- Permitted taxi and transportation network companies must remain in operation 24 hours each day and be capable of providing reasonably prompt service in response to requests at all times.
- Acceptance of any request made by any passenger of proper demeanor for taxi and TNC service received from any location within the City, including requests made by persons with disabilities and requests for wheelchair accessible service, is required.
- Taxi and TNC operators must reasonably accommodate passengers with service animals.
- All PFHT operators must adhere to a zero tolerance drug policy. The use of tobacco products is prohibited in any PFHT vehicle.
- No person may provide private for-hire transportation after engaging in more than 14 hours of commercial activity in any given 24-hour period.
- All vehicles must be kept clean and in good appearance and good repair. Additionally, vehicles must be equipped with all required components, including a hands-free accessory for mobile devices, a standard first aid kit, and a fire extinguisher.

To ensure that all City of Portland requirements are met during the pilot program, random audits are routinely conducted and include review of drivers' criminal history and motor vehicle records, vehicle safety and condition certification, insurance coverage, and business license registration. The privilege of driving for a permitted taxi company or TNC is immediately suspended if drivers or vehicles fail to comply with pilot program rules. Violations identified during an audit are investigated and corrective action—which may include the issuance of penalties or a revocation of permit—is taken.

Regular field compliance inspections are conducted by regulatory staff to ensure operational compliance by taxi and TNC operators. These actions entail staff ride-alongs to ensure that vehicles are in good condition, are properly equipped with required signage or trade-dress, a



hands-free accessory for mobile devices, and a first aid kit and fire extinguisher. Staff also document compliance with requirements for vehicle registration, insurance documentation, business license registration, driver conduct and WAV availability. Adherence to hailing and queuing rules, driver conduct are also monitored and audited.

Throughout the Pilot Program, regulatory staff found taxi companies, TNCs, and their respective drivers and vehicles to be in substantial compliance with PFHT requirements. A notable exception pertained to the availability and reliability of WAV service for taxis and TNCs. Early into the Pilot, staff documented limited availability of taxis WAVs and a concerning lack TNC WAVs. From May to August, however, WAV availability greatly improved. Staff continue to closely monitor the availability of WAV service and will issue penalties if any company is found to be out of compliance with accessibility requirements.

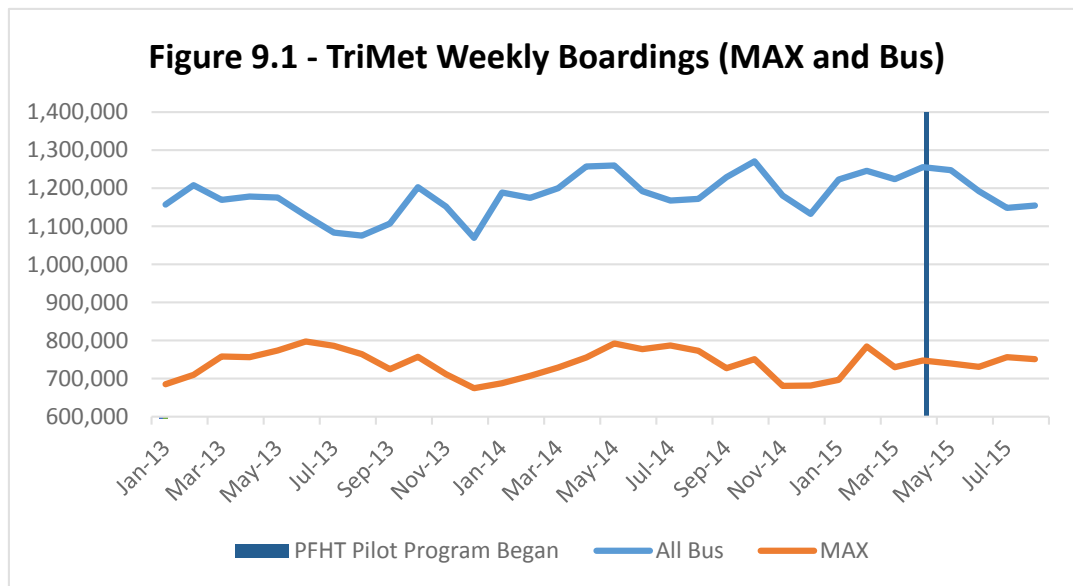
Finally, staff investigate and resolved consumer and other complaints reported to the PFHT Program. Since the beginning of the pilot program, PFHT has received 18 complaints. Complaints regarding PFHT operators in the City of Portland may be submitted to the following:

- Through email at [pdxrides@portlandoregon.gov](mailto:pdxrides@portlandoregon.gov)
- By calling 503-865-2486
- Online at [portlandoregon.gov/pdxrides](http://portlandoregon.gov/pdxrides)
- In writing by mail or fax: PO Box 8572 Portland, Oregon 97207 or 503-865-9022 (fax)



## 9. ADDITIONAL CONSIDERATIONS

Beyond ridership patterns and PFHT trip trends, the Portland Bureau of Transportation will continue to monitor other factors that may be impacted by the PFHT industry, including impacts on traffic and congestion, carbon emissions, TriMet ridership, and DUII arrest rates. At this time, however, not enough data or information is available to make conclusive determinations on the impact of PFHT regulatory and market changes on those factors. Data from TriMet and the Portland Police Bureau is readily available and present in Figures 9.1 and 9.2, below. The Bureau will continue to work with industry stakeholders and community partners to better track and analyze other considerations, which will be presented in subsequent annual PFHT market reports.



**Figure 9.2 - DUII Statistics from Portland Police Bureau**

	2014 DUII Arrests	2015 DUII Arrests	% Change
April	145	106	-27%
May	147	99	-33%
June	90	108	17%
July	105	108	3%
August	140	131*	-6%

*\*The Portland Police Bureau may not have all DUII arrest data entered for August of 2015*

In April of 2015, the Portland Police Bureau began using a new records management system. At this juncture, the Police Bureau is still reconciling records between the old “PPDS” system and the new “ReJINS” system. For this and a variety of statistical analysis reasons, DUII arrest trends cannot be attributed to changes in the PFHT market.

## 10. SUMMARY

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The data presented in this report was an analysis of taxi and TNC rides completed between May 1st and August 31st. As part of their business model, taxis are able to provide three distinct services (on-demand rides, reserved rides, and street hails) while TNCs only provide on-demand pick up rides.

Overall retail taxi service decreased 16% since the beginning of the Pilot Program. This overall decrease was the result of a 16% decrease in on-demand service and a 24% decrease in street hail service. Taxi reserved ride service remained steady throughout the pilot.

Despite a 16% reduction in retail service from the taxi companies, the combined taxi and TNC segment of the Private for-Hire Transportation business grew 40% during the course of the four-month Pilot Program. The increase in ridership was due entirely to the addition of TNC service in Portland, which increased 125% since May. It is important to note that growth in TNC ridership was partly the result of pent up demand for service, and partly a result of latent demand for service. After the substantial growth seen in the first four months of the Pilot program, it is unclear when TNC ride numbers will plateau and stabilize.

Two key positive highlights from this report focused on service to East Portland and Accessible Transportation. East Portland, which is an area typically underserved in many aspects, especially transportation, saw a nearly 50% increase in taxi and TNC service during the four-month Pilot Program. For Accessible Transportation, TNCs were able to consistently provide WAV service with the lowest wait times. Concurrently, taxi on-demand WAV service reduced their wait times by 5 minutes on average.

In many respects, taxi and TNC service had similar patterns across a variety of performance metrics, both taxis and TNCs provided the greatest number of rides in areas closest to the City Center, but TNCs tended to provide a greater proportion of their service in this concentrated area than taxis. Important distinctions are also found. Both TNCs and taxis saw peak ridership during the weekends, coupled with lower numbers during the weekdays. Taxis tended to provide the most of their service during the afternoon (12 pm - 5 pm) and overnight hours (2 am - 6am), the latter of which were likely due to travel for early morning airport flights. In contrast, TNCs tended to provide their greatest level of service during the evening and late night hours (8 pm - 2 am).

TNCs provided consistently shorter wait times than did taxis, with average wait times at the end of the Pilot Program just over four minutes, while taxi wait times averaged just under eight minutes. Over the four months, taxis were able to reduce average wait times by about one minute. Overall, ridership within Portland increased markedly in just the first four months of the Pilot. From May to August, ridership increased by 40%, suggesting that consumer demand for retail transportation service is now being much better served by Portland's taxi companies and TNCs.

## 11. REFERENCES

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National Council on Disability. (2015). *Transportation Update: Where We've Gone and What We've Learned*. Washington, DC: U.S. Government Printing Office.

U.S. Senate Committee on Health, Education, Labor & Pensions. (2014). *Fulfilling the Promise: Overcoming Persistent Barriers to Economic Self-Sufficiency for People with Disabilities*. Washington, DC: U.S. Government Printing Office.

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PFHT Innovation Task Force



## **PRIVATE FOR-HIRE TRANSPORTATION INNOVATION TASK FORCE RECOMMENDATIONS ON TAXIS AND TNCs**

AUGUST 11, 2015

*These recommendations focus on the City's management and regulation of taxicabs and Transportation Network Companies (TNCs). Recommendations on Limited Passenger Transportation (LPT) companies and non-vehicular forms of private for-hire transportation (e.g., jitneys, pedicabs) are yet to be developed.*

*Except where indicated:*

- *Recommendations apply equally to taxis and TNCs.*
- *Phase 1 recommendations are unrevised.*

### **I. TASK FORCE CHARGE AND GUIDING PRINCIPLES**

#### **CHARGE**

The Portland City Council, acting through the Office of the Mayor and the Office of Commissioner Steve Novick, convened the Private For-Hire Transportation Innovation Task Force (Task Force) in December 2014 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). The Task Force, assisted by Cogan Owens Greene as a neutral Facilitator, has been asked to study available information, develop written recommendations, and submit its written recommendations to the Commissioner and City Council.

#### **GUIDING PRINCIPLES**

- A variety of modes of private for-hire transportation are accommodated.
- An environment is created so that taxi and TNC companies and 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 taxi and TNC drivers to earn a living wage is promoted.
- Reliable, timely and equitable services for all passengers and destinations in Portland are provided by both taxis and 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 required.
- Regulations do not operate as a barrier to marketplace innovation.

## **II. PFHT PROGRAM FRAMEWORK**

### **A. ASSIGNMENT OF RESPONSIBILITIES**

1. Institute a PFHT framework in which all taxi and TNC companies with 15 vehicles or more are responsible for all aspects of regulatory compliance and certification, with data collection and analysis, compliance monitoring and enforcement, and education as the City's primary functions. For companies with 15 vehicles or less, provide a City permitting and certification program.
2. For each regulatory requirement, PBOT will, through administrative rule or other written notice, prepare specific standards to be met by PFHT companies and drivers including, but not limited to:
  - Specific measurable compliance metrics for each regulation
  - Measurement methodology
  - Frequency of compliance measurement
  - Required data from PFHT companies
  - Allowable variances based on relative impact of non-compliance.
3. Continue the pilot project assignment of permit authorization to the Commissioner-in-Charge; may be delegated to PBOT but not to PFHT Board.

### **B. PFHT ADVISORY COMMITTEE**

4. Disband the existing PFHT Board and establish a PFHT advisory committee that is advisory to PBOT and the Commissioner-in-Charge, with joint annual reporting by PBOT and the Committee to City Council on the functioning of the PFHT program.
5. Ensure that the advisory committee includes diverse membership reflective and knowledgeable of the PFHT industry, including taxi and TNC companies.
6. Include Portland Police Bureau representation and consider adding representatives from the Portland Commission on Disabilities and an at-large community member with a disability.
7. Among its responsibilities, PBOT may request that the advisory committee review criteria for demand studies, ensure that there is a transparent process for public engagement, and assess current market conditions and emerging trends.
8. Establish as a core function of the group identifying ways of ensuring accessibility for all persons to all forms of PFHT transportation.
9. Institutionalize equity considerations into the group's decision-making process.

### C. PROGRAM FUNDING AND STAFFING

10. Utilizing a sliding-scale, cost-recovery based approach, ensure adequate and consistent funding to implement all aspects of the PFHT program. Calculate and include in PBOT budget requests the full cost of establishing and staffing a permanent structure capable of administering permitting functions that remain within the City purview, setting standards, measuring compliance, following up with supplementary reviews for compliance, sanctioning for non-compliance and managing the compliance function.
11. Establish a “Cost of Compliance Measurement” document that describes workload hours and overhead for measuring compliance for use in calculating charges for follow-up compliance testing.
12. Assess the calculated cost of the program to PFHT companies in an equitable manner.
13. To the extent legally permissible, direct revenue from enforcement actions to the PFHT program.
14. A successful PFHT program will require sufficient and adequately trained staffing to support program administration, compliance monitoring and enforcement. City Council and PBOT need to ensure that the PFHT program has the staffing necessary to fully and effectively design and implement the recommended PFHT program.

### D. COMPLIANCE/ENFORCEMENT

15. Implement a program for compliance by companies and drivers with PFHT regulations that includes:
  - Certification by companies of conformance to City standards for permitting drivers.
  - Random certification audits for all regulatory requirements.
  - Field compliance actions.
  - Complaint investigations.
16. Prepare a penalty matrix based on impact, degree and frequency of non-compliance. The schedule of penalties for non-compliance should be based on an escalation concept, with consideration given for improvements in compliance or increased penalties for continuing non-compliance.
  - Failure to comply findings are cumulative and across all regulatory monitoring.
  - Providing false information about WAV service will result in automatic penalty.
  - Failure to provide required data is considered non-compliance.
17. Generally levy penalties against companies rather than drivers, while providing PBOT flexibility to level penalties against drivers when appropriate (e.g., rogue drivers). Leave it to the companies to determine how drivers reimburse their companies for penalties assessed.
18. In assessing penalties and other enforcement actions, follow established City procedures of appeal to the City’s Code Hearings Officer, with subsequent appeal to Multnomah County Court.
19. Subjects of random sampling and other compliance measurement will be at the sole discretion of the PBOT Director.
20. Enable companies to voluntarily request audits without risk of penalty.
21. Continue to engage the Portland Police Bureau in discussing enhanced police involvement in enforcement of PFHT regulations.

**E. REVIEW, EVALUATION AND REPORTING PROGRAM**

22. Establish a clearly-described process to assess the performance of the PFHT program in achieving its objectives at established intervals of time, e.g. one and two years, or as soon as data and/or market conditions suggest the program needs to be evaluated to avoid unintended consequences.
23. Provide an annual report to City Council on the functioning of the PFHT program. Actively involve the PFHT advisory committee in the annual reporting process and include the Portland Commission on Disability in the review of the accessible services portion of the program.
24. Develop performance measures to assess both positive and negative conditions such as but not limited to:
  - Increased or decreased levels of congestion directly attributable to larger concentrations of PFHT vehicles in certain areas of the City.
  - Effects on PFHT drivers and/or companies attributable to unrestricted numbers of vehicles operating in the market, especially on smaller companies.
  - Whether there is a shortage or an excess in the supply of vehicles to meet demonstrated demand.
  - Accessibility service goals and standards.
  - Adequacy of revenues to fund administration of the PFHT program.
  - Safety concerns.
  - Environmental quality.

**F. DATA REPORTING**

25. As a condition for maintaining PFHT permits, require PFHT companies to provide all data identified by PBOT as essential to assess PFHT program performance and compliance with program regulations. Required data specifically includes but is not limited to:
  - Data on dispatched trips, street hail trips and pre-scheduled trips
  - Data sufficient to demonstrate 24/7 citywide coverage
  - Data on ride requests that are not filled.
26. Require submittal of data in formats and on a schedule established by PBOT; ensure that data formats and reporting protect company and driver privacy.
27. Delete existing Code requirements and specify data requirements via administrative rule.

**G. COMMUNICATIONS AND EDUCATION/TRAINING**

28. Provide a continuing program of education and training to companies and drivers on PFHT regulations, performance measures and standards, and other aspects of the program. Include on-line skills testing opportunities.
29. Ensure that the PFHT regulatory/compliance framework is easy for the industry to understand and easy for the City to administer.
30. Require defensive driving training to be completed by all PFHT drivers prior to drivers operating permitted vehicles.

31. Re-evaluate the requirement that other types of driver training (per National Highway Traffic Safety Administration standards) be completed within 120 days of receiving a permit.

### **III. OPERATION OF THE PFHT PROGRAM**

#### **A. CAPS ON NUMBER OF PFHT PARTICIPANTS (COMPANIES, VEHICLES, DRIVERS)**

1. Establish no cap on the number of companies, drivers for, or vehicles operated by a permitted taxicab or TNC company.

#### **B. PERMITTING**

2. Continue to apply Pilot Project direction for permitting companies, drivers and vehicles based upon a shift in responsibility for permitting and certification from the public to the private sector and a sliding-scale, cost-recovery based permit fee program based on the number of vehicles under permit to a company.
3. Require proof of drivers' businesses licenses be provided to PBOT as part of certification.
4. Assess permitting fees to companies, rather than drivers.

#### **C. FARE RATES/PRICING**

5. Establish no cap on fares for any taxi or TNC company and allow dynamic fare rates.
6. Eliminate the requirement for a minimum taxi fare, except that if any company chooses to have a minimum fare it cannot exceed \$5.00.
7. Require all PFHT companies to register their base fares with PBOT.
8. Prohibit surge pricing during emergencies declared by the Mayor pursuant to City Code 15.04.040 and at all times for WAV vehicles.
9. Require that electronic or hard copy receipts be provided to passengers at completion of rides and require all PFHT companies to maintain records of all fares.
10. Re-evaluate regulations on fares at specific intervals of time to determine if a short-trip subsidy program is justified.

#### **D. SIGNAGE/NOTICES**

11. Continue to apply Pilot Project direction except, to aid both visibility to customers and to law enforcement, require front and back trade dress for all PFHT vehicles that is clearly visible at a distance of no less than 50 feet. Authorize PBOT to modify or develop additional vehicle signage requirements if appropriate to ensure visibility to riders and for enforcement.
12. For purposes of passenger and driver safety, require digital security camera systems in any taxicab that accepts hailed rides.
13. Require inclusion of drivers' business license numbers and company complaint phone numbers on apps.



14. Apply pilot project requirements for cameras or digital records to all PFHT companies.

#### **E. HAILING**

15. Continue to prohibit street hailing anywhere for TNCs.
16. Continue to prohibit parking in designated taxi zones for all PFHT vehicles except taxis.
17. Assess an automatic fine against PFHT vehicles except taxis that are documented as accepting street hails or parking in designated taxi zones. If more than one violation by the same driver occurs within a 12-month period, automatically suspend the driver for one year.

### **IV. EQUAL ACCESS TO SERVICE**

#### **A. ACCESSIBLE SERVICES**

1. Reiterate that the City assumes that all Federal and State ADA requirements will be met by all PFHT companies.
2. Require that all PFHT companies provide Wheelchair Accessible Vehicle (WAV) service 24/7, either through use of their own vehicles or by contracting for this service. Taxi and TNC companies must provide this service 24/7.
3. During an initial monitoring period of no more than one year, establish no minimum WAV fleet size. Re-evaluate the WAV program at that time.
4. Functional Standards: Recognizing that not all vehicles in circulation may meet all standards, establish functional standards for WAV vehicle capacity, loading/unloading, and other features essential to safe and convenient transport of wheelchair users. Functional standards should address:
  - Interior vehicle configuration that allows for optimal passenger seating for at least one additional passenger.
  - Protocols for safe loading (out of traffic).
  - Safety features, e.g., 4 point tie down, shoulder belt.
  - Accommodation of forward facing of wheelchairs.
5. Performance Standards: Require all companies to demonstrate that they meet or exceed performance standards for WAV service:
  - Response Time : Response time means the time between receipt of a request for private for hire transportation (by phone, mobile app, email, SMS or other means of communication but not including street hails or prearranged requests) and the arrival of a taxi or TNC vehicle at the rider's location.
  - Performance Objective: The average Response Time for all requests for non-accessible private for hire transportation shall be periodically determined by the City using an  $[n]$  minutes or less, 95% percent of the time formulation (where  $[n]$  is the baseline). The average Response Time for all requests for accessible private for hire transportation shall be

- [baseline x 2] minutes or less, 95% percent of the time (implemented within one year of adoption).
- In applying a performance objective for response time, recognize that some parts of the City may be served slower due to factors such as geography and population density.
6. Fractal Compliance: Evaluate compliance based on the percentage of time a company achieves the response time goal. This approach recognizes that there will always be times when something goes wrong – human error or accident. The City would then be able to differentiate between a single ride failure and a company-wide service failure.
  7. Pre-arranged Trips:
    - Require that pre-arranged trips be delivered as scheduled.
    - Require all companies to accommodate advance recommendations for WAV trips.
  8. Communications:
    - Require that dispatch services (whether app, phone, or internet) provide direct access to WAV vehicles.
    - Provide mechanisms for direct communication between drivers and passengers (e.g., confirm need for WAV, provide ETA, and communicate re: ramp deployment).
    - Provide request and cancel ride options and complaint mechanisms that are accessible across all platforms and across all disabilities.
    - Ensure that directions on apps follow WC3 guidelines and American Disabilities Act Section 503 requirements. Apps must include an accessibility feature with instructions on how to request a WAV.
    - Require the driver to notify the passenger if expected ETA changes and do so as early as possible.
    - Provide devices in all vehicles or apps for communication with hearing impaired/deaf passengers (e.g., paper and pen, I-pad).
    - Provide payment options for passengers who have visual impairment (e.g., voice mode on passenger-operated credit card machine).
  9. Service Animals: Require accommodation of service animals in all PFHT vehicles.
  10. Service to Non-Wheelchair Users: As needed, develop level of service standards applicable to service to persons with disabilities who are non-WAV users.
  11. Pricing: Prohibit surge pricing for WAV transportation and assess no additional charge for at least the first additional passenger accompanying a WAV user.
  12. SAT Vehicles:
    - Authorize non-WAV Specially Attended Transportation (SAT) vehicles that are operated by permitted taxi companies to be used for any type of PFHT service.
    - Authorize WAV SAT vehicles that are operated by permitted taxi companies to be used for WAV use only.
  13. Accessible Transportation Fund: To assist in financing WAV services, institute an Accessible Transportation Fund that is used as an incentive to help ensure that the higher cost of providing WAV trips is not a barrier to companies and drivers providing such trips. A goal is to incentivize drivers, not just companies.

- Authorize the City to collect a per ride surcharge (e.g. \$0.10) for all PFHT rides, including WAV rides.
  - Develop a City-administered incentive program, with reimbursement to all PFHT companies and/or drivers for the higher cost of WAV vehicles and trips. Reimbursement should be based upon a per-ride multiplier (e.g., 275% x fare of comparable non-WAV ride).
  - As a condition of participation in the incentive program, require companies to provide the City with documentation on each WAV trip provided.
  - Develop a program of routine auditing to authenticate the WAV trips provided.
  - Assess the viability and mechanics of the Fund on an annual basis. If the concept of a centralized dispatch program is explored as an alternative, consult with the Commission on Disabilities.
14. Training: Require companies to provide procedural, safety and communications training, with certification by PBOT of the training programs, for all WAV vehicle drivers, including driver training in communications with persons with various forms of disability.
15. Data Collection: Establish a program for collection of data from TNCs and taxi companies on WAV usage.
- To assist in establishing a baseline, request from taxi companies historic data (for the two years preceding the pilot project) on WAV service.
  - To facilitate the collection of data on non-availability of vehicles, require TNCs to advise WAV requesters to record on the app when service is not available.
  - Require reporting of unfilled requests for WAV rides by all companies.

## **B. CITYWIDE SERVICE**

16. Maintain current requirements for service citywide, 24 hours per day, 7 days per week, for taxi and TNC companies.
17. Except when a destination is more than 50 miles in distance, prohibit a PFHT company from refusing a fare already accepted, unless there is a real or perceived safety threat to the driver or it conflicts with a company's driver shift policy (vehicle is required to be returned by a specific time due to a shift change).

# **V. SAFETY AND WORKING CONDITIONS**

## **A. INSURANCE**

1. Maintain pilot project insurance requirements for taxi and TNC companies and drivers.
2. When new insurance products become available, PBOT should investigate options to normalize coverage between taxi and TNC companies to the extent practical.
3. Require taxi and TNC companies to provide primary insurance for all periods of coverage.
4. As part of their driver certification processes, require taxi and TNC companies to inform drivers of the scope and limitations of insurance coverage, accident reporting procedures, and other

insurance related requirements. Companies must advise their drivers that drivers' personal automobile insurance may not permit the use of personal vehicles for commercial purposes and that drivers need to consult with their insurance companies and lenders regarding such limitations.

5. Require companies to certify with PBOT their programs of driver education on insurance coverage and limitations.
6. Require TNC drivers to have available at all times in their vehicles for passenger and law enforcement inspection hard copy proof of insurance for Periods 1-3.

## **B. DRIVER BEHAVIOR**

### **Caps on Hours of Driving**

7. Reduce current aggregated maximum of time on duty, including time “on duty” or “on app”, to 12 hours in any given 24-hour period. Responsibility for compliance rests with the driver, with PBOT monitoring compliance on a spot-check basis.
8. Require companies to provide PBOT with data on “on duty” or “on app” times of their drivers, tied to driver permit numbers.

### **Drug and Alcohol Policy**

9. Continue to apply Code requirements for driver conduct to all forms of PFHT.
10. Specifically require TNCs to have and enforce zero tolerance policies.
11. Require that all companies submit their zero tolerance policies to the City for approval as part of the permitting process.
12. Include monitoring that zero tolerance policies are in place and being enforced as part of PBOT’s expanded monitoring in the new PFHT framework.

### **Other Aspects of Driver Conduct**

13. Apply pilot project requirements to taxi and TNC companies.

## **C. EMPLOYMENT STATUS OF DRIVERS**

14. No action by the Task Force is recommended absent direction from the State Bureau of Labor and Industries (BOLI).
15. Irrespective of a BOLI determination, the City should investigate appropriate measures to ensure PFHT drivers receive adequate wages and are afforded desirable working conditions.
16. If BOLI determines that drivers are independent contractors, explore other ways to upgrade drivers’ status, including the concept of dependent contractor.

## **D. DRIVER FEES AND KITTIES**

17. Require transparency in driver payments and fees assessed by PFHT companies.
18. Establish no limitations (floor or ceiling) on driver kitties or fees assessed by PFHT companies.
19. Driver kitties or fees assessed by companies cannot be greater for WAV vehicles than those assessed for drivers of non-WAV vehicles.

## **E. EMPLOYMENT OF PERSONS WITH DISABILITIES**

Through a separate subcommittee process and in consultation with vocational rehabilitation agencies and interests, assess options/feasibility of programs to encourage employment of persons with disabilities within the PFHT industry.

## **VI. OTHER CONSIDERATIONS**

### **A. ENVIRONMENTAL FOOTPRINT**

1. No action is appropriate at this time as conclusive data is unavailable and will require time to obtain.
2. Collect and analyze data PFHT companies for the specific purpose of assessing environmental impacts and, at established intervals of time, e.g. one and two years, evaluate whether specific measures are needed to address environmental quality. Develop performance measures for this periodic evaluation.
3. Partner with PSU and other local institutions in the assessment of data on PFHT trips and users, transit ridership, congestion, parking availability, distributional impacts (who benefits and who is burdened), and other factors.

### **B. MOBILE DISPATCH SERVICES**

4. Include in Code, definitions for “dispatch” and “third-party dispatch companies”.
5. Require third-party dispatch companies to be affiliated with permitted PFHT companies (or the City if a centralized dispatch system is developed).
6. Develop authority for PBOT to permit and regulate third-party dispatch companies, including prohibiting drivers from driving directly for such companies rather than a permitted PFHT company.

# Evolution of the Private For-Hire Transportation industry in Portland and the current regulatory framework

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## Early days of Portland’s Private For-Hire Industry

The City of Portland carries over a century of history in the Private For-Hire Transportation (PFHT) industry. As long ago as the late 19<sup>th</sup> century, chauffeur-driven horse-drawn carriages, known as cabriolets, were subject to regulation by the city, especially with the introduction of the horse-drawn streetcar system. Horse-drawn streetcars gave way to steam-powered streetcars and eventually to electric trolley cars. During this period, the individual chauffeur business saw the introduction of heavy battery-powered automobiles that competed with cabriolets and the streetcar. Portland chauffeurs unionized in 1912 with gas-powered automobiles that had taximeters for calibrating fare by distance traveled. These new vehicles were taximeter cabriolets, or “taxicabs”, and became regulated by the City to protect driver and public safety.

### The jitney movement

The 1914 recession resulted in growing numbers of independent, unregulated jitney drivers competing for work, a trend that played out in Portland as well as other cities throughout the country. The term jitney meant ‘nickel’, which was the fare for a ride. Less expensive than a trolley fare at the time, jitneys were typically five to seven-passenger, driver-owned, gas-powered automobiles that traveled the same fixed routes as the trollies, without timetables, and in less time. With vehicle depreciation and operating costs factored in, jitney drivers typically earned less than average labor rates. Even so, the streets grew congested with willing drivers for both taxis and jitneys. Council passed ordinances to regulate taxi stands and taxi zones, improving distribution of service throughout the city and minimizing taxi impacts on congestion.

On Portland’s limited street network, implementation of the new taxi regulations made it more apparent how jitneys were contributing to congestion. Reports of unsafe jitney driving mounted and law-makers were encouraged to act, however council was not in agreement about what to do about jitneys. Councilor Will H. Daly defended jitney service saying it created a beneficial “survival of the fittest” competition in the transportation market. His was the minority voice in council as jitneys became the subject of increasing city regulation.

The City legislated a cap on jitney fares at five cents per ride, effectively ensuring jitneys stayed less profitable than streetcars and barring drivers from increasing their profitability or competing with city-regulated taxi service. The largest jitney regulation proponents were powerful rail and electric companies responsible for substantial investments in the city’s regulated streetcar and trolley franchises. Portland had the third largest electric railway system in America at the time.

The City then required jitneys to franchise, and in doing so, they became subject to regulations and business taxes, further cutting into already limited driver earnings. On the first day of enforcement for the 1916 franchise ordinance, hundreds of jitneys refused to abide, resulting in fifty-seven (57) driver arrests and legal battles that ultimately sustained the regulations and ended jitney service as it was known in the City of Portland.

### Restrictions on the number of taxis

Despite the City’s sustained attempts to keep the streetcar and trolley systems afloat, the Great Depression once again brought a decrease in streetcar and trolley ridership and an increase in taxi drivers eager to work. In an effort to protect Portland’s existing transit system, the City Council grew strict on the number of taxis and for-hire vehicles allowed to operate. This was a national trend, with similar restrictions enacted in other cities. Legislators in Portland, as in many other cities across the country, believed such restrictions would protect their existing transit systems while allowing them to better monitor the taxi industry and improve the overall quality and performance of local taxi service. These arrangements benefitted existing taxi companies and drivers, securing their opportunities to fulfill the demand for rides without competing with a growing supply of permitted vehicles during a time of significant economic hardship.

As history played out, influenced by auto manufacturers and the oil and tire industries, the City saw the replacement of streetcars and trollies by gasoline-powered buses, whose ridership escalated to all-time highs during World War II. The Portland region continued to grow, especially in the suburbs during the 1950’s, and personal automobiles soared in popularity, resulting in significant congestion once again.

Private bus lines, hurt by the increasing reliance on private automobiles, were ultimately recovered by the public sector with creation of TriMet in 1969.

## Legal battles, caps and reforms for innovation

The 1950's saw several legal battles regarding taxis, including one that deemed a city ordinance unconstitutional (it called for a fine and jail time for refusal to pay taxi fare). A challenge to the fairness of another Portland regulation resulted in a circuit court judge siding with the city (on a requirement for taxi drivers to be fingerprinted). Prompted by legal cases, the state passed legislation protecting drivers from fraud.

In 1965, City Council decided to cap the number of taxis in the city at 201 -or one taxi for every 2,400 people- meeting with little controversy. Until 1979, city ordinances placed a ceiling on the number of taxi permits, limited permits to only two -and eventually to four- cab companies, and set fare rates for the companies. About every six to nine years, push back from the taxi industry would provoke council to approve fare increases to account for their rising operating costs over time. For over a decade, Broadway and Radio were the only cab companies permitted by the city until Council allowed New Rose City Cab Company into the market in 1978.

## Council considers deregulation

In late 1978, City Council considered deregulating taxis to spur competition for increased ridership and lower fares. There were many concerns and interests brought to light over the six months that the council deliberated regulation changes for the taxi industry. At the time, Portland's taxi service had a good reputation for providing quality local service and some were concerned that deregulation was unnecessary for a system that appeared to be functioning successfully. Others believed removing rate-setting authority from the Council and allowing cab companies to set their own rates would increase competition among the cab companies while encouraging new firms and industry innovation. Some drivers feared deregulation would lead to TriMet taking over the taxi industry. On numerous occasions, drivers filled the room to listen and testify on the issues at hand.

After many rounds of revisions, council finally passed an ordinance in a 3-1 vote in which Mayor Goldschmidt dissented. He insisted the council should have done more to withdraw its regulating authority and leave the industry to the pressures of the free market. He believed the city's regulations were unnecessary to protect the public and created barriers to entry into the market for new cab companies. Nevertheless, the council's decisions resulted in approval of a fourth cab company, set a more flexible approach to rate setting that resulted in two of the companies initiating a new 'share-the-ride' fare system, and established the city's first taxi supervisor to ensure quality service, safe cabs, and competent drivers. Council also established requirements for 24-hour dispatching and keeping an office open for at least eight hours a day. The New Rose City Cab Company, being small, was allowed to sidestep the new ordinance, as was the small Portland Cab Company when it was allowed to enter the market after the ordinance passed.

## A legitimate jitney-like proposal

In 1981, sixty-five years after the jitney movement, the four Portland taxi companies together attempted to make a deal with TriMet that would have allowed them to take over passenger pick-ups and drop-offs along TriMet's fixed routes for the early morning "owl" runs between 12:30 and 5:30 a.m.



The taxi companies believed the deal would both benefit their businesses and save TriMet about \$60,000 a year. TriMet believed the deal could cost them an additional \$110,000 annually. Ultimately the plan died because the TriMet Board said it would be in violation of their union agreements if all runs were not operated by TriMet's union drivers.

## Evolving to contemporary PFHT

Portland has been growing since the early 1990's, and with this growth the City evolved from three basic means of transportation (automobile, bus, and taxi) to a complex multi-modal transportation system with light rail, specialized bus services, bicycle and pedestrian systems, and a wide range of other transportation services from pedicabs to party busses. In 1992, City Council created the Taxicab Board of Review to advise the Revenue Bureau on matters pertaining to the taxi industry. Ten years later the term "private for-hire," better representing the diversity of services offered, replaced outdated language in the code that only referred to taxis. At that time, the "Taxi Board" became the "Private For-Hire Transportation Board of Review" (PFHT Board).

## Recognition of Limited Passenger Transportation

In the late 1990's, City Council passed several ordinances refining rules for PFHT services other than taxis and named this group of other services "Limited Passenger Transportation" (LPT). Council granted the Revenue Bureau authority beyond the universe of taxis in order to enforce established rules for executive sedan, shuttle and other niche operators. LPT regulations went into effect in 1993, but at first only businesses providing transportation of non-emergency medical and/or special needs passengers (aka "Specially Attended Transportation") were required to obtain a City permit. Make-up of the PFHT Board expanded in 2001 to include a representative from LPT companies and all industry representatives were granted voting privileges. The 2009 update to the PFHT code added members to the PFHT Board, which is currently made up of fourteen members representing a broadened range of PFHT interests. The Board is now advisory rather than a rule-making body, though it does advise, vote on and support or oppose proposed changes heading to City Council.

## Advances in public protections

After September 11, 2001, the City quickly passed a number of regulations aimed to better protect the public. Prior to September 11, driver applicants submitted their own passport-style photographs. After September 11, the city began photographing drivers directly and storing the images electronically. Soon after, the Federal government requested to access the city's electronic files, which were used successfully in a Federal investigation. The city also began issuing identification plates to all cabs and LPT vehicles, requiring stickers to be attached to each permitted vehicle's city permit upon their annual renewal, and requiring executive sedan and shuttle service providers to obtain permits. The City stopped issuing temporary driver permits in 2005, requiring background checks to come back clear before issuing driver permits.

## Advances in driver protections

After a Portland taxi driver was murdered on the job in 2000, the PFHT Board's taxi driver representative advocated for greater protections for drivers, resulting in the state legislature passing a bill that made it a Class C felony to assault a taxi driver. Two years later, Council established a private for-hire safety fund to purchase and install state-of-the-art cameras inside all Portland taxicabs to help protect drivers. These cameras, designed for the Portland market, became the standard for many jurisdictions across the

country. After the initial installation, and the updated installation of cameras years later, the safety fund was dissolved, with taxicab companies now responsible for the purchase and maintenance of city code mandated safety cameras.

### Balancing the number of taxis

In 1998, City Council awarded operating permits to two new taxi companies, representing at the time the first new entries into the market in nearly thirty years. While some predicted the increased competition would result in improved service for riders city-wide, after the supply increased, competition was largely limited to the lucrative airport-to-downtown market. City staff looked to other communities to help find the right balance of taxicabs per capita –too many could hurt the drivers economically and too few could hurt the general public who would rely on the service.

While there was no rule for a perfect balance, evidence from other communities indicated that an oversupply of providers could reduce trip fares, affecting a company's ability to maintain their quality of service. They would lack the revenues and capital to update and maintain vehicles, install new dispatch technologies, recruit and retain drivers, or provide enough driver training and oversight. At the same time, too few vehicles could mean too-long of wait times, and a sometimes unreliable taxi system, especially at peak times, which keeps the market from growing and providing more opportunities –and higher incomes—for taxi drivers.

### A note on the oldest PFHT

Although it was the first form of PFHT that the city ever had, horse-drawn carriage rides no longer exist in Portland. A horse died on a hot Portland day in the summertime while pulling a wedding party in a carriage in 2010. Soon after, City Council passed regulations aimed to prevent any such tragedy in the future. The regulations pose significant barriers to entry into the horse-drawn carriage ride market as well as substantial challenges to operators, such that the service no longer exists today in the City of Portland.

## Introduction of Transportation Network Companies

A Transportation Network Company (TNC) connects passengers with drivers offering for-hire transportation service via an online-enabled platform or mobile app. Examples of TNCs include Uber, Lyft and Sidecar. The term “ridesharing” is often used to describe a TNC, however “ridesharing” more accurately describes other activities such as carpooling or shuttle service where drivers offer transportation to passengers to destinations and routes already planned by drivers. Ridesharing can be both a free and for-hire service. The transportation service offered by TNCs is always for-hire.

TNCs first entered the market around 2010 in California's Bay Area and quickly gained popularity among customers who appreciated, among other things, the ease of accessing for-hire transportation via a mobile application. TNCs also quickly became popular by drivers who saw driving on a TNC platform as a means to gain income. At the time TNCs first entered the market, PFHT regulations in cities throughout the U.S. and abroad did not specifically address TNCs. Many TNCs asserted that without regulations that specifically address the TNC business model, TNCs were exempt from complying with regulations to which other PFHT companies adhere. By not obtaining permits that other PFHT companies and drivers have historically received to legally operate, many PFHT companies and drivers argued that TNCs had an unfair competitive advantage in the PFHT market. Additionally, PFHT regulators cautioned that entities engaged in PFHT activities that do not obtain PFHT permits and do not comply with longstanding PFHT

regulations, placing the public, TNC drivers, TNC customers, and TNCs themselves at risk. Such regulations provide important safeguards and standards to protect consumers, ensure accessibility, and allow for a fair, competitive market for drivers and companies. Consequently, legal challenges have played out in several jurisdictions to address these issues and many jurisdictions have since adopted regulations that allow TNCs to legally operate.

## PFHT: Portland present

The City of Portland has, as of this date, 460 taxicab permits issued to seven taxicab companies for a ratio of one taxi for about every 1,300 people –far fewer taxis per person than most other cities of similar size. There are requests, right now, for an additional 377 taxicab permits, including permits for five new companies. This number does not include any of the TNCs, none of whom have requested permits. The city has about 800 permitted taxi drivers. There are also about forty-five (45) non-emergency medical transportation companies, with nearly 400 vehicle permits. There are about seventy-five (75) limousine, executive sedan, party bus, and tour bus companies permitted by the City of Portland, representing about 120 drivers. The city has about forty (40) shuttle companies, with about sixty (60) drivers. There are four pedi-powered companies with about twenty-five (25) permitted drivers.

The Private for-hire Transportation Program at the City of Portland recently moved to the Portland Bureau of Transportation from the Revenue Bureau. The program is supervised by the Off-Street Parking and Regulatory Division Manager and managed by the PFHT Manager, who oversees five regulatory specialists as well as additional office support staff.

## Today

For over 100 years, Portland's PFHT regulations have evolved in a dynamic world that has not always behaved as predicted. While PFHT is as old as the city itself, there is a new paradigm in transportation and consumers are increasingly responding to choices and variety. Apps are a big part of the future, while the present time concurrently makes up a spectrum of customers with varied abilities and needs. In the evolution of Portland's taxi regulations, officials have sought over time to create a safer, more equitable city for all, where drivers and customers are protected, drivers can make a living, and no one is denied access to service. The present time, with a technology boom and a share economy, poses a unique opportunity to deliver change to an ever-evolving piece of Portland.

**ORDINANCE No.**

Replace Code Chapter 16.40 pertaining to Private For-Hire Transportation in the City of Portland. (Ordinance; replace Code Chapter 16.40).

The City of Portland ordains:

Section 1. The Council finds:

1. The purpose of the City of Portland's Private For-Hire Transportation Program (PFHT) is to provide for the safe, fair and efficient operation of private "for-hire" transportation services;
2. The City Code defines private for-hire transportation as providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government;
3. The City of Portland has a responsibility to ensure the safety and reliability of vehicles for-hire as a matter of public concern and has the authority, delegated by ORS 221.495, to license, control and regulate privately owned vehicles for hire operating within the City of Portland;
4. The private for-hire market has significantly changed as consumer demands have evolved and as Portland experiences population growth and a thriving tourism industry;
5. An ECONorthwest study found that in 2013, Portland had 7.5 taxis per 10,000 residents in 2013, the second-lowest among 10 cities in the study.
6. Six of the 10 cities in the ECONorthwest study had taxis available at twice the rate as Portland;
7. The City of Portland's private for-hire transportation network is made up of different modes of PFHT service with different business models, privileges and regulatory burdens, and that each type of service serves an essential role in the overall city-wide transportation network;
8. New models of for-hire transportation have emerged in response to changing markets and consumer demand;
9. The City has an interest in ensuring that each type and mode of PFHT provider complies with City regulations that protect public health, safety, consumer protection, morals or general welfare;

10. Transportation Commissioner Steve Novick convened a 12-member, community PFHT Innovation Task Force (Task Force) to provide guidance and recommendations on how the City's PFHT regulatory program should evolve and respond to new developments in the industry, including the entry of TNCs;
11. Since January 2015, the Task Force has deliberated for nearly 700 hours in public meetings and has heard from taxi drivers, taxi companies, TNC drivers, TNC companies, other PFHT stakeholders and the general public;
12. The Task Force convened a Listening Session for PFHT drivers and a Community Forum for the general public;
13. The Task Force is recommending a two-phase approach to reform PFHT regulations;
14. The Task Force recommends that Phase 1 include a 120-day pilot program, during which time TNC permits will be made available, regulations for taxi companies will be modified and market data will be collected and analyzed;
15. The Task Force recommends that during Phase 2, the Task Force will assess market data and solicit public input that will inform recommendations for an overhaul to all of the City's PFHT rules;
16. The Task Force's final report is expected in July 2015 with regulatory recommendations for all modes of for-hire transportation, including taxicabs, TNCs, accessible for-hire transportation service, Limited Passenger Transportation companies, pedicabs and shuttles;
17. The Task Force's initial regulatory recommendations for taxi companies and TNCs were presented to Council on April 9, 2015;
18. On April 15, 2015, Portland City Council directed the Portland Bureau of Transportation to initiate a PFHT Pilot Program, during which time TNC permits were made available, regulations for taxi companies were modified and market data was collected and analyzed by the Bureau;
19. The Task Force continued to review PFHT regulations, monitor the PFHT market and solicit public input on revised taxi and TNC regulations and presented Council with final regulatory recommendation on August 20, 2015.
20. Ridership data received from taxi companies and TNCs during the first four months of the Pilot Program indicates that overall ridership in the Portland Metro increased by 40% from the start of May to the end of August, suggesting that consumer demand for for-hire transportation service is now being better served with the addition of new taxi vehicles, new taxi companies and transportation network companies

21. The revised taxi and TNC requirements outlined in Chapter 16.40 incorporate recommendations made by the PFHT Innovation Task Force, PFHT industry stakeholders and the riding public and are necessary to ensure public safety, establish consumer protections and to provide sufficient private for-hire supply to meet public demand;
22. The revised taxi and TNC requirements outlined in Chapter 16.40 will allow permitted Transportation Network Companies to operate in the City of Portland and create parity, where possible, between the permitted taxi companies and TNCs to avoid any prejudice to the interests of affected parties;
23. The revised taxi and TNC requirements outlined in Chapter 16.40 will establish specific taxi and TNC requirements for the following: Equity and inclusion, vehicle inspections, driver background checks, insurance, driver training and testing, permit fees and penalties, minimum standards of service, local agents of service, fare rates and pricing, vehicle signage/notices, street hailing and taxi stands, and data reporting;
24. The revised taxi and TNC requirements outline in Chapter 16.40 will allow the City to gather critical market and industry data in to improve all aspects of the City's PFHT regulations and the Portland's transportation network;
25. That Council is committed to improving for-hire transportation service for people with disabilities and revised requirements outlined in Chapter 16.40 mandate that all permitted taxi companies and TNCs accommodate persons with disabilities;
26. That failure to comply with requirements pursuant to Chapter 16.40 will result in penalties and/or a revocation of a permit;
27. Under Chapter 16.40, operating private for-hire vehicles without permits is a criminal offense, subjecting the operator to arrest and vehicle impoundment;
28. In order to provide greater deterrence, the City believes that continued violations of the criminal provisions of Chapter 16.40 and the property that is used to commit such prohibited conduct should be subject to civil forfeiture.

NOW, THEREFORE, the Council directs:

- a. Replace Code 16.40, as set forth in Exhibit A.

Passed by the Council,  
Commissioner Steve Novick  
Prepared by: Bryan Hockaday  
Date Prepared: 4-9-2015

Mary Hull Caballero  
Auditor of the City of Portland  
By

Deputy

**EXHIBIT A**

**Chapter 16.40**  
**PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS**

**16.40.010 PFHT Program Purpose and Provisions**

**A.** To ensure the safety and reliability of for-hire transportation services as a matter of public concern, The City of Portland has the authority, delegated by ORS 221.495, to license, control and regulate privately owned vehicles for hire operating within the City of Portland. 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, and it is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.

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

- 1.** Promote innovation and adaption within the for-hire transportation industry to meet evolving consumer demand; and
- 2.** Allow fair competition, so long as public safety and the public interest is served thereby.

**16.40.020 Chapter Applies to all Companies, Drivers and Vehicles.**

**A.** It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because a PFHT service operator does not possess a valid, City-issued permit, certification, decal or taxiplate.

**B.** The requirements of Chapter 16.40, along with any penalties that may be assessed for violations of Chapter 16.40, apply to all for-hire transportation service operators, whether or not legally and validly permitted.

**16.40.030 Definitions**

**A.** “Approved Blue Seal Shop” means a mechanic shop recognized officially by the National Institute of Automotive Service Excellence (ASE) as being an ASE Blue Seal Automotive Shop.

**B.** “Approved Mechanic” means a mechanic who meets all the following criteria:

- 1.** Does not own, lease or drive a vehicle for-hire;

**2.** Has no financial interest in any for-hire transportation company operating within the States of Oregon or Washington;

**3.** Has received and maintains a current, valid Automotive Service Excellence (ASE) Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8.

**4.** Is not employed by any for-hire transportation company.

**C.** “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been declared a total loss by an insurer typically due to a crash, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.

**D.** “Bureau” means the Portland Bureau of Transportation of the City of Portland.

**E.** “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).

**F.** “Certificate of Safety” means a document from an approved mechanic certifying that a vehicle meets all requirements set forth in this Chapter and/or administrative rules.

**G.** “Certification List” means a list drivers and vehicles submitted by a private for-hire company for approval as permitted if certified by the Director as meeting all requirements set forth in this Chapter and/or administrative rules.

**H.** “Committee” means the private for-hire advisory committee

**I.** “Company Permit” means the permit issued to a private for-hire Transportation Company under the terms of this Chapter and/or administrative rules.

**J.** “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted for-hire driver or company for the use of the driver or company’s for-hire transportation services. For-hire transportation providers that only accept gratuities, tips, etc, are considered to be providing “for-hire” transportation services.

**K.** “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.

**L.** “Customer” means a person who purchases for-hire transportation service from a for-hire transportation service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.

**M.** “Day” means a business day and not a calendar day unless specifically stated otherwise.

**N.** “Decal” means the numbered identification sticker issued by the City and affixed to an LPT vehicle.



**O.** “Director” means the Director of the Portland Bureau of Transportation or the Director’s designee, including the Private for-hire Transportation Program Manager.

**P.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.

**Q.** “Driver Permit” means the documentation issued by the Director affirming the driver is approved and certified as a private for-hire transportation driver under the terms of this Chapter.

**R.** “Driver” means a for-hire transportation driver, including taxi drivers, TNC drivers, shuttle drivers, executive sedan drivers, LPT drivers, pedicab drivers and horse drawn carriage drivers.

**S.** “Dynamic Pricing” means the pricing as impacted by market demand which can be an upward or downward deviation from the fare rates established by the private for-hire companies and approved by the Director.

**T.** “Executive Town Car Company” means any entity operating an Executive Town Car Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**U.** “Executive Town Car Company Driver” means any person operating an Executive Town Car Vehicle as a driver for any Taxi Company.

**V.** “Executive Town Car Company Services” means private for-hire transportation offered or provided for compensation to passengers by an Executive Town Car Driver and Executive Town Car Driver Vehicle on behalf of or by an affiliated Executive Town Car Driver Company.

**W.** “Executive Town Car Company Vehicle” means a sedan or sports utility vehicle (SUV) widely recognized as a luxury make and model.

**X.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled or powered, in whole or in part, by a horse, mule or other animal(s).

**Y.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.

**Z.** “Limousine” means a vehicle whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the

manufacturer's original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a "limousine".

**AA.** "Limousine, Party Bus or Tour Bus (LPT) Company" means any entity operating LPT Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**BB.** "LPT Driver" means any person operating a Limousine, Party Bus Vehicle or Tour Bus Vehicle as a driver for any LPT Company.

**CC.** "LPT Services" means private for-hire transportation offered or provided for compensation to passengers by a LPT Driver and LPT Vehicle on behalf of or by an affiliated LPT Company.

**DD.** "Non-Emergency Medical Transportation (NEMT) Company" means any entity that offers and/or provides for-hire transportation services used for agency-sponsored, contracted transportation as defined in ORA 410-136-3000.

**EE.** "Non-Emergency Medical Transportation (NEMT) Driver" means any person operating a vehicle for compensation to offer and/or provide NEMT Services.

**FF.** "Non-Emergency Medical Transportation (NEMT) Services" means any for-hire transportation services used for agency-sponsored, contracted transportation as defined in ORA 410-136-3000.

**GG.** "Non-Emergency Medical Transportation (NEMT) Vehicle" means any vehicle driven to offer and/or provide NEMT Services.

**HH.** "Operate" means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.

**II.** "Party Bus" means a van or luxury bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes.

**JJ.** "Passenger" means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.

**KK.** "Pedicab" means a tricycle that:

1. Transports or is capable of transporting passengers on seats attached to the tricycle;
2. Is powered by human power or an electrical assist; and
3. Is used as a for-hire transportation service.

**LL.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.

**MM.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.

**NN.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid City-issued permit, decal, taxiplate or certification.

**OO.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.

**PP.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.

**QQ.** “Prearranged” means that the customer, passenger or passenger’s agent has personally asked the driver of a validly permitted for-hire vehicle or a validly permitted for-hire transportation company for transportation services, regardless of the communication format used. The Director may establish the amount of time required between asking and receiving transportation services to allow a presumption that the services were “prearranged”.

**RR.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity including transportation that is regulated entirely by the state of Oregon or the federal government.

**SS.** “Private for-hire vehicle” means a motorized or non-motorized vehicle used to transport persons for-hire or other consideration and which is not exclusively regulated by the State. This includes limousines, taxis, TNC vehicles, executive sedans, shuttles, NEMTs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.

**TT.** “Revocation” means that a permit, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director of the Portland Bureau of Transportation.

**UU.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.

**VV.** “Suspension” means that a permit, taxiplate or decal is temporarily invalid and that the holder of that permit, taxiplate or decal may not engage in any for-hire transportation activity under the authority granted to that suspended permit, taxiplate or decal. A suspension may also apply to a Private for-hire driver.

**WW.** “Tour Bus Vehicle” means any van or bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes and driven by a Tour Bus Driver to offer and/or provide Tour Bus Services.

**XX.** “Taxi Company” means any entity operating Taxi Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**YY.** “Taxi Driver” means any person operating a Taxi Vehicle as a driver for any Taxi Company.

**ZZ.** “Taxi Vehicle” means any vehicle driven by a Taxi Driver to offer and/or provide Taxi Services.

**AAA.** “Taxi Services” means private for-hire transportation offered or provided for compensation to passengers by a Taxi Driver and Taxi Vehicle on behalf of or by an affiliated Taxi Company.

**BBB.** “Taximeter” means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.

**CCC.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.

**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

**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.

**FFF.** “Transportation Network Company (TNC) Services” means any private for-hire transportation offered or provided to passengers for compensation by a TNC Driver and TNC Vehicle on behalf of or by an affiliated Transportation Network Company.

**GGG.** “Transportation Network Company (TNC) Vehicle” means any vehicle driven by a Transportation Network Company Driver to offer and/or provide Transportation Network Company Services.

**HHH.** “Week” means the 7-day period from Monday through Sunday.

**III.** “Wheelchair Accessible Vehicle (WAV)” means that a for-hire transportation vehicle is equipped with a hydraulic lift or ramps designed for the purpose of transporting

wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically handicapped persons.

**16.40.100 Taxi Services Permits Required.** The operation of a Taxi Company is a privilege and not a right. For taxi services to be provided in the City of Portland, the Taxi Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Taxi Company Vehicles and Taxi Company Drivers have met all certification and operating requirements.

**A. Taxi Company Permit Requirements.** No person or entity shall conduct business as a Taxi Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. Taxi Driver Certification Requirements.** No person or entity shall conduct business as a Taxi Driver in the City of Portland without certification by the Director prior to being authorized to provide taxi services on behalf of an affiliated Taxi Company. Drivers not meeting all required conditions will not be certified as Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. Taxi Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being used to provide Taxi services by an affiliated Taxi Company. Vehicles not meeting all required conditions will not be certified as Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**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:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;

- 5.** If the applicant Taxi Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
  - 6.** If the applicant Taxi Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
  - 7.** The applicant Taxi Company’s Zero-Tolerance Drug Policy;
  - 8.** The applicant Taxi Company’s User Terms of Service;
  - 9.** The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, Taxi Dispatch App general use information;
  - 10.** Contact information of the Taxi Company’s Agent of Service and Customer Service Support;
  - 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 nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a Taxi Company permit.
- C.** Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- D.** Insurance. All Taxi Company permit holders shall comply with taxi insurance requirements pursuant to Section 16.40.130. All Taxi Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed Taxi Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**F. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Taxi Company permit.

**G. Application Denial.** The Application shall be denied for any of the following:

1. The Taxi Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The Taxi Company applicant provides dispatch services to anyone other than affiliated taxi drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
3. The Taxi Company applicant leases, permits, or otherwise allows other entities not affiliated with the Taxi Company and certified by the Director to operate Taxi Services;
4. The Taxi Company applicant affiliates with and provides dispatch services to drivers operating vehicles without Taxi Vehicle certification by the Director.
5. The application has a material misstatement or omission; and
6. The Taxi Company application is incomplete.

**H. Denial Appeal.** If the application is denied, the applicant Taxi Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I. Providing Taxi Services.** Taxi Services shall only be provided by a permitted Taxi Company.

**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;
4. Taxi Driver Business License Number; and

**5.** Driver training and testing within 30 calendar days of a Taxi Driver's certification by the Director.

**K. Term of Certified Taxi Driver.** Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director

**L. Taxi Driver Re-certification.** The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.

**M. Certification of Taxi Vehicles.** The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to providing Taxi Services. Vehicles not meeting all required conditions will not be certified as a permitted Taxi vehicle and will not be allowed to operate as a Taxi Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. Taxi Company general liability and automobile liability insurance;

**N. Term of Certification of Taxi Vehicles.** Certifications for Taxi Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

**O. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.



**P. Denial Appeal.** If a Taxi Driver or Taxi Vehicle certification is denied, suspended or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**Q. Right to a Permit.** The Taxi Company's ability to satisfy the criteria for a Taxi Company permit does not create a right to a Taxi Company permit.

**R. Transferring Permits.** Transferring permits shall be prohibited.

**S. Removal of Taxi Drivers and Vehicles from affiliated Taxi Company.** Taxi Companies shall provide to the Director regular notification of affiliated Taxi Drivers that have been prohibited from providing Taxi Services by the affiliated Taxi Company and Taxi Vehicles that have been removed from the fleet of the affiliated Taxi Company.

**T. Operating at the Port of Portland.** Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.**

**A. Permit Fees.** Taxi Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B. Permit Issuance.** No Taxi Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

#### **16.40.130 Taxi Company Insurance Requirements**

**A.** In order to provide protection to the public, the Taxi Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

**B. Providing Taxi Services.** The Taxi vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the Taxi Company, the Taxi Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Taxi Company receiving a Taxi Company permit.

**C. Additional Insured and Notification of Policy Changes.** The Taxi Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** Taxi Drivers shall be responsible for ensuring the Taxi Driver and Taxi Vehicle have appropriate personal insurance coverage as required by State law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F. Commercial Business Insurance.** Taxi Company permit holders shall 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.

**G. Automobile Insurance.** All Taxi Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

1. 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 any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.

**H. Certification of Auto Insurance.** Taxi Companies shall provide proof of current, valid insurance for Director certification that all affiliated Taxi Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

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

**M. Additional Policy Conditions:** Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for or comply with the following:

**1. Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D - H. The same certificate of liability and additional insured endorsement requirements will apply.

**2. Alternatives to insurance,** such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**16.40.140 Taxi Company Operating Responsibilities and Prohibitions.**

**A. Minimum Standards of Service.** A permitted Taxi Company shall comply with the following minimum standards:

- 1.** A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
- 2.** Acceptance of any request for Taxi Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to 16.40.190.
- 3.** Service city-wide, 24 hours a day, 7 days a week.
- 4.** A minimum fleet of 15 Taxi Vehicles.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted Taxi Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Taxi Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a Taxi Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against Taxi Company shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare Rate Transparency.** All Taxi fare rates shall be established by the Taxi Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for WAV service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted Taxi Company and approved by the Director prior to implementation.

**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.

**F. Limitation or Prohibition on Dynamic pricing.** The Director may limit or prohibit dynamic pricing by any Taxi Company or Taxi Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040. Dynamic pricing is prohibited at all times for WAV service.

**G. Agent of Service Requirements.** Taxi Companies will maintain, during all times when the Taxi Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** Taxi Companies will maintain, during all times when the Taxi Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each Taxi Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Taxi driver involving the operation of Taxi service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Taxi Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Taxi Company.

**J. Data Requirements.**

**1.** Any permitted Taxi Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

- a.** Number, date and time of fulfilled requests
- b.** Number, date and time of unfulfilled requests
- c.** Number, date and time of trips
- d.** Trip origin zip code;
- e.** Trip destination zip code;
- f.** Trip wait time, and;
- g.** Trip duration and miles traveled.

**2.** Taxi Companies shall submit data, in aggregate form, pursuant to any applicable data sharing agreement with the City and permitted companies.

**3.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

**4.** In the event disclosure of such data is required by law, the City will provide Taxi Companies notice prior to any disclosure of such data.

**5.** Upon request, the Taxi Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. Digital Record Requirements.** Digital records shall provide a verifiable way to identify drivers and riders for investigatory purposes. A permitted Taxi Vehicle must maintain either secure, digital records with contact information from Taxi Drivers and Taxi passengers or a digital security camera system in accordance with the following requirements:

**1.** Digital security cameras are required in every permitted taxicab or secure digital records with contact information from the passenger must be maintained by the Taxi Company. Taxi Companies own the cameras or secure digital records and are responsible for their maintenance and the records produced by them.

2. Taxi Companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements and schedule.
3. No Taxi Driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab or any digital records maintained by the Taxi Company.
4. Taxi Drivers must utilize the digital security camera and immediately notify the Taxi Company if a digital security camera system is or appears to be damaged, stolen or inoperative. When a digital security camera is utilized, signage must be visible to passengers within the Taxi Vehicle that states the following: **YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.**
5. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records to pursuant to the investigation request.
6. No Taxi Company or Driver may allow any person to intentionally access any records produced by the digital security camera or record systems.
7. The Taxi Company shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

**L. Taxi Company Records Management and Mandatory Compliance.**

1. Taxi Companies will be required to keep documentation of all certified Taxi Drivers and Taxi Vehicles. Such records shall be kept on file during the term of the Taxi Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Taxi Company records shall be provided to the Director and/or law enforcement officers.
2. Taxi Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.150 Taxicab Vehicle Certification Requirements**

**A. Taxi Vehicle Certification.** The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to being used to provide taxi service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Vehicle.

**B. Term of Certified Taxi Vehicle.** Certifications for Taxi Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Taxi Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for Taxi Vehicle certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a Taxi Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Taxi Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All Taxi Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Age Requirements.** No vehicle will be allowed to operate as a Taxi Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Taxi Vehicle.

**F. Vehicle Safety Inspections.** Each Taxi Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. Taxi Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Taxi Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Taxi Vehicle shall meet the following requirements:

1. Be kept in safe condition and good repair;
2. Be kept clean and in good appearance;

3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

#### **16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a Taxi Vehicle unless it has been certified by the Director and is affiliated with a permitted Taxi Company and Taxi Driver.

**B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a Taxi Driver's business license registration, as required by Chapter 7.02, and shall be kept in every Taxi Vehicle.

**C.** Identification of Taxi Vehicles. Every Taxi Vehicle shall meet the following identification requirements to operate as a Taxi Vehicle:

1. Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words "taxi", "cab" or "taxicab" anywhere on the vehicle, unless the company's legally registered name at the time this ordinance passes contains the word "cab".
2. Every Taxi Vehicle affiliated with a Taxi Company must be painted in the unique color and design scheme of that affiliated Taxi Company, as approved by the Director.
3. Every Taxi Vehicle must prominently display on both sides of the vehicle the following information:
  - a. The full name of the Taxi Company;
  - b. The company-assigned Taxi Vehicle number;
  - c. The telephone number of the Taxi Company where services can be requested; and



**d.** Word "taxi", "cab" or "taxicab".

**D.** Every Taxi Vehicle 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. Taximeters shall meet the following requirements:

**1.** Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab and must include the following:

**a.** The identifying number of the taximeter;

**b.** The make, model and license number of the Taxi Vehicle in which the taximeter is installed;

**c.** The name of the taxicab company; and

**d.** The date of inspection.

**e.** A statement that the taximeter has been inspected and approved as operating within the acceptable limits and rates as specified by the Director and on file.

**f.** The signature of the individual making the certification.

**2.** Taxi Companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.

**3.** Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.

**4.** All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a "Certificate of Conformance" issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.

**5.** Certificates of inspection may be examined or a taximeter re-inspected by the Director or law enforcement officers at any time during normal business hours.

**E.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Taxi Vehicle.

**F. Vehicle Operating Conditions.** In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

1. All Taxi Vehicle equipment and devices shall be properly equipped and maintained in good working order.
2. At all times, Taxi Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, taximeter, top light, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
3. The Taxi Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
4. Taxi Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
5. The Taxi Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**G. Mandatory Compliance.** Taxi Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.170 Taxi Driver Certification Requirements**

**A. Taxi Driver Certification.** The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a permitted Taxi Company prior to operating a Taxi Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Driver. Taxi Companies regularly provide a current list of affiliated Taxi Drivers and Taxi Vehicles.

**B. Term of Certified Taxi Driver.** Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for Taxi Driver certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director Taxi Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Taxi Driver on a form approved by the Director.

**D. Taxi Driver Criminal and Driving Background Checks.** A local and national 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 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.
3. Dru Sjodin National Sex Offender Public Registry

**E. Taxi Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Taxi Driver and cannot provide Taxi Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
4. During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

**b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

**5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;

**6.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**7.** The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;

**8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;

**10.** The applicant is less than 21 years old; or

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All Taxi Driver Criminal and Driving Histories are subject to review by the Director.

**G.** Taxi Driver Training. Taxi Drivers shall successfully complete Director approved trainings within 30 days of Taxi Driver certification by the Director in each of the following subject areas:

- 1.** Relevant City Code provisions and Administrative Rules;
- 2.** Vision Zero principles of traffic safety; and
- 3.** Portland-area attractions; and
- 4.** Customer Service

**H. Insurance Requirements.** All Taxi Drivers affiliated with a Taxi Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**I. Business License Requirements.** All Taxi Drivers affiliated with a Taxi Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Taxi Vehicle. Any Taxi Driver without a valid City of Portland Business License cannot be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver until such Business License is obtained.

**J. Taxi Driver Re-certification.** The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi Services.

**K. Suspension or Revocation of Certified Taxi Drivers.** If a Taxi certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified. Taxi Drivers and Taxi Vehicles without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

#### **16.40.180 Taxi Driver Conduct, Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Taxi Drivers shall carry while operating as a Taxi Driver upon request of a law enforcement officer provide the following:**

**1.** A non-digital fax or photocopy proof of Taxi Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a Taxi Driver.

**2.** Portland Business License. Taxi Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a Taxi Driver.

**C. Driver Conduct.** No Taxi Driver shall:

**1.** Allow another person to use his/her Taxi Driver certification

**2.** Drive or allow another person to drive a Taxi Vehicle without a valid driver's license while the vehicle is being used to provide Taxi Services;

3. Operate any Taxi Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
  4. Operate any for-hire transportation vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
  5. Use a vehicle in the commission of any crime;
  6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
  7. Consume any intoxicant or smoke of any substance while operating a Taxi Vehicle. ;
  8. Allow any passenger to consume an intoxicant or smoke any inside a Taxi Vehicle;
  9. Defraud a passenger in any way;
  10. Be discourteous to a passenger;
  11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
  12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
  13. Operate any Taxi Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
  14. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted by Taxi dispatch or Taxi Driver.
  15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D. Maximum hours of driving.** No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- E. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.**
1. A Taxi Driver may accept street-hails to include taxi stands and hotel zones

2. Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to 16.40.140 and available for review by the Director or law enforcement officer;

**F. Mandatory Compliance.** Taxi Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every Taxi Driver shall report any of the following events to the Director and to all affiliated Taxi Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**H. Suspension or Revocation of Certified Taxi Drivers.** If a Taxi Driver or Taxi Vehicle certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified. Taxi Drivers and Taxi Vehicle without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

#### **16.40.190 Accessible Service Requirements.**

Taxi companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A. Accommodations to passengers accompanied by a service animal**
1. Requests for service from a passenger accompanied by a service animal may not be refused.
  2. Taxi Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Taxi Company so that an alternate Taxi Driver may be promptly dispatched to fulfill the passenger's request for service.

- B.** Accommodations to passengers with hearing and visual impairments.
- 1.** Taxi Companies shall maintain at all times dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
  - 2.** Taxi Companies shall maintain customer service support services pursuant to 16.40.140 (H) in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility
- C.** Accommodations to passengers with mobility devices.
- 1.** Taxi Companies shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible Taxi Vehicle.
  - 2.** Taxi Companies shall maintain at all times dispatch services available to customers that accept requests for a wheelchair accessible vehicle.
  - 3.** Taxi Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Taxi Vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
  - 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible Taxi Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
  - 5.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
    - a.** Vehicle specifications;
    - b.** Wheelchair loading and securement;
    - c.** Customer service and communication with customers;
    - d.** Driver training; and
    - e.** Estimated wait times.



6. Any permitted Taxi Company shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:

- a. number, date and time of WAV fulfilled requests;
- b. number, date and time of WAV unfulfilled requests;
- c. number, date and time of WAV trips;
- d. WAV trip origin zip code;
- e. WAV trip destination zip code;
- f. WAV trip wait time, and;
- g. WAV trip duration.

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

- a. 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;
- b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to comparable non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

#### **16.40.200 Transportation Network Company Services Permits Required.**

The operation of a Transportation Network Company is a privilege and not a right. For transportation network services to be provided in the City of Portland, the Transportation Network Company shall be required to obtain a permit. The Bureau shall certify that all affiliated TNC Vehicles and TNC Drivers have met all certification and operating requirements.

**A. Transportation Network Company Permit Requirements.** No person or entity shall conduct business as a Transportation Network Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this

section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. Transportation Network Driver Certification Requirements.** No person or entity shall conduct business as a Transportation Network Driver in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions will not be certified as TNC Driver and will not be allowed to operate as a TNC Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**C. Transportation Network Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Transportation Network Vehicle in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions will not be certified as TNC Vehicle and will not be allowed to operate as a TNC Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.210 TNC Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

**A. Application.** An applicant for a TNC permit shall submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
5. If the applicant TNC is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant TNC is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant TNC’s Zero-Tolerance Drug Policy
8. The applicant TNC’s User Terms of Service

- 9.** TNC App description with general use information and customer instructions for requesting a wheelchair accessible vehicle;
- 10.** Contact information of the TNC's Agent of Service and Customer Service Support.
- 11.** The trade dress the applicant TNC proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application.
- 12.** A nonrefundable application fee.
- 13.** All fines and penalties must be paid prior to issuing or reissuing a taxi company permit.

**B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C.** Insurance. All TNC permit holders shall comply with TNC insurance requirements pursuant to Section 16.40.230. All TNCs shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D.** Director Review Process. After receiving a completed TNC company application form and upon successful completion of all the requirements pursuant to Section 16.40.210, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a TNC Company permit.

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**F.** Application Denial. The Application shall be denied for any of the following:

- 1.** The TNC applicant fails to submit all required information and documentation, including valid proof of insurance;
- 2.** The TNC applicant provides TNC App services to anyone other than TNC Drivers meeting the requirements set forth in Chapter 16.40.
- 3.** The TNC applicant leases, permits, or otherwise allows other entities not affiliated with the TNC and certified by the Director to operate TNC services;
- 4.** The TNC applicant affiliates with and provides a TNC App to drivers operating vehicles without a TNC Vehicle certification.

5. The application has a material misstatement or omission;

6. The TNC application is incomplete;

**G. Denial Appeal.** If the application is denied, the applicant TNC may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H. Providing Transportation Network Services.** TNC Services shall only be provided by a permitted Transportation Network Company.

**I. Certification of TNC Drivers.** The Transportation Network Company shall regularly provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in 16.40.270, on a form approved by the Director Drivers shall be certified by the Director prior to being activated on the affiliated TNC platform and drivers not meeting all required conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License;
4. TNC Driver Business License Number; and
5. Driver training within 30 calendar days of a TNC Driver's certification by the Director.

**J. Term of Certification of TNC Drivers.** Certifications for TNC Drivers provided by the Director shall be valid for a term of one year from date of Director certification.

**K. TNC Driver Re-certification.** The Transportation Network Company shall provide a list of applicant drivers for re-certification to the Director one month prior to the TNC Driver certification expiration, on a form approved by the Director Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.200. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

**L. Certification of TNC Vehicles.** The Transportation Network Company shall regularly provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.200, on a form approved by the Director Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC. Vehicles not meeting all required conditions will not be certified as a permitted TNC vehicle and will not be allowed to

operate as a TNC vehicle on a TNC platform. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. TNC Commercial Automobile Liability Insurance;
5. Personal Automobile Liability Insurance, as required by state law.

**M. Term of Certification of TNC Vehicles.** Certifications for TNC Vehicles provided by the Director shall be valid for a term of one year from date of Director certification

**N. TNC Vehicle Re-certification.** The Transportation Network Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to 16.40.200 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

**O. Denial Appeal.** If a TNC Driver or TNC Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10

**P. Right to a Permit.** The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.

**Q. Transferring Permits.** Transferring permits shall be prohibited.

**R. Removal of TNC Drivers and TNC Vehicles from affiliated TNC Platform.** TNC shall regularly provide to the Director notification of affiliated TNC Drivers and TNC Vehicles that have been permanently deactivated from the TNC Platform or prohibited from providing TNC Services by the affiliated TNC.

**S. Operating at the Port of Portland.** TNCs, TNC Drivers, and TNC Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.220 TNC Services Permit Fees and Civil Penalty Fines.**

**A. Permit Fees.** TNC Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B. Permit Issuance.** No TNC Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

#### **16.40.230 TNC Insurance Requirements.**

**A. TNC Service Periods Defined.** In order to provide protection to the public, the Transportation Network Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. Transportation Network Service is defined by three distinct periods:

- 1. Period 1:** The TNC Driver has logged into the App. The App is open and the driver is waiting for a match.
- 2. Period 2:** A passenger match has been accepted – the passenger is not yet picked up (i.e. the driver is on his/her way to pick up the passenger).
- 3. Period 3:** The Passenger is in the vehicle and until the passenger exits the vehicle at the destination.

**B. Providing TNC Services.** All periods of TNC Service shall be covered by a general commercial liability and primary automobile insurance policy secured by the TNC, the TNC Driver, or a combination of both. Evidence of TNC insurance requirements shall be received and approved by the City prior to a TNC receiving a TNC permit.

**C. Additional Insured and Notification of Policy Changes.** The TNC shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** TNC Drivers shall be responsible for ensuring appropriate personal motor vehicle liability insurance required by State law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F. Commercial Business Insurance.** TNC permit holders shall 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 TNC permit.

**G. Automobile Insurance.** All TNC permit holders shall provide the City with proof of the following coverages:

1. 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.
2. 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.
3. The required Automobile Liability policy shall specifically recognize the driver's provision of TNC services or other for hire transportation and shall comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.

**H. Certification of Auto Insurance.** TNCs shall provide proof of current, valid insurance for Director certification covering all affiliated TNC Drivers and Vehicles operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

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

**M. Additional Policy Conditions:** Policies required under Subsections 16.40.230 must also contain, include, provide for or comply with the following:

1. A TNC shall disclose in writing to affiliated TNC Drivers the insurance coverage, including the types of coverage and limits for each coverage that the

TNC provides while the affiliated TNC Driver uses an affiliated TNC Vehicle to provide TNC Services. The TNC shall also advise affiliated TNC Drivers in writing that the driver's personal automobile insurance policies might not provide coverage because the driver uses a vehicle in connection with an affiliated TNC, as specified by the terms of the policy

2. A TNC Driver's or the TNC Vehicle owner's personal automobile insurance policy may only provide coverage during period as defined by Section 16.40.230 to the driver, vehicle owner or any third party, if the policy expressly provides coverage for TNC activities during periods defined by Section 16.40.230 as specified by the terms of the policy.

#### **16.40.240 TNC Company Operating Responsibilities and Prohibitions.**

**A. Minimum Standards of Service.** A permitted TNC shall comply with the following minimum standards:

1. A TNC App in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
2. Acceptance of any request for TNC Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to 16.40.290.
3. The TNC App used to connect drivers to riders shall display an accurate picture of the TNC Driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted TNC Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all TNC Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a TNC's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare Rate Transparency.** All TNC fares rates shall be made available in a clear and transparent way to the TNC passenger on the TNC App prior to the TNC passenger accepting a ride.

**E. Receipts.** All TNC 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 TNC, name of TNC Driver, TNC customer service support contact information and the City of Portland's PFHT complaint phone number.

**F. Limitation or Prohibition on Dynamic pricing.** The Bureau Director will limit or prohibit dynamic pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.

**G. Agent of Service Requirements.** TNCs will maintain, during all times when the TNC Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** TNCs will maintain, during all times when the TNC Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each TNC shall regularly report the following to the Director:

1. Any crash and its claim status (open or closed) on a form approved by the Director
2. The number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the TNC related to the TNC services of the affiliated TNC, TNC Driver or TNC Vehicle in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.

**J. Data Requirements.**

1. TNCs shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests

- b.** Number, date and time of unfulfilled requests
- c.** Number, date and time of trips
- d.** Trip origin zip code;
- e.** Trip destination zip code;
- f.** Trip wait time, and;
- g.** Trip duration.

**2.** TNCs shall submit data, in aggregate form, pursuant to a data sharing agreement with the City and permitted companies.

**3.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

**4.** In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.

**5.** Upon request, the TNC shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. Digital Record Requirements.** Secure, digital records with contact information from TNC Drivers and TNC passengers shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders for investigatory purposes. Secure digital records must be maintained in accordance with the following requirements:

- 1.** Secure digital records with contact information from the TNC Driver and passenger must be maintained by the TNC. TNCs own the secure digital records and are responsible for their maintenance and the records produced by them.
- 2.** If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the TNC shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request.
- 3.** No TNC Company or Driver may allow any unauthorized person to intentionally access any records produced by the digital record systems.
- 4.** The TNC shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

**L. TNC Records Management and Mandatory Compliance.**

1. TNCs will be required to keep documentation of all certified TNC Drivers and TNC Vehicles. Such records shall be kept on file during the term of the TNC Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, TNC records shall be provided to the Bureau Director and/or law enforcement officers.

2. TNCs shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.250 TNC Vehicle Certification Requirements**

**A. TNC Vehicle Certification.** The Transportation Network Company shall regularly provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Vehicle.

**B. Term of Certified TNC Vehicle.** Certifications for TNC Vehicles provided by the Director shall be valid for one year from the date of the initial certification. Transportation Network Company shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within one month of the expiration date.

**C. Application Process.** Applications for TNC Vehicle certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director a TNC Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a TNC Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All TNC Vehicles will maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Age Requirements.** No vehicle older than 10 years will be allowed to operate as a TNC Vehicle following ten years after the vehicle manufactured date regardless of when the vehicle was purchased or put into service as a TNC Vehicle.

**F. Vehicle Safety Inspections.** Each TNC Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. TNC Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the TNC Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each TNC Vehicle shall meet the following requirements:

1. Each TNC Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - b. Be kept clean and in good appearance;
  - c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
  - e. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. TNC Vehicle Re-certification.** The TNC shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to 16.40.200 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

#### **16.40.260 TNC Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC Company and TNC Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle’s registration and proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of TNC insurance and proof of a TNC Driver’s business license number be kept in every TNC Vehicle.

**C. Trade Dress Signage.** Trade Dress Signage is required for each TNC Vehicle in operation. The Trade Dress Signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.

**D.** The consumption of alcohol and smoking of any substance, including but not limited to e-cigarettes, vapor cigarettes or prescription drugs that may impair your ability to operate a vehicle safely, shall be prohibited in any TNC Vehicle.

**E. Vehicle Operating Conditions.** In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

- 1.** All TNC Vehicle equipment and devices shall be properly equipped and maintained in good working order.
- 2.** At all times, TNC Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
- 3.** The TNC Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors.
- 4.** The TNC Vehicle shall be free of dirt, grease, grime, glue, rips, stains or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
- 5.** The TNC Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires while providing TNC Services,
- 6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**F. Mandatory Compliance.** TNC Vehicle shall be made available to compliance audits and enforcement actions upon request by the Director, authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.270 TNC Driver Certification Requirements**

**A. Driver Certification.** The Transportation Network Company shall regularly provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified TNC Vehicle prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Driver.

**B. Term of Certified TNC Driver.** Certifications for TNC Drivers provided by a TNC to the Director shall be valid for one year from the date of the initial certification. Transportation Network Company shall provide a re-certification to the Director within one month prior to the certification expiration.

**C. Application Process.** Applications for TNC Driver certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director TNC Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a TNC Driver on a form approved by the Director.

**D. TNC Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually, based on the drivers anniversary date, on behalf of the affiliated TNC 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 with validation (primary source search); and
2. All motor vehicle records associated with the applicant driver available pursuant to record laws of each state.
3. Dru Sjodin National Sex Offender Public Registry

**E. TNC Driver Criminal and Driving History Disqualifications.** A TNC Driver will not be certified and cannot provide Transportation Network Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;

- 3.** The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
- 4.** During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
- 5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
- 6.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
- 7.** The applicant has two or more traffic violations as defined in ORS 801.557, of any kind, within the previous 12 months from the date of the application;
- 8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
- 9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;
- 10.** The applicant is less than 21 years old; or
- 11.** The applicant is unable to obtain car insurance for any reason.
- 12. .** All TNC Driver criminal and driving histories are subject to review by the Director.

**F. TNC Driver Training.** TNC Drivers shall successfully complete Director approved trainings as administered by the Director or an approved TNC within 30 days of TNC Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety; and
3. Portland-area attractions; and
4. Customer Service

**G. Insurance Requirements.** All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**H. Business License Requirements.** All TNC Drivers affiliated with a TNC shall comply with all provisions of the Business License Law, Chapter 7.02 prior to being activated on the TNC App. Any TNC Driver without a valid City of Portland Business License cannot be certified as a TNC Driver and will not be allowed to operate as a TNC Driver until such Business License is obtained.

**I. TNC Driver Re-certification.** The TNC shall provide a list of applicant drivers for re-certification to the Director within one month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Sections 16.40.200. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

**J. Suspension or Revocation of Certified TNC Drivers.** If a TNC Driver or TNC Vehicle certification is suspended or revoked by the Director, the affiliated TNC shall be notified by the Director. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC Services.

#### **16.40.280 TNC Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. TNC Drivers shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.**

**C. Portland Business License.** TNC Drivers shall carry documentation of the driver's City of Portland Business License as required by Chapter 7.02 at all times while operating as a TNC Driver.



**D. Driver Conduct. No TNC Driver shall:**

1. Allow another person to use his/her TNC Driver certification
2. Drive or allow another person to drive a TNC Vehicle without a valid driver's license while the vehicle is being used to provide TNC Services;
3. Operate any TNC Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a TNC Vehicle. ;
8. Allow any passenger to consume an intoxicant or smoke any inside a TNC Vehicle;
9. Defraud a passenger in any way;
10. Be discourteous to a passenger;
11. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
12. Operate any TNC Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
13. Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted on the TNC App.
14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.**

1. A TNC Driver shall only accept rides booked through an affiliated TNC App and shall not solicit or accept street-hails or stop in any City-approved taxi zones.

2. A TNC Driver may not park a TNC Vehicle in a Hotel Zone or Loading/Unloading Zone.

**F. Mandatory Compliance.** TNC Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**H. Suspension or Revocation of Certified TNC Drivers.** If a TNC certification is suspended or revoked by the Director, the affiliated TNC shall be contacted by the Director. TNC Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a TNC Driver and shall not have access as a TNC Driver to the affiliated TNC app.

#### **16.40.290 Accessible Service Requirements**

TNCs shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

**A. Accommodations to passengers accompanied by a service animal**

1. Requests for service from a passenger accompanied by a service animal may not be refused
2. TNC Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated TNC so that an alternate TNC Driver may be promptly dispatched to fulfill the passenger's request for service.

**B. Accommodations to passengers with hearing and visual impairments**

1. TNCs shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
2. TNCs shall maintain customer service support services pursuant to Section 16.40.240 (H) in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility

**C. Accommodations to passengers with mobility devices**

1. TNCs shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible TNC Vehicle
2. TNCs shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair accessible vehicle
3. TNC Vehicles are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible TNC vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
4. Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible TNC Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
5. Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
  - a. Vehicle specifications
  - b. Wheelchair loading and securement
  - c. Customer service and communication with customers
  - d. Driver training
  - e. Estimated wait times

6. Any permitted TNC shall enter into any applicable agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of WAV fulfilled requests;
- b. Number, date and time of WAV unfulfilled requests;
- c. Number, date and time of WAV trips;
- d. WAV trip origin zip code;
- e. WAV trip destination zip code;
- f. WAV trip wait time; and
- g. WAV trip duration.

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

- a. 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;
- b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

#### **16.40.300 Executive Town Car Service Permits Required.**

The operation of an Executive Town Car Company is a privilege and not a right. For Executive Town Car Services to be provided in the City of Portland, the Executive Town Car Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Executive Town Car Vehicles and Executive Town Car Drivers have met all certification and operating requirements.

**A. Executive Town Car Company Permit Requirements.** No person or entity shall conduct business as an Executive Town Car Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section

shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. Executive Town Car Driver Certification Requirements.** No person or entity shall conduct business as an Executive Town Car Driver in the City of Portland without certification by the Director prior to being authorized to provide Executive Town Car services on behalf of an affiliated Executive Town Car Company. Drivers not meeting all required conditions will not be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**C. Executive Town Car Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as an Executive Town Car Vehicle in the City of Portland without certification by the Director prior to being used to provide Executive Town Car services by an affiliated Executive Town Car Company. Vehicles not meeting all required conditions will not be certified as Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.310 Executive Town Car Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

**A. Application.** An applicant for a Executive Town Car Company permit shall submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
5. If the applicant Executive Town Car Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant Executive Town Car Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any

other information that the Director may reasonably require;

7. The applicant Executive Town Car Company's Zero-Tolerance Drug Policy
  8. The applicant Executive Town Car Company's User Terms of Service
  9. The applicant dispatch or passenger reservation contact information.
  10. Contact information of the Executive Town Car Company's Agent of Service and Customer Service Support.
  11. The trade dress the applicant TNC proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application.
  12. Fare rates shall be provided to and approved by the Director prior to implementation.
  13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a Executive Town Car company permit.
- C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- D.** Insurance. All Executive Town Car permit holders shall comply with Executive Town Car insurance requirements pursuant to Section 16.40.330. All Executive Town Car Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed Executive Town Car Company application form and upon successful completion of all the requirements pursuant to Section 16.40.310, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Executive Town Car Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:
1. The Executive Town Car Company applicant fails to submit all required information and documentation, including valid proof of insurance;

2. The Executive Town Car Company applicant leases, permits, or otherwise allows other entities not affiliated with the Executive Town Car Company and certified by the Director to operate Executive Town Car services;
3. The application has a material misstatement or omission;
4. The Executive Town Car Company application is incomplete;

**H.** Denial Appeal. If the application is denied, the applicant Executive Town Car Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I.** Providing Executive Town Car Services. Executive Town Car Services shall only be provided by a permitted Executive Town Car Company.

**J.** Certification of Executive Town Car Drivers. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car for Director certification that drivers meet requirements in 16.40.300 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Executive Town Car services on behalf of the affiliated Executive Town Car Company and Executive Town Car drivers not meeting all required conditions will not be certified as a permitted Executive Town Car Driver and will not be allowed to operate as a Executive Town Car Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License;
- 4.. Driver training within 30 calendar days of a Executive Town Car Driver's certification by the Director.

**K.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.300. Drivers not meeting all such conditions will not be re-certified as a Executive Town Car Driver and shall not be allowed to operate as a Executive Town Car Driver.

**L.** Certification of Executive Town Car Vehicles. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet requirements pursuant to Section 16.40.300 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company

prior to providing Executive Town Car Services. Vehicles not meeting all required conditions will not be certified as a permitted Executive Town Car vehicle and will not be allowed to operate as a Executive Town Car Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. Executive Town Car Company general and motor vehicle liability insurance;
5. Personal Automobile Liability Insurance, as required by state law.

**M.** Term of Certification of Executive Town Car Vehicles. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

**N.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to 16.40.300 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

**O.** Denial Appeal. If an Executive Town Car Driver or Executive Town Car Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P.** Right to a Permit. The Executive Town Car Company's ability to satisfy the criteria for a Executive Town Car Company permit does not create a right to an Executive Town Car Company permit.

**Q.** Transferring Permits. Transferring permits shall be prohibited.

**R.** Removal of Executive Town Car Drivers and Vehicles from affiliated Executive Town Car Company. Executive Town Car Companies shall provide to the Director notification of affiliated Executive Town Car Drivers that have been prohibited from providing Executive Town Car services by the affiliated Executive Town Car Company and Executive Town Car Vehicles that have been removed from the fleet of the affiliated Executive Town Car Company as changes occur.



**S.** Operating at the Port of Portland. Executive Town Car Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

**16.40.320 Executive Town Car Services Permit Fees.**

**A.** Permit Fees. Executive Town Car Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B.** Permit Issuance. No Executive Town Car Company permit shall be issued until all fees have been received by the City.

**16.40.330 Executive Town Car Company Insurance Requirements**

**A.** In order to provide protection to the public, the Executive Town Car Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B.** Providing Executive Town Car Services. The Executive Town Car vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Executive Town Car Company, the Executive Town Car Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an Executive Town Car Company receiving a Executive Town Car Company permit.

**C.** Additional Named Insured and Notification of Policy Changes. The Executive Town Car Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D.** Ensuring Driver and Vehicle Insurance. Executive Town Car Drivers shall be responsible for ensuring the Executive Town Car Driver and Executive Town Car Vehicle have appropriate personal insurance coverage as required by State law.

**E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F.** Commercial Business Insurance. Executive Town Car Company permit holders shall 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.

**G. Automobile Insurance.** All Executive Town Car Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

**1.** 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 any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.

**H. Certification of Auto Insurance.** Executive Town Car Companies shall provide proof of current, valid insurance for Director certification that all affiliated Executive Town Car Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

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

**M. Additional Policy Conditions:** Policies required under Subsections 16.40.330 (F). and/or 16.40.330 (G) must also contain, include, provide for or comply with the following:

**1. Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.330 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.

2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.330 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**16.40.340 Executive Town Car Company Operating Responsibilities and Prohibitions**

- A.** Executive Town Car Companies shall accept all requests for Executive Town Car Service received from any location within the City
- B.** Zero Tolerance for Drug and Alcohol Use. All permitted Executive Town Car Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Executive Town Car Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an Executive Town Car Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an Executive Town Car Company shall be governed by Oregon tort law in effect at the time of the claim.
- D.** Fare rate Transparency. Executive Town Car fare rates shall be established by the Executive Town Car Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- E.** Receipts. All Executive Town Car 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 Executive Town Car Company, Executive Town Car Driver, Executive Town Car Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- F.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any Executive Town Car Company or Executive Town Car Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.
- G.** Agent of Service Requirements. Executive Town Car Companies will maintain, during all times when the Executive Town Car Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** Executive Town Car Companies will maintain, during all times when the Executive Town Car Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each Executive Town Car Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Executive Town Car driver involving the operation of Executive Town Car service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Executive Town Car Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Executive Town Car Company.

**J. Data Requirements.**

1. Any permitted Executive Town Car Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:
  - a. Number, date and time of fulfilled requests
  - b. Number, date and time of unfulfilled requests
  - c. Number, date and time of trips
  - d. Trip origin zip code;
  - e. Trip destination zip code;
  - f. Trip wait time, and;
  - g. Trip duration and miles traveled

2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
3. In the event disclosure of such data is required by law, the City will provide Executive Town Car Companies notice prior to any disclosure of such data.
4. Upon request, the Executive Town Car Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. Executive Town Car Company Records Management and Mandatory Compliance.**

1. Executive Town Car Companies will be required to keep documentation of all certified Executive Town Car Drivers and Executive Town Car Vehicles. Such records shall be kept on file during the term of the Executive Town Car Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Executive Town Car Company records shall be provided to the Director and/or law enforcement officers.
2. Executive Town Car Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.350 Executive Town Car Vehicle Certification Requirements.**

- A.** Executive Town Car Vehicle Certification. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to being used to provide Executive Town Car service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Vehicle.
- B.** Term of Certified Executive Town Car Vehicle. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Executive Town Car Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.
- C.** Application Process. Applications for Executive Town Car Vehicle certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director an Executive Town Car Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle

meets all requirements before the vehicle shall operate as an Executive Town Car Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All Executive Town Car Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Requirements.** Executive Town Car Vehicles shall widely be recognized as luxury vehicles and no vehicle will be allowed to operate as an Executive Town Car Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an Executive Town Car Vehicle.

1. Notwithstanding Subsection 16.40.350 E., the Director may, at the recommendation of the PFHT Advisory Committee pursuant to 16.40.970, adopt Executive Town Car Vehicle administrative rules and standards to allow Executive Town Car Vehicles with manufacturing dates beyond 10 years to operate and considered to be “Classic” and safe, clean and in good working order.

**F. Vehicle Safety Inspections.** Each Executive Town Car Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE Master Technician certification. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. Executive Town Car Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Executive Town Car Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Executive Town Car Vehicle shall meet the following requirements:

1. Each Executive Town Car Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - b. Be kept clean and in good appearance;

- c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
- d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. Executive Town Car Vehicle Re-certification.** The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to 16.40.310 (G-I) and 16.40.360 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

#### **16.40.360 Executive Town Car Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a Executive Town Car Vehicle unless it has been certified by the Director and is affiliated with a permitted Executive Town Car Company and Executive Town Car Driver.

**B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Executive Town Car Vehicle, pursuant to ORS 806.011.

**C.** Identification of Executive Town Car Vehicles. Every Executive Town Car Vehicle shall meet the following identification requirements to operate as an Executive Town Car Vehicle:

1. Upon successful completion of the Executive Town Car Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified Executive Town Car Vehicle.
2. Executive Town Car decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Executive Town Car Company permit. Fees for decals that are not issued contemporaneously with a Executive Town Car Company permit will be prorated to equal the cost of the number of months remaining until the Executive Town Car Company permit expires.
3. Executive Town Car decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.

4. Executive Town Car decals that are intentionally destroyed or damaged by an Executive Town Car Company or Executive Town Car Driver prior to renewal and without the City's authorization are not subject to renewal.
  5. Voided Executive Town Car Vehicle decals are not renewable in the year following their voidance. Once an Executive Town Car Vehicle decal is voided, an Executive Town Car Company may not renew that decal and instead must complete the initial application process if the Executive Town Car Company seeks a decal for that Executive Town Car Vehicle.
  6. Executive Town Car Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.
  7. Executive Town Car Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Executive Town Car Vehicle.
- E.** Vehicle Operating Conditions. In determining whether an Executive Town Car Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:
1. All Executive Town Car Vehicle equipment and devices shall be properly equipped and maintained in good working order.
  2. At all times, Executive Town Car Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
  3. The Executive Town Car Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
  4. Executive Town Car Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
  5. The Executive Town Car Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or



carpeting; and shall not be equipped with studded tires while providing Executive Town Car Services.

**6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**F.** Mandatory Compliance. Executive Town Car Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.370 Executive Town Car Driver Certification Requirements**

**A.** Executive Town Car Driver Certification. The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Executive Town Car Vehicle prior to being operating an Executive Town Car Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Executive Town Car Driver. Executive Town Car companies shall provide a current list to the Director as changes occur.

**B.** Term of Certified Executive Town Car Driver. Certifications for Executive Town Car Drivers provided by a Executive Town Car Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Executive Town Car Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C.** Application Process. Applications for Executive Town Car Driver certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director Executive Town Car Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Executive Town Car Driver on a form approved by the Director.

**D.** Executive Town Car Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Executive Town Car 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 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.

### 3. Dru Sjodin National Sex Offender Public Registry

**E. Executive Town Car Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Executive Town Car Driver and cannot provide Executive Town Car Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 7 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
4. During the 5-year period preceding the submission of the application, based on the conviction date,, the applicant has been convicted of any criminal offense involving:
  - a. any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
6. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;

**10.** The applicant is less than 21 years old; or

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All Executive Town Car Driver Criminal and Driving Histories are subject to review by the Director.

**G.** Executive Town Car Driver Training. Executive Town Car Drivers shall successfully complete Director approved trainings within 30 days of Executive Town Car Driver certification by the Director in each of the following subject areas:

- 1.** Relevant City Code provisions and Administrative Rules;
- 2.** Vision Zero principles of traffic safety; and
- 3.** Portland-area attractions; and
- 4.** Customer Service

**H.** Insurance Requirements. All Executive Town Car Drivers affiliated with an Executive Town Car Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**I.** Business License Requirements. All Executive Town Car Drivers affiliated with an Executive Town Car Company shall comply with all provisions of the Business License Law as required by Chapter 7.02 prior to operating an Executive Town Car Vehicle. Any Executive Town Car Driver without a valid City of Portland Business License cannot be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver until such Business License is obtained.

**J.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Sections 16.40.370 and Section 16.40.380. Drivers not meeting all such conditions will not be re-certified as a Executive Town Car Driver and shall not be allowed to provide Executive Town Car Services.

**K.** Suspension or Revocation of Certified Executive Town Car Drivers. If an Executive Town Car certification is suspended or revoked by the Director, the affiliated Executive Town Car Company shall be notified by the Director. Executive Town Car Drivers and

Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

#### **16.40.380 Executive Town Car Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Executive Town Car Driver or Executive Town Car Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Executive Town Car Drivers** shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as an Executive Town Car Driver. Upon request of the Director or law enforcement officer, Executive Town Car Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.

**C. Portland Business License.** Executive Town Car Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a Executive Town Car Driver.

**D. Driver Conduct.** No Executive Town Car Driver shall:

1. Allow another person to use his/her Executive Town Car Driver certification
2. Drive or allow another person to drive a Executive Town Car Vehicle without a valid driver's license while the vehicle is being used to provide Executive Town Car Services;
3. Operate any Executive Town Car Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a Executive Town Car Vehicle. ;
8. Allow any passenger to consume an intoxicant or smoke any inside a Executive Town Car Vehicle;
9. Defraud a passenger in any way;

**10.** Be discourteous to a passenger;

**11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;

**12.** Operate any Executive Town Car Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);

**13.** Refuse to provide Executive Town Car Services to any passenger of proper demeanor whose request for service has been accepted by the Executive Town Car Company Dispatch, or reservation service or Executive Town Car Driver from a designated hotel zone.

**14.** Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.

**1.** All requests for service shall be received and accepted through the dispatch or online and/or mobile app reservation services.

**2.** An Executive Town Car Driver may not accept street-hails received within in the City of Portland, with the exception of from designated hotel zones and as approved by the Port of Portland at the Portland International Air Port.

**3.** Other than for drop off, an Executive Town Car Driver may not park an Executive Town Car Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to 16.40.240(K)(1) and available for review by the Director or law enforcement officer.

**G.** Mandatory Compliance. Executive Town Car Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**H.** Driver Reporting. Every Executive Town Car Driver shall report any of the following events to the Director and to all affiliated Executive Town Car Companies within 24 hours of its occurrence:

**1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;

2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**I. Suspension or Revocation of Certified Executive Town Car Drivers.** If an Executive Town Car certification is suspended or revoked by the Director, the affiliated Executive Town Car Company shall be notified by the Director. Executive Town Car Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

**16.40.400 Shuttle Services Permits Required.**

The operation of a Shuttle Company is a privilege and not a right. For Shuttle services to be provided in the City of Portland, the Shuttle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Shuttle Company Vehicles and Shuttle Company Drivers have met all certification and operating requirements.

**A. Shuttle Company Permit Requirements.** No person or entity shall conduct business as a Shuttle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. Shuttle Driver Certification Requirements.** No person or entity shall conduct business as a Shuttle Driver in the City of Portland without certification by the Director prior to being authorized to provide Shuttle services on behalf of an affiliated Shuttle Company. Drivers not meeting all required conditions will not be certified as Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**C. Shuttle Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Shuttle Vehicle in the City of Portland without certification by the Director prior to being used to provide Shuttle services by an affiliated Shuttle Company. Vehicles not meeting all required conditions will not be certified as Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.410 Shuttle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

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

1. A completed application on a form supplied by the Director;

2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
  3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
  4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
  5. If the applicant Shuttle Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
  6. If the applicant Shuttle Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
  7. The applicant Shuttle Company’s Zero-Tolerance Drug Policy
  8. The applicant Shuttle Company’s User Terms of Service
  9. The applicant dispatch or passenger reservation contact information.
  10. Contact information of the Shuttle Company’s Agent of Service and Customer Service Support.
  11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant Shuttle Company proposes to use for its fleet of affiliated Shuttle Vehicles.
  12. A detailed description of the Shuttle Company’s fixed route and time schedule.
  13. A nonrefundable application fee.
  14. All fines and penalties must be paid prior to issuing or reissuing a Shuttle company permit.
- B. Compliance with Secretary of State’s Rules.** No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C. Insurance.** All Shuttle permit holders shall comply with Shuttle insurance requirements pursuant to Section 16.40.430. All Shuttle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D. Director Review Process.** After receiving a completed Shuttle Company application form and upon successful completion of all the requirements pursuant to Section 16.40.410, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Shuttle Company permit.

**F. Application Denial.** The Application shall be denied for any of the following:

1. The Shuttle Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The Shuttle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Shuttle Company and certified by the Director to operate Shuttle services;
3. The application has a material misstatement or omission;
4. The Shuttle Company application is incomplete;

**G. Denial Appeal.** If the application is denied, the applicant Shuttle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H. Providing Shuttle Services.** Shuttle Services shall only be provided by a permitted Shuttle Company.

**I. Certification of Shuttle Drivers.** The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle for Director certification that drivers meet requirements in 16.40.400 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Shuttle services on behalf of the affiliated Shuttle Company and Shuttle drivers not meeting all required conditions will not be certified as a permitted Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Such requirements include:

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



**4.** Driver training within 30 calendar days of a Shuttle Driver's certification by the Director.

**J. Shuttle Driver Re-certification.** The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.400. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to operate as a Shuttle Driver.

**K. Certification of Shuttle Vehicles.** The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.400 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to providing Shuttle Services. Vehicles not meeting all required conditions will not be certified as a permitted Shuttle vehicle and will not be allowed to operate as a Shuttle Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. Shuttle Company general and motor vehicle liability insurance;
5. Personal Automobile Liability Insurance, as required by state law.

**L. Term of Certification of Shuttle Vehicles.** Certifications for Shuttle Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

**M. Denial Appeal.** If a Shuttle Driver or Shuttle Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**N. Right to a Permit.** The Shuttle Company's ability to satisfy the criteria for a Shuttle Company permit does not create a right to a Shuttle Company permit.

**O. Transferring Permits.** Transferring permits shall be prohibited.

**P. Removal of Shuttle Drivers and Vehicles from affiliated Shuttle Company.** Shuttle Companies shall provide to the Director notification of affiliated Shuttle Drivers that have been prohibited from providing Shuttle services by the affiliated Shuttle Company and Shuttle Vehicles that have been removed from the fleet of the affiliated Shuttle Company as changes occur.

**Q. Operating at the Port of Portland.** Shuttle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

**16.40.420 Shuttle Services Permit Fees.**

**A. Permit Fees.** Shuttle Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930..

**B. Permit Issuance.** No Shuttle Company permit shall be issued until all fees have been received by the City.

**16.40.430 Shuttle Company Insurance Requirements**

**A. In order to provide protection to the public,** the Shuttle Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B. Providing Shuttle Services.** The Shuttle vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Shuttle Company, the Shuttle Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Shuttle Company receiving a Shuttle Company permit.

**C. Additional Named Insured and Notification of Policy Changes.** The Shuttle Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** Shuttle Drivers shall be responsible for ensuring the Shuttle Driver and Shuttle Vehicle have appropriate personal insurance coverage as required by State law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F. Commercial Business Insurance.** Shuttle Company permit holders shall 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.

**G. Automobile Insurance.** All Shuttle Company permit holders shall provide the City

with a copy of a valid Commercial Auto Liability policy with the following coverage:

1. 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 any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.
- H.** Certification of Auto Insurance. Shuttle Companies shall provide proof of current, valid insurance for Director certification that all affiliated Shuttle Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L.** Insurance Rating. All insurance companies issuing policies within this Section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M.** Additional Policy Conditions: Policies required under Subsections 16.40.430 (F). and/or 16.40.430 (G) must also contain, include, provide for or comply with the following:
1. Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.430 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.
  2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.430 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed

alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

#### **16.40.440 Shuttle Company Operating Responsibilities and Prohibitions**

- A.** A permitted Shuttle Company shall adhere to the fixed route and time schedule approved by the Director. Changes to the Shuttle Company's fixed route and time schedule shall be submitted and approved by the Director prior to implementation of a revised fixed route and time schedule.
- B.** Shuttle Companies shall accept all requests for Shuttle Service received from any location within the City including requests made by persons with disabilities and requests for wheelchair accessible service pursuant to 16.40.490.
- C.** Zero Tolerance for Drug and Alcohol Use. All permitted Shuttle Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Shuttle Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.
- D.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Shuttle Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.
- E.** Fare rate Transparency. Shuttle fare rates shall be established by the Shuttle Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- F.** Receipts. All Shuttle 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 Shuttle Company, Shuttle Driver, Shuttle Company customer service support contact information and the City of Portland's PFHT complaint phone number.
- G.** Limitation or Prohibition on Dynamic pricing. The Bureau Director may limit or prohibit dynamic pricing by any Shuttle Company or Shuttle Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.
- H.** Agent of Service Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.
- I.** Customer Service Support Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the

ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**J.** Reporting Requirements. Each Shuttle Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Shuttle driver involving the operation of Shuttle service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Shuttle Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Shuttle Company.

**K.** Data Requirements.

1. Any permitted Shuttle Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests
- b. Number, date and time of unfulfilled requests
- c. Number, date and time of trips
- d. Trip origin zip code;
- e. Trip destination zip code;
- f. Trip wait time, and;
- g. Trip duration and miles traveled

2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

3. In the event disclosure of such data is required by law, the City will provide Shuttle Companies notice prior to any disclosure of such data.

4. Upon request, the Shuttle Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**L. Shuttle Company Records Management and Mandatory Compliance.**

1. Shuttle Companies will be required to keep documentation of all certified Shuttle Drivers and Shuttle Vehicles. Such records shall be kept on file during the term of the Shuttle Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Shuttle Company records shall be provided to the Director and/or law enforcement officers.

2. Shuttle Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.450 Shuttle Vehicle Certification Requirements.**

**A. Shuttle Vehicle Certification.** The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to being used to provide Shuttle service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Vehicle.

**B. Term of Certified Shuttle Vehicle.** Certifications for Shuttle Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Shuttle Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for Shuttle Vehicle certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director a Shuttle Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Shuttle Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All Shuttle Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Age Requirements.** No vehicle will be allowed to operate as a Shuttle Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Shuttle Vehicle.

**F. Vehicle Safety Inspections.** Each Shuttle Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. Shuttle Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Shuttle Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Shuttle Vehicle shall meet the following requirements:

1. Each Shuttle Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - b. Be kept clean and in good appearance;
  - c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
  - d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. Shuttle Vehicle Re-certification.** The Shuttle Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the Shuttle Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Shuttle Vehicle certification requirements pursuant to 16.40.410 (G-H) and 16.40.460 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Shuttle Vehicle and shall not be allowed to operate as a Shuttle Vehicle.

**16.40.460 Shuttlecab Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a Shuttle Vehicle unless it has been certified by the Director and is affiliated with a permitted Shuttle Company and Shuttle Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Shuttle Vehicle, pursuant to ORS 806.011.

**C. Identification of Shuttle Vehicles.** Every Shuttle Vehicle shall meet the following identification requirements to operate as a Shuttle Vehicle:

**1.** Every Shuttle Vehicle must prominently display on both sides of the vehicle the following information:

**a.** The full name of the Shuttle Company;

**b.** The company-assigned Shuttle Vehicle number;

**c.** The telephone number of that Shuttle Company where services can be requested; and

**d.** Word "shuttle."

**2.** Upon successful completion of the Shuttle Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified Shuttle Vehicle.

**3.** Shuttle decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Shuttle Company permit. Fees for decals that are not issued contemporaneously with a Shuttle Company permit will be prorated to equal the cost of the number of months remaining until the Shuttle Company permit expires.

**4.** Shuttle decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.

**5.** Shuttle decals that are intentionally destroyed or damaged by a Shuttle Company or Shuttle Driver prior to renewal and without the City's authorization are not subject to renewal.

**6.** Voided Shuttle Vehicle decals are not renewable in the year following their voidance. Once a Shuttle Vehicle decal is voided, a Shuttle Company may not renew that decal and instead must complete the initial application process if the Shuttle Company seeks a decal for that Shuttle Vehicle.



7. Shuttle Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.

8. Shuttle Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.

**D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Shuttle Vehicle.

**E.** Vehicle Operating Conditions. In determining whether a Shuttle vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

1. All Shuttle Vehicle equipment and devices shall be properly equipped and maintained in good working order.
2. At all times, Shuttle Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
3. The Shuttle Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
4. Shuttle Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
5. The Shuttle Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**F.** Mandatory Compliance. Shuttle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.470 Shuttle Driver Certification Requirements**

**A. Shuttle Driver Certification.** The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Shuttle Vehicle prior to being operating a Shuttle Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Driver. Shuttle companies shall provide a current list to the Director as changes occur.

**B. Term of Certified Shuttle Driver.** Certifications for Shuttle Drivers provided by a Shuttle Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Shuttle Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for Shuttle Driver certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director Shuttle Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Shuttle Driver on a form approved by the Director.

**D. Shuttle Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Shuttle 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 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.
3. Dru Sjodin National Sex Offender Public Registry

**E. Shuttle Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Shuttle Driver and cannot provide Shuttle Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;

3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
4. During the 5-year period preceding the submission of the application, based on the conviction date,, the applicant has been convicted of any criminal offense involving:
  - a. any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
6. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
10. The applicant is less than 21 years old; or
11. The applicant is unable to obtain car insurance for any reason.
12. All Shuttle Driver Criminal and Driving Histories are subject to review by the Director.

**F. Shuttle Driver Training.** Shuttle Drivers shall successfully complete Director approved trainings within 30 days of Shuttle Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety; and
3. Portland-area attractions; and
4. Customer Service

**G. Insurance Requirements.** All Shuttle Drivers affiliated with a Shuttle Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**H. Business License Requirements.** All Shuttle Drivers affiliated with a Shuttle Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Shuttle Vehicle. Any Shuttle Driver without a valid City of Portland Business License cannot be certified as a Shuttle Driver and will not be allowed to operate as a Shuttle Driver until such Business License is obtained.

**I. Shuttle Driver Re-certification.** The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.470 and Section 16.40.480. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to provide Shuttle Services.

**J. Suspension or Revocation of Certified Shuttle Drivers.** If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

#### **16.40.480 Shuttle Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Shuttle Driver or Shuttle Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Shuttle Drivers shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a Shuttle Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid Shuttle primary automobile insurance policy and vehicle registration.**

**C.** Portland Business License. Shuttle Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a Shuttle Driver.

**D.** Driver Conduct. No Shuttle Driver shall:

- 1.** Allow another person to use his/her Shuttle Driver certification
- 2.** Drive or allow another person to drive a Shuttle Vehicle without a valid driver's license while the vehicle is being used to provide Shuttle Services;
- 3.** Operate any Shuttle Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
- 4.** Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
- 5.** Use a vehicle in the commission of any crime;
- 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
- 7.** Consume any intoxicant or smoke of any substance while operating a Shuttle Vehicle. ;
- 8.** Allow any passenger to consume an intoxicant or smoke any inside a Shuttle Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
- 12.** Drive Shuttle Vehicles on a route or time schedule other than fixed route and time schedule of the Shuttle Company, as approved by the Director;
- 13.** Operate any Shuttle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to Shuttle Services to any passenger of proper demeanor whose request for service has been accepted by the Shuttle Company or Shuttle Driver along the fixed route and time schedule of the Shuttle Company, as approved by the Director.

**15.** Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.

**1.** A Shuttle Driver may accept street-hails, to include from hotel zones, received along the fixed route of the Shuttle Company as approved by the Director.

**2.** Other than for drop off along the Shuttle Company's fixed route and time schedule, a Shuttle Driver may not park a Shuttle Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to 16.40.440(K)(1) and available for review by the Director or law enforcement officer;

**G.** Mandatory Compliance. Shuttle Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**H.** Driver Reporting. Every Shuttle Driver shall report any of the following events to the Director and to all affiliated Shuttle Companies within 24 hours of its occurrence:

**1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;

**2.** Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

**3.** Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and

**4.** Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**I.** Suspension or Revocation of Certified Shuttle Drivers. If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

**16.40.490 Accessible Service Requirements**

Shuttle Companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

- A.** Accommodations to passengers accompanied by a service animal.
  - 1.** Requests for service from a passenger accompanied by a service animal may not be refused
  - 2.** Shuttle Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Shuttle Company so that an alternate Shuttle Driver may be promptly dispatched to fulfill the passenger's request for service.
- B.** Accommodations to passengers with hearing and visual impairments.
  - 1.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
  - 2.** Shuttle Companies shall maintain dispatch services available to customers pursuant to Section 16.40.440 (H) in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility
- C.** Accommodations to passengers with mobility devices.
  - 1.** Shuttle Companies shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible Shuttle Vehicle
  - 2.** Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair accessible vehicle
  - 3.** Shuttle Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Shuttle vehicles, contracting with a permitted operators of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes of the established time schedule is unreasonable.
  - 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for commensurate non-wheelchair accessible Shuttle Vehicles, be reported to the Director and shall not be subject to dynamic pricing.

**5.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines as established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:

- a.** Vehicle specifications
- b.** Wheelchair loading and securement
- c.** Customer service and communication with customers
- d.** Driver training
- e.** Estimated wait times

**6.** Any permitted Shuttle shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not limited to, the following:

- a.** Number, date and time of WAV fulfilled requests;
- b.** Number, date and time of WAV unfulfilled requests;
- c.** Number, date and time of WAV trips;
- d.** WAV trip origin zip code;
- e.** WAV trip destination zip code;
- f.** WAV trip wait time; and
- g.** WAV trip duration.

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

- a.** 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;
- b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and



performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

**16.40.600 LPT Service Permits Required.** The operation of an LPT Company is a privilege and not a right. For LPT Services to be provided in the City of Portland, the LPT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated LPT Vehicles and LPT Drivers have met all certification and operating requirements.

**A. LPT Company Permit Requirements.** No person or entity shall conduct business as an LPT Company or serve as a broker for any related LPT service in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. LPT Driver Certification Requirements.** No person or entity shall conduct business as an LPT Driver in the City of Portland without certification by the Director prior to being authorized to provide LPT services on behalf of an affiliated LPT Company. Drivers not meeting all required conditions will not be certified as an LPT Driver and will not be allowed to operate as an LPT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**C. LPT Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a LPT Vehicle in the City of Portland without certification by the Director prior to being used to provide LPT services by an affiliated LPT Company. Vehicles not meeting all required conditions will not be certified as LPT Vehicle and will not be allowed to operate as a LPT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.610 LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

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

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
5. If the applicant LPT Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant LPT Company is a corporation, partnership or other

business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;

7. The applicant LPT Company’s Zero-Tolerance Drug Policy
  8. The applicant LPT Company's User Terms of Service
  9. The applicant dispatch or passenger reservation contact information.
  10. Contact information of the LPT Company’s Agent of Service and Customer Service Support.
  11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant LPT Company proposes to use for its fleet of affiliated LPT Vehicles.
  12. Fares shall be established and approved by the Director Prior to implementation. .
  13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a LPT company permit.
- C.** Compliance with Secretary of State’s Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- D.** Insurance. All LPT permit holders shall comply with LPT insurance requirements pursuant to Section 16.40.630. All LPT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- E.** Director Review Process. After receiving a completed LPT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.610, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a LPT Company permit.
- G.** Application Denial. The Application shall be denied for any of the following:

1. The LPT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The LPT Company applicant leases, permits, or otherwise allows other entities not affiliated with the LPT Company and certified by the Director to operate LPT services;
3. The application has a material misstatement or omission;
4. The LPT Company application is incomplete;

**H.** Denial Appeal. If the application is denied, the applicant LPT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I.** Providing LPT Services. LPT Services shall only be provided by a permitted LPT Company.

**J.** Certification of LPT Drivers. The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT for Director certification that drivers meet requirements in 16.40.600 on a form approved by the Director. Drivers shall be certified by the Director prior to providing LPT services on behalf of the affiliated LPT Company and LPT drivers not meeting all required conditions will not be certified as a permitted LPT Driver and will not be allowed to operate as a LPT Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License;
4. Driver training within 30 calendar days of a LPT Driver's certification by the Director.

**K.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.600. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to operate as a LPT Driver.

**L.** Certification of LPT Vehicles. The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet requirements pursuant to Section 16.40.650 and 16.40.660 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to providing LPT Services. Vehicles not meeting all required conditions will not be certified as a permitted LPT vehicle and will not be

allowed to operate as a LPT Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. LPT Company general and motor vehicle liability insurance;
5. Personal Automobile Liability Insurance, as required by state law.

**M.** Term of Certification of LPT Vehicles. Certifications for LPT Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

**N.** LPT Vehicle Re-certification. The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

**O.** Denial Appeal. If a LPT Driver or LPT Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P.** Right to a Permit. The LPT Company's ability to satisfy the criteria for a LPT Company permit does not create a right to a LPT Company permit.

**Q.** Transferring Permits. Transferring permits shall be prohibited.

**R.** Removal of LPT Drivers and Vehicles from affiliated LPT Company. LPT Companies shall provide to the Director notification of affiliated LPT Drivers that have been prohibited from providing LPT services by the affiliated LPT Company and LPT Vehicles that have been removed from the fleet of the affiliated LPT Company as changes occur.

**S.** Operating at the Port of Portland. LPT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.620 LPT Services Permit Fees.**

**A.** Permit Fees. LPT Companies shall pay permit fees and civil penalty fines consistent with Section 16.40.910 and 16.40.930.

**B. Permit Issuance.** No LPT Company permit shall be issued until all fees have been received by the City.

#### **16.40.630 LPT Company Insurance Requirements**

**A.** In order to provide protection to the public, the LPT Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B. Providing LPT Services.** The LPT vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the LPT Company, the LPT Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a LPT Company receiving a LPT Company permit.

**C. Additional Named Insured and Notification of Policy Changes.** The LPT Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** LPT Drivers shall be responsible for ensuring the LPT Driver and LPT Vehicle have appropriate personal insurance coverage as required by State law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F. Commercial Business Insurance.** LPT Company permit holders shall 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.

**G. Automobile Insurance.** All LPT Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

- 1.** 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 any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.

**H. Certification of Auto Insurance.** LPT Companies shall provide proof of current,

valid insurance for Director certification that all affiliated LPT Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

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

**M. Additional Policy Conditions:** Policies required under Subsections 16.40.630 (F). and/or 16.40.630 (G) must also contain, include, provide for or comply with the following:

- 1. Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.630 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.

- 2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.630 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.**

#### **16.40.640 LPT Company Operating Responsibilities and Prohibitions**

**A.** LPT Companies shall accept all requests for LPT Service received from any location within the City.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted LPT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all LPT Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a LPT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a LPT Company shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare rate Transparency.** LPT fare rates shall be established by the LPT Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.

**E. Receipts.** All LPT 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 LPT Company, LPT Driver, LPT Company customer service support contact information and the City of Portland's PFHT complaint phone number.

**F. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any LPT Company or LPT Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.

**G. Agent of Service Requirements.** LPT Companies will maintain, during all times when the LPT Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** LPT Companies will maintain, during all times when the LPT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each LPT Company shall regularly report the following to the Director:

- 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
- 2.** Report the number and type of crimes against drivers to the extent known;
- 3.** The arrest or conviction for any criminal offense of any affiliated LPT driver involving the operation of LPT service in the City of Portland;



4. The filing of any lawsuit against or on behalf of the LPT Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the LPT Company.

**J. Data Requirements.**

1. Any permitted LPT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
  - a. Number, date and time of fulfilled requests
  - b. Number, date and time of trips
  - c. Trip destination zip code
  - d. Vehicle miles traveled
2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
3. In the event disclosure of such data is required by law, the City will provide LPT Companies notice prior to any disclosure of such data.
4. Upon request, the LPT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. LPT Company Records Management and Mandatory Compliance.**

1. LPT Companies will be required to keep documentation of all certified LPT Drivers and LPT Vehicles. Such records shall be kept on file during the term of the LPT Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, LPT Company records shall be provided to the Director and/or law enforcement officers.
2. LPT Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.650 LPT Vehicle Certification Requirements.**

**A. LPT Vehicle Certification.** The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to being used to provide LPT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an LPT Vehicle.

**B. Term of Certified LPT Vehicle.** Certifications for LPT Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The LPT Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for LPT Vehicle certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director an LPT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an LPT Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All LPT Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Requirements.** No vehicle will be allowed to operate as an LPT Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an LPT Vehicle.

**F. Vehicle Safety Inspections.** Each LPT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE Master Technician certification. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. LPT Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the LPT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE

Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each LPT Vehicle shall meet the following requirements:

**1.** Each LPT Vehicle shall:

- a.** Be kept in safe condition and good repair;
- b.** Be kept clean and in good appearance;
- c.** Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher;
- d.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. LPT Vehicle Re-certification.** The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to 16.40.610 (D-H) and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

#### **16.40.660 LPT Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a LPT Vehicle unless it has been certified by the Director and is affiliated with a permitted LPT Company and LPT Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every LPT Vehicle, pursuant to ORS 806.011.

**C. Identification of LPT Vehicles.** Every LPT Vehicle shall meet the following identification requirements to operate as a LPT Vehicle:

- 1.** Every Party Bus Vehicle and Tour Bus Vehicle must prominently display on both sides of the vehicle the following information:
  - a.** The full name of the Party Bus Company or Tour Bus Company;
  - b.** The company-assigned Party Bus Vehicle or Tour Bus Vehicle number;

**c.** The telephone number of that Party Bus Company or Tour Bus Company where services can be requested; and

**2.** Trade Dress Signage is required for each Limousine Vehicle in operation. The Trade Dress Signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.

**3.** Upon successful completion of the LPT Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and the City Seal for each certified LPT Vehicle.

**4.** LPT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated LPT Company permit. Fees for decals that are not issued contemporaneously with a LPT Company permit will be prorated to equal the cost of the number of months remaining until the LPT Company permit expires.

**5.** LPT decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.

**6.** LPT decals that are intentionally destroyed or damaged by a LPT Company or prior to renewal and without the City's authorization are not subject to renewal.

**7.** Voided LPT Vehicle decals are not renewable in the year following their voidance. Once an LPT Vehicle decal is voided, an LPT Company may not renew that decal and instead must complete the initial application process if the LPT Company seeks a decal for that LPT Vehicle.

**8.** LPT Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.

**9.** LPT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.

**D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any LPT Vehicle.

**E.** Vehicle Operating Conditions. In determining whether an LPT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

1. All LPT Vehicle equipment and devices shall be properly equipped and maintained in good working order.
2. At all times, LPT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
3. The LPT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
4. LPT Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
5. The LPT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires while providing LPT Services.
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code and Chapters 801 through 823.

**G. Mandatory Compliance.** LPT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.670 LPT Driver Certification Requirements**

**A. LPT Driver Certification.** The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified LPT Vehicle prior to being operating a LPT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a LPT Driver. LPT companies shall provide a current list to the Director as changes occur.

**B. Term of Certified LPT Driver.** Certifications for LPT Drivers provided by a LPT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated LPT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for LPT Driver certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director

LPT Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a LPT Driver on a form approved by the Director.

**D. LPT Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated LPT 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 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.
3. Dru Sjodin National Sex Offender Public Registry

**E. LPT Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a LPT Driver and cannot provide LPT Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 7 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
4. During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a. any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
5. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of

any combination of serious traffic violations or motor vehicle accidents as provided above;

6. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
7. The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
8. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
10. The applicant is less than 21 years old; or
11. The applicant is unable to obtain car insurance for any reason.
12. All LPT Driver Criminal and Driving Histories are subject to review by the Director.

**F. LPT Driver Training.** LPT Drivers shall successfully complete Director approved trainings within 30 days of LPT Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety; and
3. Portland-area attractions; and
4. Customer Service

**G. Insurance Requirements.** All LPT Drivers affiliated with a LPT Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**H. Business License Requirements.** All LPT Drivers affiliated with a LPT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a LPT Vehicle. Any LPT Driver without a valid City of Portland Business License cannot be certified as a LPT Driver and will not be allowed to operate as a LPT Driver until such Business License is obtained.

**I. LPT Driver Re-certification.** The LPT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.670 and Section 16.40.680. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to provide LPT Services.

**J. Suspension or Revocation of Certified LPT Drivers.** If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

#### **16.40.680 LPT Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring LPT Driver or LPT Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. LPT Drivers shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.**

**C. Portland Business License.** LPT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a LPT Driver.

**D. Driver Conduct.** No LPT Driver shall:

1. Allow another person to use his/her LPT Driver certification
2. Drive or allow another person to drive a LPT Vehicle without a valid driver's license while the vehicle is being used to provide LPT Services;
3. Operate any LPT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;



- 7.** Consume any intoxicant or smoke of any substance while operating a LPT Vehicle;
- 8.** Allow any passenger to consume an intoxicant or smoke any inside a LPT Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
- 12.** Drive LPT Vehicles on a route or time schedule other than fixed route and time schedule of the LPT Company, as approved by the Director;
- 13.** Operate any LPT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to LPT Services to any passenger of proper demeanor whose request for service has been accepted by the LPT Company or LPT Driver along the fixed route and time schedule of the LPT Company, as approved by the Director.
- 15.** Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.

- 1.** All requests for service shall be received and accepted through the LPT Company's reservation or dispatch services.
- 2.** An LPT Driver may not accept street-hails received within in the City of Portland, except as approved by the Port of Portland at the Portland International Air Port.
- 3.** Other than for drop off, an LPT Driver may not park an LPT Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to 16.40.640(K)(1) and available for review by the Director or law enforcement officer.

**G. Mandatory Compliance.** LPT Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**H. Driver Reporting.** Every LPT Driver shall report any of the following events to the Director and to all affiliated LPT Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**I. Suspension or Revocation of Certified LPT Drivers.** If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

**16.40.700 NEMT Services Permits Required.** The operation of a NEMT Company is a privilege and not a right. For NEMT services to be provided in the City of Portland, the NEMT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated NEMT Company Vehicles and NEMT Company Drivers have met all certification and operating requirements.

**A. NEMT Company Permit Requirements.** No person or entity shall conduct business as a NEMT Company, as defined in ORA 410-136-3000, in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. NEMT Driver Certification Requirements.** No person or entity shall conduct business as a NEMT Driver in the City of Portland without certification by the Director prior to being authorized to provide NEMT services on behalf of an affiliated NEMT Company. Drivers not meeting all required conditions will not be certified as NEMT Driver and will not be allowed to operate as a NEMT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. NEMT Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a NEMT Vehicle in the City of Portland without certification by the Director

prior to being used to provide NEMT services by an affiliated NEMT Company. Vehicles not meeting all required conditions will not be certified as NEMT Vehicle and will not be allowed to operate as a NEMT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.705 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

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

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
5. If the applicant NEMT Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant NEMT Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant NEMT Company's Zero-Tolerance Drug Policy;
8. The applicant NEMT Company's User Terms of Service;
9. The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, NEMT Dispatch App general use information;
10. Contact information of the NEMT Company's Agent of Service and Customer Service Support;
11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant NEMT Company proposes to use for its fleet of affiliated NEMT Vehicles, and;

**12. Company proposed fare rates****13. A nonrefundable application fee.**

**B.** All fines and penalties must be paid prior to issuing or reissuing a NEMT Company permit.

**C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**D.** Insurance. All NEMT Company permit holders shall comply with NEMT insurance requirements pursuant to Section 16.40.130. All NEMT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**E.** Director Review Process. After receiving a completed NEMT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a NEMT Company permit.

**G.** Application Denial. The Application shall be denied for any of the following:

- 1.** The NEMT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
- 2.** The NEMT Company applicant provides dispatch services to anyone other than affiliated NEMT drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
- 3.** The NEMT Company applicant leases, permits, or otherwise allows other entities not affiliated with the NEMT Company and certified by the Director to operate NEMT Services;
- 4.** The NEMT Company applicant affiliates with and provides dispatch services to drivers operating vehicles without NEMT Vehicle certification by the Director.
- 5.** The application has a material misstatement or omission; and
- 6.** The NEMT Company application is incomplete.

**H.** Denial Appeal. If the application is denied, the applicant NEMT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I. Providing NEMT Services.** NEMT Services, as defined in ORA 410-136-3000, shall only be provided by a permitted NEMT Company.

**J. Certification of NEMT Drivers.** The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT 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 NEMT Services on behalf of the affiliated NEMT Company and NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as a NEMT Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License;
4. NEMT Driver Business License Number; and
5. Driver training and testing within 30 calendar days of a NEMT Driver's certification by the Director.

**K. Term of Certified NEMT Driver.** Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director

**L. NEMT Driver Re-certification.** The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to operate as a NEMT Driver.

**M. Certification of NEMT Vehicles.** The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to providing NEMT Services. Vehicles not meeting all required conditions will not be certified as a permitted NEMT vehicle and will not be allowed to operate as a NEMT Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. NEMT Company general liability and automobile liability insurance;

**N. Term of Certification of NEMT Vehicles.** Certifications for NEMT Vehicles provided by the Director shall be valid for a term of one year from date of Director certification.

**O. NEMT Vehicle Re-certification.** The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director within one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

**P. Denial Appeal.** If a NEMT Driver or NEMT Vehicle certification is denied, suspended or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**Q. Right to a Permit.** The NEMT Company's ability to satisfy the criteria for a NEMT Company permit does not create a right to a NEMT Company permit.

**R. Transferring Permits.** Transferring permits shall be prohibited.

**S. Removal of NEMT Drivers and Vehicles from affiliated NEMT Company.** NEMT Companies shall provide to the Director regular notification of affiliated NEMT Drivers that have been prohibited from providing NEMT Services by the affiliated NEMT Company and NEMT Vehicles that have been removed from the fleet of the affiliated NEMT Company.

**T. Operating at the Port of Portland.** NEMT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.710 NEMT Services Permit Fees and Civil Penalty Fines.**

**A. Permit Fees.** NEMT Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B. Permit Issuance.** No NEMT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

#### **16.40.715 NEMT Company Insurance Requirements**

**A.** In order to provide protection to the public, the NEMT Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

**B.** Providing NEMT Services. The NEMT vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the NEMT Company, the NEMT Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a NEMT Company receiving a NEMT Company permit.

**C.** Additional Insured and Notification of Policy Changes. The NEMT Company shall provide certificates of insurance naming the City of Portland, its officers, agents and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D.** Ensuring Driver and Vehicle Insurance. NEMT Drivers shall be responsible for ensuring the NEMT Driver and NEMT Vehicle have appropriate personal insurance coverage as required by State law.

**E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

**F.** Commercial Business Insurance. NEMT Company permit holders shall 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.

**G.** Automobile Insurance. All NEMT Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

1. 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 any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle.

**H.** Certification of Auto Insurance. NEMT Companies shall provide proof of current, valid insurance for Director certification that all affiliated NEMT Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

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

**M. Additional Policy Conditions:** Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for or comply with the following:

- 1. Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D - H. The same certificate of liability and additional insured endorsement requirements will apply.

- 2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.**

#### **16.40.720 NEMT Company Operating Responsibilities and Prohibitions.**

**A.** A permitted NEMT Company shall comply with all requirements and standards as defined in ORA 410-136-3000 or otherwise required by state or federal law.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted NEMT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all NEMT Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.



**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a NEMT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare Rate Transparency.** All NEMT fare rates shall be established by the NEMT Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for WAV service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted NEMT Company and approved by the Director prior to implementation.

**E. Receipts.** All NEMT 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 NEMT Company, NEMT Driver, NEMT Company customer service support contact information and the City of Portland's PFHT complaint phone number.

**F. Limitation or Prohibition on Dynamic pricing.** Dynamic pricing is prohibited at all times for NEMT service.

**G. Agent of Service Requirements.** NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, a locally-based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each NEMT Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated NEMT driver involving the operation of NEMT service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the NEMT Company related to the operation of the company and its services in the City of Portland;

5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.

**J. Data Requirements.**

1. Any permitted NEMT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
  - a. Number, date and time of fulfilled requests (including WAV)
  - b. Number, date and time of unfulfilled requests (including WAV)
  - c. Number, date and time of trips
  - d. Trip origin zip code;
  - e. Trip destination zip code;
  - f. Trip wait time, and;
  - g. Trip duration and miles traveled.
2. NEMT Companies shall submit data, in aggregate form, pursuant to any applicable data sharing agreement with the City and permitted companies.
3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
4. In the event disclosure of such data is required by law, the City will provide NEMT Companies notice prior to any disclosure of such data.
5. Upon request, the NEMT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. NEMT Company Records Management and Mandatory Compliance.**

1. NEMT Companies will be required to keep documentation of all certified NEMT Drivers and NEMT Vehicles, as well as detailed records of all trips . Such records shall be kept on file during the term of the NEMT Company Permit and for two calendar years after the expiration of such Permit. Upon request or

subpoena, NEMT Company records shall be provided to the Director and/or law enforcement officers.

2. NEMT Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.725 NEMT Vehicle Certification Requirements**

**A. NEMT Vehicle Certification.** The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to being used to provide NEMT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Vehicle.

**B. Term of Certified NEMT Vehicle.** Certifications for NEMT Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The NEMT Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for NEMT Vehicle certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director a NEMT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a NEMT Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All NEMT Vehicles shall maintain, at all times, vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Age Requirements.** No vehicle will be allowed to operate as a NEMT Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a NEMT Vehicle.

**F. Vehicle Safety Inspections.** Each NEMT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than one year old, based on model year, or
2. Has 10,000 miles or more on its odometer, or

3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. NEMT Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, The ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the NEMT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each NEMT Vehicle shall meet the following requirements:

1. Be kept in safe condition and good repair;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. NEMT Vehicle Re-certification.** The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director one month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

#### **16.40.730 NEMT Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and NEMT Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle’s registration and proof of insurance shall be kept in every NEMT Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a NEMT Driver’s business license registration, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

**C. Identification of NEMT Vehicles.** Every NEMT Vehicle shall meet the following identification requirements to operate as a NEMT Vehicle:

1. Every NEMT Vehicle must prominently display on both sides of the vehicle the following information:

- a. The full name of the NEMT Company;
- b. The company-assigned NEMT Vehicle number;
- c. The telephone number of the NEMT Company where services can be requested; and
- d. the letters “NEMT.”

**E.** The consumption any intoxicant or smoking of any substance shall be prohibited in any NEMT Vehicle.

**F.** Vehicle Operating Conditions. In determining whether a NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, which includes the following:

- 1. All NEMT Vehicle equipment and devices shall be properly equipped and maintained in good working order.
- 2. At all times, NEMT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions.
- 3. The NEMT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
- 4. NEMT Vehicles shall be free of dirt, grease, grime, glue or tape. This shall apply to the vehicle’s paint, upholstery, windows, floorboard and integrated parts of the vehicle’s body.
- 5. The NEMT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and shall not be equipped with studded tires.
- 6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**G.** Mandatory Compliance. NEMT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

### **16.40.735 NEMT Driver Certification Requirements**

**A. NEMT Driver Certification.** The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a permitted NEMT Company prior to operating a NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Driver. NEMT Companies regularly provide a current list of affiliated NEMT Drivers and NEMT Vehicles.

**B. Term of Certified NEMT Driver.** Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for NEMT Driver certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director NEMT Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a NEMT Driver on a form approved by the Director.

**D. NEMT Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated NEMT 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 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.
3. Dru Sjodin National Sex Offender Public Registry

**E. NEMT Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a NEMT Driver and cannot provide NEMT Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;

**3.** The applicant is a match in the Dru Sjodin National Sex Offender Public Registry

**4.** During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:

**a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

**b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

**5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;

**6.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**7.** The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;

**8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;

**10.** The applicant is less than 21 years old; or

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All NEMT Driver Criminal and Driving Histories are subject to review by the Director.

**G. NEMT Driver Training.** NEMT Drivers shall successfully complete Director approved trainings within 30 days of NEMT Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety; and
3. Portland-area attractions; and
4. Customer Service

**H. Insurance Requirements.** All NEMT Drivers affiliated with a NEMT Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**I. Business License Requirements.** All NEMT Drivers affiliated with a NEMT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a NEMT Vehicle. Any NEMT Driver without a valid City of Portland Business License cannot be certified as a NEMT Driver and will not be allowed to operate as a NEMT Driver until such Business License is obtained.

**J. NEMT Driver Re-certification.** The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to provide NEMT Services.

**K. Suspension or Revocation of Certified NEMT Drivers.** If a NEMT certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicles without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

#### **16.40.740 NEMT Driver Conduct, Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring NEMT Driver or NEMT Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. NEMT Drivers shall carry while operating as a NEMT Driver upon request of a law enforcement officer provide the following:**

1. A non-digital fax or photocopy proof of NEMT Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a NEMT Driver.



**2. Portland Business License.** NEMT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a NEMT Driver.

**C. Driver Conduct.** No NEMT Driver shall:

- 1.** Allow another person to use his/her NEMT Driver certification
- 2.** Drive or allow another person to drive a NEMT Vehicle without a valid driver's license while the vehicle is being used to provide NEMT Services;
- 3.** Operate any NEMT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
- 4.** Operate any for-hire transportation vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
- 5.** Use a vehicle in the commission of any crime;
- 6.** Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
- 7.** Consume any intoxicant or smoke of any substance while operating a NEMT Vehicle;
- 8.** Allow any passenger to consume an intoxicant or smoke any inside a NEMT Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
- 12.** Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
- 13.** Operate any NEMT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to transport to a requested destination within the City of Portland to any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver.

**15.** Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**D.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**E.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.

**1.** A NEMT Driver shall not accept street-hails, accept as approved pursuant to Sections 16.40.190, 16.40.290 and 16.40.490.

**2.** Other than for drop off, a NEMT Driver may not park a NEMT Vehicle in a Hotel Zone or Loading/Unloading Zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance to Section 16.40.140 and available for review by the Director or law enforcement officer;

**F.** Mandatory Compliance. NEMT Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**G.** Driver Reporting. Every NEMT Driver shall report any of the following events to the Director and to all affiliated NEMT Companies within 24 hours of its occurrence:

**1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;

**2.** Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

**3.** Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and

**4.** Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**H.** Suspension or Revocation of Certified NEMT Drivers. If a NEMT Driver or NEMT Vehicle certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicle without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

#### **16.40.745 Pedicab Services Permits Required.**

The operation of a Pedicab Company is a privilege and not a right. For Pedicab Services to be provided in the City of Portland, the Pedicab Company shall be required to obtain a

permit. The Bureau shall certify that all affiliated Pedicab Vehicles and Pedicab Company Drivers have met all certification and operating requirements.

**A. Pedicab Company Permit Requirements.** No person or entity shall conduct business as a Pedicab Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**B. Pedicab Driver Certification Requirements.** No person or entity shall conduct business as a Pedicab Driver in the City of Portland without certification by the Director prior to being authorized to provide Pedicab Services on behalf of an affiliated Pedicab Company. Drivers not meeting all required conditions will not be certified as Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**C. Pedicab Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Pedicab Vehicle in the City of Portland without certification by the Director prior to being used to provide Pedicab services by an affiliated Pedicab Company. Vehicles not meeting all required conditions will not be certified as Pedicab Vehicle and will not be allowed to operate as a Pedicab Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.920 through 16.40.950.

**16.40.750 Pedicab Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

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

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
5. If the applicant Pedicab Company is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner;
6. If the applicant Pedicab Company is a corporation, partnership or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal

entity in dealings with third parties, and any other information that the Director may reasonably require:

7. The applicant Pedicab Company's Zero-Tolerance Drug Policy
8. The applicant Pedicab Company contact information
9. A nonrefundable application fee.

**B. Compliance with Secretary of State's Rules.** No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C. Insurance.** All Pedicab Company permit holders shall comply with pedicab insurance requirements pursuant to Section 16.40.730. All Pedicab Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D. Director's Review Process.** After receiving a completed Pedicab Company application form and upon successful completion of all the requirements pursuant to Section 16.40.710, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Pedicab Company permit.

**F. Application Denial.** The Application shall be denied for any of the following:

1. The Pedicab Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The Pedicab Company applicant provides dispatch services to anyone other than affiliated Pedicab Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
3. The Pedicab Company applicant leases, permits, or otherwise allows other entities not affiliated with the Pedicab Company and certified by the Director to operate pedicab services;
4. The application has a material misstatement or omission;
5. The Pedicab Company application is incomplete;

**G. Denial Appeal.** If the application is denied, the applicant Pedicab Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H. Providing Pedicab Services.** Pedicab Services shall only be provided by a permitted Pedicab Company.

**I. Certification of Pedicab Drivers.** The Pedicab Company shall regularly provide a list of applicant pedicab drivers affiliated with the permitted Pedicab Company for Director certification that drivers meet requirements in Sections 16.40.760 and 16.40.770. Pedicab Drivers shall be certified by the Director prior to providing pedicab services on behalf of an affiliated Pedicab Company and drivers not meeting all required conditions will not be certified as a permitted Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Valid Driver License;
3. Pedicab Driver Business License Number; and

**J. Pedicab Driver Re-certification.** The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 16.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to operate as a Pedicab Driver.

**K. Certification of Pedicab Vehicles.** The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab Company for Director certification that vehicles meet requirements pursuant to section 16.40.750. Pedicab Vehicles shall be certified by the Director and affiliated with a permitted Pedicab Company prior to being used to provide Pedicab Services. Vehicles not meeting all required conditions will not be certified as a permitted Pedicab vehicle and will not be allowed to operate as a Pedicab Vehicle. Such requirements include:

1. Vehicle safety and condition;
2. Pedicab Company general and motor vehicle liability insurance;

**L. Term of Certification of Pedicab Vehicles.** Certifications for Pedicab Vehicles provided by the Director shall be valid for a term of one year from date of certification.

**M. Pedicab Vehicle Re-certification.** The Pedicab Company shall provide a list of applicant vehicles for re-certification to the within one month prior to the Pedicab Vehicle certification expiration. Applicant vehicles shall meet all conditions and be consistent with Pedicab Vehicle certification requirements pursuant to Section 16.40.750 (D\_E) for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Pedicab Vehicle and shall not be allowed to operate as a Pedicab Vehicle.

**N. Denial Appeal.** If a Pedicab Driver or Pedicab Vehicle certification is denied, suspended or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**O. Right to a Permit.** The Pedicab Company's ability to satisfy the criteria for a Pedicab Company permit does not create a right to a Pedicab Company permit.

**P. Transferring Permits.** Transferring permits shall be prohibited.

**Q. Removal of Pedicab Drivers and Pedicab Vehicles from affiliated Pedicab Company.** Pedicab Companies shall provide to the Director notification of affiliated Pedicab Drivers that have been prohibited from providing Pedicab services by the affiliated Pedicab Company and Pedicab Vehicles that have been removed from the fleet of the affiliated Pedicab Company as changes occur.

**R. Operating at the Port of Portland.** Pedicab Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.755 Pedicab Services Permit Fees**

**A. Permit Fees.** Pedicab Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930..

**B. Permit Issuance.** No Pedicab Company permit shall be issued until such permit fees have been received by the City.

#### **16.40.760 Pedicab Insurance Requirements**

**A. Coverages and Limits:** All Pedicab Transportation Company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

- 1. Commercial Business Insurance.** Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$500,000 per Occurrence and \$1,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.
- 2. Worker's Compensation and Employers Liability Insurance.** The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

**B. Additional Policy Conditions.** Policies required under Subsection 16.40.730 A.1. must also contain, include, provide for or comply with the following:

1. The Commercial General Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;
2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
4. The insurance policy must allow for written notice to the Director 30 days before any policy is canceled;
5. The insurance policy must allow for written notice to the Director 30 days before a policy will expire or be reduced in coverage;
6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**C. Permit Holder's Insurance Obligations.** All Pedicab Company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:

1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
2. The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
3. The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.

**D. Alternative to Insurance Requirements.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.730 (A)(1-2) and only if the public safety and well-being is not endangered thereby. The

adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

**16.40.765 Pedicab Operating Responsibilities and Prohibitions.** A permitted Pedicab Company shall comply with the following:

**A. Zero Tolerance for Drug and Alcohol Use.** All permitted Pedicab Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Pedicab Drivers. Such Policy shall be submitted to the Director for approval. Any changes to the Policy shall be submitted to and approved by the Director prior to implementation.

**B. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a Pedicab Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Pedicab Company shall be governed by Oregon tort law in effect at the time of the claim.

**C. Fare rate Transparency.** All Pedicab fare rates shall be established by the Pedicab Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.

**D. Receipts.** All pedicab passengers shall be provided, upon request, 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 Pedicab Company, Pedicab Driver, Pedicab Company contact information and the City of Portland's PFHT complaint phone number.

**E. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any Pedicab Company or Pedicab Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.

**F. Reporting Requirements.** Each Pedicab Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Pedicab Driver involving the operation of Pedicab Service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Pedicab Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and



**6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Pedicab Company.

**G. Data Requirements.**

**1.** Any permitted Pedicab Company may enter into an agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:

- a.** Number, date and time of fulfilled requests
- b.** Number, date and time of unfulfilled requests
- c.** Number, date and time of trips
- d.** Trip origin zip code
- e.** Trip destination zip code
- f.** Trip wait time
- g.** Trip duration and miles traveled

**3.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

**4.** In the event disclosure of such data is required by law, the City will provide Pedicab Companies notice prior to any disclosure of such data.

**5.** Upon request, the Pedicab Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**M. Pedicab Company Records Management and Mandatory Compliance.**

**1.** Pedicab Companies will be required to keep documentation of all certified Pedicab Drivers and Pedicab Vehicles. Such records shall be kept on file during the term of the Pedicab Company Permit and for two calendar years after the expiration of such Permit. Upon request or subpoena, Pedicab Company records shall be provided to the Director and/or law enforcement officers.

**2.** Pedicab Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

### **16.40.770 Pedicab Vehicle Certification and Operating Requirements.**

**A. Pedicab Vehicle Certification.** The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40. Vehicles shall be certified by the Director and affiliated with a permitted Pedicab Company prior to being used to provide Pedicab service. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Vehicle.

**B. Term of Certified Pedicab Vehicle.** Certifications for Pedicab Vehicles provided by the Director shall be valid for one year from the date of the initial certification. The Pedicab Company shall provide a re-certification to the Director annually prior to the certification expiration and within one month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for Pedicab Vehicle certification shall be made directly to an affiliated Pedicab Company. Pedicab Company will regularly provide to the Director a Pedicab Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Pedicab Vehicle on a form approved by the Director.

**D. Pedicab Vehicle Safety Requirements.** Pedicab Vehicles shall satisfy the following conditions when operating between dusk and dawn:

1. Make use of working battery-powered lights;
2. Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet; and
3. Be equipped with two red taillights mounted on the right and left area of the pedicab's rear.
4. Exceed manufacturer's limits on the amount of weight the pedicab vehicle may safely carry.
5. No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.

**E. Pedicab Vehicle Condition.** Each Pedicab Vehicle shall:

1. Be kept in safe condition and good repair;
2. Be kept clean and in good appearance;

**F. The consumption any intoxicant or smoking of any substance shall be prohibited in any Pedicab Vehicle.**

**G. Mandatory Compliance.** Pedicab Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**16.40.775 Pedicab Driver Certification and Operating Requirements.**

**A. Pedicab Driver Certification.** The Pedicab Company shall regularly provide a list of applicant drivers affiliated with the permitted Pedicab Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified by the Director and affiliated with a certified Pedicab Vehicle prior to being operating a Pedicab Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Driver. Pedicab companies shall provide a current list to the Director as changes occur.

**B. Term of Certified Pedicab Driver.** Certifications for Pedicab Drivers provided by a Pedicab Company to the Director shall be valid for one year from the date of the initial certification. The affiliated Pedicab Company shall provide a re-certification to the Director within one month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for Pedicab Driver certification shall be made directly to an affiliated Pedicab Company. The Pedicab Company will regularly provide to the Director Pedicab Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Pedicab Driver on a form approved by the Director.

**D. Pedicab Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Pedicab 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 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.
3. Dru Sjodin National Sex Offender Public Registry

**E. Pedicab Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Pedicab Driver and cannot provide Pedicab Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 7 years, based on the conviction date, preceding the submission of the application;

- 2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
- 3.** The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
- 4.** During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
- 5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
- 6.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
- 7.** The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
- 8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
- 9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
- 10.** The applicant is less than 18 years old; or
- 12.** All Pedicab Driver Criminal and Driving Histories are subject to review by the Director.

**F. Pedicab Driver Training.** Pedicab Drivers shall successfully complete Director approved trainings within 30 days of Pedicab Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety; and
3. Portland-area attractions; and
4. Customer Service

**H. Business License Requirements.** All Pedicab Drivers affiliated with a Pedicab Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Pedicab Vehicle. Any Pedicab Driver without a valid City of Portland Business License as required by Chapter 7.02 cannot be certified as a Pedicab Driver and will not be allowed to operate as a Pedicab Driver until such Business License is obtained.

**I. Pedicab Driver Re-certification.** The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 16.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to provide Pedicab Services.

**J. Suspension or Revocation of Certified Pedicab Drivers.** If a Pedicab certification is suspended or revoked by the Director, the affiliated Pedicab Company shall be notified by the Director. Pedicab Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Pedicab Driver.

#### **16.40.780 Pedicab Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Pedicab Driver or Pedicab Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Pedicab Drivers shall carry a non-digital fax or photocopy proof of Pedicab Company insurance pursuant to ORS 806.011 and a valid driver's license or government-issued photo identification at all times while operating a Pedicab Vehicle. Upon request of the Director or law enforcement officer, Pedicab Drivers shall present proof of a valid Pedicab Company insurance policy and driver's license or government-issued photo identification.**

**C. Driver Conduct.** No Pedicab Driver shall:

1. Allow another person to use his/her Pedicab Driver certification

2. Drive or allow another person to drive a Pedicab Vehicle without a valid driver's license while the vehicle is being used to provide Pedicab Services;
3. Operate any Pedicab Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
- 4.. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
5. Use a Pedicab Vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
- 7.. Consume any intoxicant or smoke of any substance while operating a Pedicab Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any inside a Pedicab Vehicle;
9. Defraud a passenger in any way;
10. Be discourteous to a passenger;
- 11.. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
12. Drive passengers to their destination by any other than the most safe and efficient route, unless requested to do so by the passenger;
13. Operate any Pedicab Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**D. Mandatory Compliance.** Pedicab Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**E. Driver Reporting.** Every Pedicab Driver shall report any of the following events to the Director and to all affiliated Pedicab Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**F. Suspension or Revocation of Certified Pedicab Drivers.** If a Pedicab certification is suspended or revoked by the Director, the affiliated Pedicab Company shall be notified by the Director. Pedicab Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Pedicab Driver.

#### **16.40.800 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.**

**A. Permit Required.** No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.

**B. Application Documents Required.** The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant's responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver's permit must submit to the Director the items listed below:

1. A completed application on a form provided by the Director;
2. Proof of current residence address;
3. Legal proof that the applicant is at least 18 years of age;
4. A copy of the applicant's current motor vehicle driver's license, if any;

5. A copy of the applicant's non-Oregon driving record, if any, for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction;
6. Disclosure of all applicable criminal history and driving and motor vehicle record history, as listed on the application form;
7. Certification of a horse-drawn driver training program approved by the Director;
8. Confirmation that the driver will be employed for a horse-drawn carriage company with current and valid horse-drawn carriage company and vehicle permits.
9. If necessary, any information requested by the Director that reasonably relates to the application or is a clarification of information provided.

**C. Photographs.** The applicant will be photographed by the Bureau after submission of the driver permit application. The photograph then becomes a part of the applicant's submittal package.

**D. Fees Required.** The applicant for a horse-drawn carriage driver's permit must submit an initial permit fee of \$25, and \$25 per year renewal fee.

**E. Penalties.** Carriage Companies shall pay civil penalty fines consistent with Section 16.40.930.

**F. Permit Issuance.** No Carriage Company permit shall be issued until such permit fees have been received by the City.

**G. Carriage Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Carriage 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 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.
3. Dru Sjodin National Sex Offender Public Registry



**H. Carriage Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Carriage Driver and cannot provide Carriage Services if any of the following conditions exist:

- 1.** The applicant has a felony conviction of any kind in the 7 years, based on the conviction date, preceding the submission of the application;
- 2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
- 3.** The applicant is a match in the Dru Sjodin National Sex Offender Public Registry
- 4.** During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a.** any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b.** any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
- 5.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
- 6.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
- 7.** The applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
- 8.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;

10. The applicant is less than 18 years old; or

11. All Carriage Driver Criminal and Driving Histories are subject to review by the Director.

**I.. Driver Safety and Customer Service Training Requirements.** The applicant must provide documentation of successful completion of Bureau-approved horse-drawn carriage driver training prior to issuance of a horse-drawn driver's permit.

**J.. Driver Knowledge and Skills Testing Requirements.** The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:

1. Basic carriage horse care;
2. Demonstrate ability to operate and control a horse-drawn carriage;
3. Relevant City Code provisions and Administrative Rules.

#### **16.40.810 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.**

**A. Permit Required.** No person or entity may operate a for-hire horse-drawn carriage company without a valid, current horse-drawn carriage company permit issued by the City under Chapter 16.40.

**B.** Each horse-drawn carriage company permit application must satisfy the requirements of Section 16.40.600 LPT Company Permits Required.

**C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Director or designee.

**D.** Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:

1. A description of the horse's name, age, breed, gender;

2. A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
3. Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
4. Additional veterinary certification requirements are provided in Administrative Rule.

E. Insurance Certificate. All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.830 have been satisfied.

F. Applicants must provide to the Director a description of the types, dates and time range, length and location of horse-drawn carriage rides offered; and

G. Applicants must provide to the Director a schedule of rates and charges. An updated schedule must be provided to the Director when the rates are changed during the course of the permit.

H. Horse-drawn carriage company permit fees are: \$100 nonrefundable application fee, to be paid at the time of permit application; \$125 for initial one year permit, and \$125 per year annual permit renewal.

#### **16.40.820 Horse-Drawn Carriage Permit and Plate Required - Application Process and Requirements.**

A. Permit and Decal or Plate Required for Horse-Drawn Carriages. No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.

B. Application Form. The applicant for a horse-drawn carriage permit must complete a “Horse-Drawn Carriage Application” in the form required by the Director, which includes, but is not limited to, the following required information:

1. Carriage make, model and manufacturer;
2. Seating capacity and weight limits;
3. A photograph of each carriage to be registered;
4. If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Director.

C. Safety Inspection. The Board has the authority, by Administrative Rule, to require that a horse-drawn carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.

D. Horse-Drawn Carriage Condition. No horse-drawn carriage will be issued a plate or decal if the Director determines that the carriage is not clean and in good repair, with all required equipment in sound operating condition.

E. Horse-Drawn Carriage Equipment: Specific equipment requirements are provided by Administrative Rule.

F. Each horse-drawn carriage shall be made available for inspection at the request of the Director or his designee.

G. Fees. Horse-drawn carriage companies must pay a \$25 initial and annual renewal fee for each horse-drawn carriage vehicle permit and plate.

#### **16.40.830 Horse-Drawn Carriage Insurance Requirements.**

A. Coverage and Limits: All horse-drawn carriage company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

1. Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and

Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire horse-drawn carriage company permit.

2. Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

B. Additional Policy Conditions. Additional insurance policy requirements are provided in Administrative Rule.

C. Permit Holder's Insurance Obligations. All horse-drawn carriage company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:

1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
2. The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
3. The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.

D. Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.830 A-C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

#### **16.40.840 Horse-Drawn Carriage Temperature, Time and Place Restrictions.**

A. No horse-drawn carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays and City holidays, unless an exemption from this restriction is granted by the Director.

B. No horse-drawn carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.

C. No horse-drawn carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.

D. No horse-drawn carriage may operate in the presence of weather conditions that make horse-drawn carriage travel unsafe.

E. Should any condition or combination of conditions in Subsections 16.40.840 B-D occur, the horse-drawn carriage driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility, by the least-strenuous and shortest safe route possible.

F. No horse-drawn carriage may operate on a street that does not have a posted speed limit of 35 mph or less.

G. No horse-drawn carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Director, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Director may provide a list of excepted circumstances and locations in Administrative Rule.

H. The Director or his designee, who observes a horse-drawn carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

**16.40.850 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.**

A. The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.

B. Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.

- C. Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Director or his designee.
- D. Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.
- E. No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F. No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G. No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H. Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Director or his designee.
- I. A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D., shall be in the custody of the company owner at all times. The driver will keep a copy of this Certificate in any operating carriage, and make said Certificate immediately available for inspection upon request by the Director or his designee.
- J. No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- K. Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- L. Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the horse-drawn carriage operator to clean up any spillage.
- M. The operator of a horse-drawn carriage must comply with the orders of the Director, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

**16.40.860 Care of Carriage Horses.**

**A.** Horse-drawn carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.

**B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.

**C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.

**D.** When conducting horse-drawn carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:

1. Respiratory rate > 36 breaths per minute after 1 minute;
2. Temperature > 103 degrees;
3. Heart rate > 52 beats per minute after 1 minute recovery time.

**E.** Horses must be provided with a blanket for dryness and warmth when appropriate.

**F.** Owners, operators and drivers of a horse-drawn carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury or severe stress.

**G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.

**H.** The towing weight of the horse-drawn carriage may not exceed the weight of the horse.



- I.** Tie ropes used around the neck or attaching to the halter shall be carried on all horse-drawn carriages. No horse shall be tied using the bridle, bit or reins.
- J.** No animal shall work pulling a horse-drawn carriage for more than 5 hours in a 24 hour period, nor more than 5 days in any given week.
- K.** Each horse will be given at least a 10 minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.
- L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.
- M.** Horses must be turned out for at least one hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

#### **16.40.870 Horse-Drawn Carriage Regulations.**

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.820 through 16.40.860, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

#### **16.40.880 Horse-Drawn Carriage Penalties.**

- A.** For violation of the regulations and requirements in Sections 16.40.820 through 16.40.860, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.
- B.** Three or more violations within one year are grounds for permanent revocation of horse-drawn carriage driver, vehicle and company permits.

#### **16.40.900 Compliance with Federal, State and Local Laws**

Any for-hire transportation company, driver or vehicle that is not in compliance with all federal, state or local laws relating to “for-hire transportation” services is likewise not in compliance with Chapter 16.40 under authority granted to it in Section 16.40.050.

#### **16.40.910 Permit Fees and Civil Penalty Fines.**

**A.** All permitted PFHT operators shall pay permit fees and civil penalties consistent with Section 16.40.910 and 16.40.930.

**B.** All permitted PFHT operators shall provide payment to the City pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.

**C.** Permit fee rates shall be established annually by the Director presented to the PFHT Advisory Committee and defined in Administrative Rules pursuant to Section 16.40.970.

**D.** Taxi Company and TNC permit fee rates shall be established annually by the Director in accordance with the following:

**1.** Permit fee rates shall be established to fund all program costs required to adequately administer the PFHT program pursuant to Section 16.40.100-190 and 16.40.200-290 and to verify compliance with all relevant requirements pursuant to Chapter 16.40; and

**2.** Permit fee rates shall be proportioned according to the expected annual number of trips fulfilled by permitted Taxi Companies and TNCs, as determined by the Director and informed by available trip data provided pursuant to 16.40.140(K) and 16.40.240(K).

**E.** Permitted Taxi Companies and TNCs shall add to the total fare of each completed trip charged to passengers the permit fee, as established by the Director and pursuant to this section and in accordance with the following:

**1.** The permit fee rate added to total fare of each completed trip charged to passengers by the Taxi Company or TNC shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to 16.40.140 and 16.40.240.

**F.** The Director shall provide permit fee invoices to permitted Taxi Companies and TNCs quarterly pursuant to Section 16.40.910. The Director shall issue invoices on or about the 20th day of the month following the end of the quarter based upon trip data provided by TNC and Taxi Companies. The invoice payments are due on the 15th day of the following month. In the event the 15th day of the month falls on a holiday or a weekend then the payment will be due on the first business day following the weekend or holiday. Payments will be considered delinquent on the 20th day of the following month.

The first quarter of a new year begins on January 1. The Director shall suspend or revoke Taxi Company or TNC Company permits if permit fees are not paid in full in accordance to Section 16.40.910.

**G.** Permit fee rates applicable to all approved PFHT operators, with the exception of Taxi Companies and TNCs, shall be established annually by the Director to fund all program costs required to adequately administer the PFHT program and to verify compliance with all relevant requirements pursuant to Chapter 16.40 and as defined in Administrative Rules.

**H.** The Director shall provide notice of permit fee payment requirements to permitted PFHT operators, with the exception of Taxi Companies and TNCs, pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.

**I.** Failure to comply with requirements pursuant to Chapter 16.40 shall result in the issuance of civil penalty fines accordingly:

**16.40.920 Paid Passenger Referrals Prohibited.**

**A.** All private for-hire transportation drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.920 A. are as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.

**B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Director when requested. The penalties for violation of Subsection 16.40.920 B. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle or driver permit, except as authorized in this Chapter, in return for any dispatch call, assignment, vehicle or shift. The penalties for violation of Subsection 16.40.920 C. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**D.** If a limousine, executive sedan, taxicab, shuttle or other for-hire vehicle is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is parked there to provide private for-hire transportation services that require a log book entry. Taxis, shuttles, executive sedans and limousines parked in a hotel zone must provide properly documented logbook entry when requested by the Director. The penalties for violation of Subsection 16.40.920 D. are as follows: \$500 for the first offense; \$1,000 for the second offense; \$2,500 and suspension for the third and subsequent offenses.

**E.** For-hire vehicles, other than Taxi Vehicles, shall not park in Taxi Zones and may not park in hotel zones without a reservation or request for service. The penalties for violation of Subsection 16.40.920 E. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$2,500 and suspension for the third and subsequent offenses.

**F.** Taxi Vehicles may not park in a hotel zone or loading/unloading zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented in the required log format, and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.920 F. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$1,000 and driver permit suspension for the third offense.

#### **16.40.930 Civil Penalties and Penalty Table.**

**A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If either the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.

**B.** Unless a specific civil penalty amount is prescribed by any Section of this Chapter, penalties for specific code and administrative violations are found in the Civil Penalty Table in Section 16.40.930. Any violation of a code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a code Section, but which places an obligation or requirement on a driver or company, will result in a penalty of at least \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for the 3rd violation.

**C.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed:

<b>Code Section</b>	<b>Requirement</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offenses</b>
16.40.760 A.	Pedicab Driver Permit	\$100	\$300	\$500

16.40.170, 270, 370,470.6 70	Driver Permits	\$250	\$500	\$1,000
16.40.180, 280, 380,480,6 80	Business License	\$250	\$500	\$1000
16.40.610	LPT Company Permit	\$500	\$1,000	\$2,500
16.40.100	Taxi Company Permit	\$500	\$1,000	\$2,500
16.40.700	Pedicab Permit	\$150	\$300	\$500
16.40.160, 660	Decal/Taxiplate	\$250	\$500	\$1000
16.40.160, 260, 360, 460, 660.	Substitute Vehicle	\$250	\$500	\$1,000
16.40.260, 660	Trade Dress	\$50	\$100	\$250
16.40.260	TNC Operating Conditions	\$50	\$100	\$250
16.40.140, 240	Minimum Standards	\$250	\$500	\$1,000
16.40.140	Digital Records	\$100	\$500	\$1,000
16.40.190, 290, 490	Accessible Service	250	\$500	\$1,000
16.40.160, 260, 360,460,6 60	Vehicle Op Cond.	\$100	\$250	\$500
16.40.180, 280, 380, 480, 680, 770	Driver Conduct	\$50	\$100	\$250

16.40.750	Pedicab Safety Requirements	\$50	\$100	\$250
16.40.180, 280, 380, 480, 680	Maximum Driving Hours	\$500	\$1,000	\$5,000
16.40.150, 250, 350, 450, 650.	Vehicle Requirements	\$50	\$100	\$250
16.40.130, 230, 330, 430, 630, 730, 830	Insurance	\$1,250	\$2,500	\$5000
16.40.140, 240, 340, 440, 640,	Data Requirements	\$1,250	\$2,500	\$5,000
16.40.200	Transportation Network Company Permit Requirements	\$500	\$1,000	\$5,000

**D.** In addition to the civil penalty and the suspension and revocation provisions in Section 16.40.940, any second offense is grounds for suspension of the permit and any third or subsequent offense is grounds for revocation of the permit.

**E.** Offenses are measured by a period of 36 months. Offenses for the same violation that occur more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second”, “third”, etc, offense.

**F.** Nothing in this Section prohibits the Bureau from suspending or revoking any driver, permit, decal or taxiplat after a third offense for the same violation.

#### **16.40.940 Company and Driver Permit Suspension and Revocation**

**A.** Suspension. Any permit, decal or taxiplat issued under Chapter 16.40 may be suspended by the Director if the Director finds reasonable grounds to believe that any of the following apply:

1. A temporary suspension is necessary to protect the public safety;
2. The permittee’s insurance is not current; or
3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal.

**B. Revocation.** Any permit, decal or taxiplate issued under Chapter 16.40 may be revoked by the Director if the Director finds reasonable grounds to believe that any of the following apply:

1. The revocation is necessary to protect the public safety;
2. The permittee did not comply with the terms and conditions of a temporary suspension;
3. The permittee is found operating as a for-hire company or driver while on suspension;
4. A Taxi Driver permittee has fraudulently altered the calibration of the driver's taximeter;
5. The permittee provides either the City, an insurance agent or an insurance carrier with materially false information regarding vehicle insurance; or
6. The permittee has incurred a total of five penalties and/or temporary suspensions during any consecutive twelve-month period.

**C. Simultaneous Revocation.** In the event that a for-hire transportation company permit is revoked, all vehicle decals and/or taxiplates assigned to that company are simultaneously revoked and void.

**D. Notice Requirements for Suspensions.** If the Director has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.940 A., the Director will send a "Notice of Proposed Suspension" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. The Director's findings concerning the alleged violation;
2. Notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Director if the permittee denies that any violation has occurred;
3. The terms, conditions and timeframe of the proposed suspension;
4. Notice that a failure to comply with the terms and conditions may result in a revocation of the permit; and
5. The permittee's appeal rights.

**E. Notice Requirements for Revocations.** If the Director has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.940 B., the Director will send a “Notice of Proposed Revocation” to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee’s application form. The written notice must include the following:

1. The Director’s findings concerning the alleged violation;
2. Notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Director if the permittee denies that any violation has occurred; and
3. The permittee’s appeal rights.

**F. Actual Notice Presumed.** Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.550 D. and E. above.

**G. Effective Date of Suspensions and Revocations.** Suspensions and revocations are effective as provided in Subsections 16.40.940 D. and E., except that they are effective immediately if the Director finds reasonable grounds to believe that:

1. A permittee is not covered by liability insurance as required by Sections 16.40.130 or 16.40.230; 16.40.330; 16.40.430, 16.40.630, 16.40.730 or 16.40.830
2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.

**H. Suspension Length.** If the suspension resulted from the failure to pay a civil penalty or due to an ongoing code violation, the suspension continues until the penalty is paid or the violation is corrected. If no correction or payment is made within 60 days from the date that the suspension became effective, the suspension becomes a revocation. In all other cases, the suspension will be for a specific number of days and will end automatically with no further required action from the City or permittee.

**I. Right to a Stay.** Suspensions and revocations are stayed if a timely appeal is filed, unless the grounds for suspension or revocation relate to public safety issues, in which case there is no right to a stay.

**J. Renewal Not Allowed After Revocation or During Suspensions.** Permits, decals and taxiplates that have been revoked during their term are not renewable. Permits, decals and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal or taxiplate.



### **16.40.950 Criminal Penalties and General Appeals**

**A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to overcharge charge any person a fare greater than that allowed by a Taxi Company or TNC.

**B.** Any violation of Subsection 16.40.950 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.

**C.** In addition to the civil penalties listed in Section 16.40.930, any violation of Sections 16.40.100 A-C, 16.40.200 A-C, 16.40.200, 16.40.300 A-C, 16.40.400 A-C, or 16.40.600 A-C, 16.40.700 A-C, 16.40.800 A is punishable, upon conviction, by imprisonment for not more than 6 months.

**D.** Vehicles operated for-hire in violation of Sections 16.40.160, 16.40.260, 16.40.360, 16.40.460., and 16.40.660, are subject to vehicle towing and impoundment.

**E.** Civil Penalties Appeals. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**F.** Permit/Decal/Taxiplate Denials, Suspensions and Revocations; Appeals and Exception.

- 1.** Any person or entity whose permit, decal or taxiplate application is denied, or whose permit, decal or taxiplate is suspended or revoked, may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

- 2.** If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may only appeal to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.940.

**G.** Stays. If a timely appeal is made pursuant to this Section, the action appealed from is stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension or revocation.

### **16.40.960 PFHT Advisory Committee.**

**A.** The Private For-Hire Transportation Board of Review shall hereby be dissolved and any Board Order, Board Rule or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.

**B.** There hereby is created a PFHT Advisory Committee, hereinafter referred to as the Committee

**C. Purpose.** The PFHT Advisory Committee is a citizen advisory body, representing those with interests in private for-hire transportation in the City of Portland. The Committee provides public input into the development and outcomes of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:

1. Providing expertise and feedback to the public, Director, and City Council on Portland's PFHT market, PFHT regulations and policies, taking into consideration the full range of City goals and objectives;
2. Providing recommendations for regulatory, code, and administrative rule changes affecting the PFHT operators and PFHT service including service to people with disabilities.
3. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's goals;
4. Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council;
5. Providing input to ensure the budget of the City's PFHT Program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.

**B. Membership.** The PFHT Advisory Committee shall consist of nineteen diverse members with expertise, knowledge and interest in of PFHT in the City of Portland. Prospective members may apply to the Director on a form approved by the Director and members shall be appointed by the Bureau Commissioner-in-Charge. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators and PFHT drivers in the City of Portland. Members shall be appointed so that the Committee consists of one representative from the following:

1. The Portland Bureau of Transportation (non-voting member);

2. The tourism industry;
3. The Portland Commission of Disabilities;
4. An at-large community member with a disability;
5. The riding public;
6. The Port of Portland;
7. TriMet;
8. A Taxi Company;
9. A Taxi Driver;
10. A Transportation Network Company
11. A Transportation Network Driver;
12. An Executive Town Car Company;
13. An Executive Town Car Driver;
14. A Shuttle Company;
15. A Shuttle Driver;
16. A Limousine or Party Bus Company;
17. A Tour Bus Company;
18. A Pedicab Company;
19. A NEMT Company.

C. Appointments and Terms. Appointment to the PFHT Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge. Members of the PFHT Advisory Committee shall serve no more than two, complete three-year terms.

D. Meetings, Officers, and Subcommittees.

1. The PFHT Advisory Committee shall meet at least five times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. A quorum shall be necessary of voting members to make decisions that represent the position of the PFHT Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
3. The PFHT Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

E. Attendance. Members of the PFHT Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

F. The Portland Bureau of Transportation shall provide staff and appropriate assistance for the Board.

G. All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board.

**16.40.970 Director and Committee Authority and Process.**

**A.** The Director may adopt and implement administrative rules, procedures, forms and written policies for administering the provisions of Chapter 16.40 under the authority granted under Section 16.40.010.

**B.** The Committee may vote to adopt written recommendations to the Director and/or Bureau Commissioner-in-Charge pertaining to any provisions to Chapter 16.40 and all matters pertaining to PFHT.

**C.** Before a recommendation is adopted, the Committee Chair must first provide notice of the proposed recommendation to the public in a manner reasonably calculated to

accomplish such notice (assistance shall be provided by Bureau staff). The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

**D.** In addition to the general notice required in Subsection 16.40.970 C., the Committee Chair must also announce the proposed rule at a regularly-scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee Chair will provide a copy of the proposed rule to anyone in attendance that so requests, and the Committee Chair will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

**E.** At the Testimony Meeting, the Director and the Committee will receive oral and written testimony concerning the proposed rule by any Committee member. Upon completion of the public testimony, the Committee may then vote to either:

1. Adopt the proposed recommendation as originally proposed;
2. Adopt a slightly modified version of the originally proposed recommendation;
3. Move to substantially modified version of the originally proposed recommendation be considered at a later Board Meeting and with additional public testimony; or
4. Withdraw the proposed recommendation altogether and allow no further vote on it.

**F.** If no Committee member seconds a Committee member’s motion under Subsections 16.40.970 E.1. - D.3 above, then the proposed recommendation does not take effect. Any Committee member may make the motion to adopt a proposed recommendation.

**G** If a Committee member seconds the motion to adopt the proposed recommendation under Subsections 16.40.970 E.1. or E. 2., the Committee will then consider and discuss the proposed rule, taking into account any public testimony received. Upon completion of the Committee’s discussion, the Committee Chair will then call for a vote on the proposed rule. If a majority of the Committee votes to adopt the rule, it is thereby adopted.

**H.** If Committee member seconds a motion under Subsection 16.40.970 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed recommendation

will be subject to the discussion, testimony and voting procedures found Subsections 16.40.970 E. - G.

**I.** Recommendations for rule adoption and code revisions. At the recommendation of the PFHT Advisory Committee, the Director may adopt administrative rules pursuant to Chapter 16.40.970 and may provide to the Bureau Commissioner-in-Charge a recommendation to revise any sections here within Chapter 16.40.

**J.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Bureau's office and posted on the Bureau's website. Copies of all current rules will be made available to the public upon request.

**K.** Notwithstanding Subsections 16.40.970 B. and C., the Director may adopt an interim rule without prior public notice or Committee action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of no longer than 120 days.

**L.** Administrative Rules adopted by the Private For-Hire Transportation Advisory Committee pursuant to Chapter 16.40.970 have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.

**M.** Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

**N.** In addition to the general notice required in Subsection 16.40.970 C., the Director must also announce the proposed rule at a regularly-scheduled Committee meeting (the "Announcement Meeting") prior to the meeting in which public testimony will take place (the "Testimony Meeting"). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

**O.** At the Testimony Meeting, the Director and the Committee may will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director's sole discretion, to either:

1. Move to adopt the proposed rule as originally proposed;
2. Move to adopt a slightly modified version of the originally propose rule;

3. Move to substantially modified version of the originally proposed rule be considered at a later Board Meeting and with additional public testimony; or

4. Withdraw the proposed rule altogether and allow no further vote on it.

**P.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Bureau's office and posted on the Bureau's website. Copies of all current rules will be made available to the public upon request.

**Q.** Revisions to Chapter 16.40 may be presented to Council for consideration by the Transportation Commissioner-in-Charge.

**16.40.980 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.**

**A.** All companies that are currently permitted and all valid, current decals, taxipates and certifications issued by the City on the effective the date this Chapter do not need to reapply for new permits, decals, taxiplates or certifications or provide additional proof of valid insurance; but must otherwise adhere to all the requirements as found in this Chapter.

**B.** To achieve the goal of staggered renewal dates, the Director may, by administrative rule, require that the initial permit term of some permittees be for less than the 12 month term required pursuant to Chapter 16.40. The fees associated with any permit terms that are less than the 12 month requirement will be prorated as necessary to reflect the shorter permit duration.

**16.40.995 Severability.**

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses and circumstances.

## **Appendix C**

### **San Antonio Agreement**



**OPERATING CONTRACT  
BY AND BETWEEN  
RASIER, LLC AND THE CITY OF SAN ANTONIO, TEXAS**

This contract is entered into by and between the City of San Antonio, Texas, a home-rule municipal corporation ("CITY"), and Rasier, LLC ("TNC"), a Delaware limited liability company.

**I. TERM**

- 1.1 This contract shall commence upon execution and shall terminate nine months after the first day that TNC relaunches in San Antonio, unless the contract is terminated earlier pursuant to the provisions hereof.

**II. DEFINITIONS**

- 2.1 Transportation Network Company ("TNC") shall mean a person that uses an internet enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone or other electronic device to connect passengers with transportation network drivers for transportation network operations.
- 2.2 Transportation Network Operation ("TNO") shall mean connecting passengers with transportation network operators for rides through a transportation network company.
- 2.3 TNC Operator shall mean a person who receives connections to potential passengers and related services from TNC in exchange for payment of a fee to TNC; and uses a personal vehicle to offer or provide a prearranged ride to passengers upon connection through the digital network controlled by TNC in return for compensation or payment of a fee.
- 2.4 TNC Vehicle shall mean a vehicle that is used by a TNC operator and is owned, leased, or otherwise authorized for use by the TNC operator.

**III. AUTHORITY TO OPERATE**

- 3.1 Pursuant to this contract, the CITY agrees to permit TNC to operate in the City of San Antonio, subject to the conditions and restrictions set forth herein.
- 3.2 Pursuant to Ordinance No. 2015-08-13-0684, the CITY agrees that the provisions of Chapter 33 of the CITY CODE applicable to TNCs, and Chapter 3, Division 4, and the rules and regulations developed pursuant to this chapter, will not be enforced against TNC, except as herein provided, or unless such enforcement stems solely and directly from a violation of any provisions in this contract,

#### **IV. OPERATING FEE**

- 4.1 TNC shall pay an operating fee of \$18,750.00 to the CITY within sixty calendar days of relaunching in San Antonio that will represent the required operating fee for the entire nine-month term of this agreement.

#### **V. OPERATIONS**

##### **A. Rides**

- 5A.1 TNC operators shall only accept rides booked through TNC's digital platform and shall not solicit or accept street-hails.
- 5A.2 Upon a passenger being matched with a TNC operator, the interface used by TNC to connect operators and passengers shall display for the passenger the first name and photograph of the operator and the make, model, and license plate number of the TNC vehicle.
- 5A.3 TNC shall provide a TNC operator the option to identify whether the TNC operator (1) has voluntarily undergone and passed a criminal background check as approved by the city; and (2) is a military veteran or active member of the military.
- 5A.4 TNC shall provide a means for all users of the TNC platform to report complaints to TNC. TNC shall investigate all complaints.

##### **B. Fares**

- 5B.1 TNC may offer service for compensation, no-charge, or suggested compensation. TNC shall disclose its rates used to determine any compensation or suggested compensation on its publicly accessible digital web portal.
- 5B.2 Upon completion of a trip, TNC shall transmit an electronic receipt to the passenger's e-mail address or mobile application, documenting the origination and destination of the trip and a description of the total amount paid, if any.

##### **C. Drivers**

- 5C.1 TNC operators shall (1) possess a valid state-issued driver's license; (2) possess proof of registration for their TNC vehicle; and (3) be at least twenty-one years of age.
- 5C.2 TNC operators shall possess current automobile liability insurance, as provided for herein. TNC operators shall possess proof of both the TNC operator's personal insurance



and TNC's liability insurance while serving as TNC operators. In the event of a traffic accident, TNC operators provide, on request to a peace officer or a person involved in an accident, evidence of financial responsibility by exhibiting the insurance policy. Such proof may be provided or displayed electronically.

- 5C.3 Prior to permitting a person to act as a TNC operator on its digital network, and each year thereafter, TNC shall obtain and review a criminal history research report for such person. The criminal background check shall be a national criminal background check, performed by a provider accredited by the National Association of Professional Screeners, which shall include a review of the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time of homicide, kidnapping, any sexual offense, any assaultive offense, robbery, possession of a weapon in violation of Chapter 46 of the Texas Penal Code, violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code), or the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony, or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of the specified Texas provisions, or use of a motor vehicle to commit a felony, shall not be permitted to be a TNC operator. TNC will maintain electronic records of such criminal background checks for a period of two years.
- 5C.4 Prior to permitting a person to act as a TNC operator on its digital network, and each year thereafter, TNC shall obtain and review a driving history research report for such person. Any person with more than three moving violations or a single major violation in the three-year period before the date of the driving history report shall not be permitted to be a TNC operator. As used in this section, a "major violation" includes, but is not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license. TNC will maintain electronic records of such driving history research reports for a period of two years.
- 5C.5 TNC shall implement a policy prohibiting TNC operators from refusing to provide service to an individual with a service animal unless the TNC operator has a medically documented condition that prevents the TNC operator from transporting animals.
- 5C.6 TNC shall establish a TNC operator training program designed to ensure that each TNC operator properly operates his vehicle. The prohibition on using taxi stands and prohibition against refusing to provide service to passengers with service animals shall be made available for TNC operators to review on the TNC website or otherwise communicated to TNC operators.
- 5C.7 TNC shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any TNC operator on the TNC platform. TNC shall provide notice to the users (1) of the zero-tolerance policy on its website and (2) of the procedures for reporting a complaint about a TNC operator the passenger reasonably suspects was under the influence of drugs or alcohol during the course of a ride. TNC shall immediately suspend a TNC operator upon receipt of a passenger complaint alleging a violation of the zero-tolerance policy. The suspension shall last the duration of the investigation.

- 5C.8 TNC shall implement a zero-tolerance policy prohibiting discrimination (on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, veteran status, age, or disability), harassment, or sexual harassment by any TNC operator on the TNC platform. TNC shall provide notice to the users (1) of the said zero-tolerance policy on its website and (2) of the procedures for reporting a complaint about an TNC operator the passenger reasonably believes has engaged in discrimination, harassment, or sexual harassment in conducting business as a TNC operator. TNC shall immediately suspend a TNC operator upon receipt of a passenger complaint alleging a violation of the zero-tolerance policy. The suspension shall last the duration of the investigation.

#### **D. Insurance**

- 5D.1 House Bill 1733 is a bill that was introduced during the 84th regular session of the Texas Legislature and became law on June 17, 2015, when it was signed by the governor of the State of Texas. The bill amends the Texas Insurance Code in order to establish automobile insurance requirements for TNCs and their drivers. The effective date of HB 1733 is January 1, 2016.
- 5D.2 TNC agrees that it will comply with the requirements of HB 1733 and the applicable provisions of the Texas Insurance Code, as it will be amended by HB 1733, upon execution of this contract.
- 5D.3 As soon as practicable, TNC shall provide to the CITY a certificate of insurance for the required policy, naming TNC as the insured, with an endorsement naming the CITY as an additional insured. The policy shall be accompanied by a commitment from the insurer that any provision of the policy that relates to the CITY will not be canceled, modified, or reduced in coverage without at least thirty days' prior notice to the CITY.

#### **E. Vehicles**

- 5E.1 TNC vehicles may be coupes, sedans, or light-duty vehicles, including, without limitation, vans, minivans, sport utility vehicles, hatchbacks, convertibles, and pickup trucks, that are legally permitted to operate on streets within the CITY.
- 5E.2 All TNC vehicles shall have a safety inspection conducted prior to their operation pursuant to this contract. Said inspection shall be made pursuant to a procedure approved by the CITY. No vehicle failing to pass inspection may be utilized as a TNC vehicle.
- 5E.3 The inspection shall, at a minimum, include an assessment of the following components:
1. foot brakes
  2. parking brakes
  3. Steering mechanism
  4. windshield



5. rear window and other glass
6. windshield wipers
7. headlights
8. tail lights
9. turn indicator lights
10. top lights
11. front seat adjustment mechanism
12. doors (open, close, lock)
13. horn
14. speedometer
15. bumpers
16. muffler and exhaust system
17. condition of tires, including tread depth
18. Interior and exterior rear view mirrors
19. safety belts for operator and passengers

5E.4 TNC and TNC operators shall not use any marked taxi stands or commercial loading zones.

#### **F. Records**

5F.1 TNC shall maintain accurate and current records of all TNC operators providing TNO services through TNC.

5F.2 TNC shall maintain trip data by zip code for all trips originating within the CITY. Said data shall include both the trip origination zip code and the trip termination zip code. TNC shall provide data on the percentage of trips originating and terminating in each CITY zip code to the CITY within ten business days following the end of each of the three three-month periods occurring during the term of this contract and within ten business days of the effective date of the termination of this contract. Said data shall be treated as confidential by the CITY.

5F.3 The release by the CITY of records or information disclosed to the CITY by TNC in response to an open records request for is governed by Chapter 552 of the Texas Government Code. The release by the CITY of records or information disclosed to the CITY by TNC in response to a subpoena or court order is governed by state or federal law. In the event that information provided by TNC to the CITY pursuant to this contract is sought through an open records request, a subpoena, or a court order, the CITY shall promptly notify TNC of such open records request, subpoena, or court order, so as to afford TNC the opportunity to take actions to prevent disclosure.

#### **G. Airport**

5G.1 For each trip originating at the San Antonio International Airport (the "Airport"), TNC shall pay \$1.00 to the CITY. TNC shall make said payment to the CITY within ten

business days following the end of any calendar month during the term of this contract and within ten business days of the effective date of the termination of this contract.

- 5G.2 In lieu of decals, transponders or additional regulatory or technological measures, TNC shall establish a geo-fence or other instrument which allows it to identify any trips originating at the San Antonio International Airport. TNC shall provide the CITY a monthly report containing an itemization of trips originating at the San Antonio International Airport, including date.

### **H. Inspections**

- 5H.1 The CITY shall provide TNC with the names of CITY inspectors. The CITY inspectors shall conduct no more than 10 inspections per month during the term of this contract. TNC agrees to ensure that the passenger accounts of any CITY inspectors remain open, unless the inspectors engage in misconduct that goes beyond the lawful exercise of the inspector's duties and responsibilities. Such inspector accounts shall remain open during the term of this contract with no notice to drivers that the account belongs to a city inspector. TNC shall provide the CITY with a coupon code, or similar medium, that permits CITY inspectors to take a secret-shopper ride without charge for the purpose of conducting inspections during the term of this contract, with such coupon code or similar medium to provide no notice to drivers that the passenger is a city inspector.

### **I. Agent**

- 5I.1 TNC shall designate an agent whose place of work is located within the State of Texas.
- 5I.2 Upon execution of this contract, TNC shall provide to the CITY the name, telephone number, facsimile number (if any), e-mail address, physical address, and office hours of its agent.

### **J. Town Hall**

- 5J.1 TNC agrees to participate in two town hall meetings organized by the CITY.

## **VI. TERMINATION**

- 6.1 For purposes of this contract, "termination" of this contract shall mean termination by expiration of the contract term, as set out in Article I, or earlier termination pursuant to any of the provisions of this contract.
- 6.2 TNC or the CITY may terminate this contract upon thirty days' written notice to TNC or the CITY for any reason, in its sole discretion.



- 6.2 Should CITY terminate this contract prior to the expiration of its term, the CITY shall reimburse TNC a pro rata amount of its operating fee for the period during which TNC was precluded from operating pursuant to this contract.

## **VII. LICENSES AND CERTIFICATIONS**

- 7.1 All licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials and all applicable state and federal laws and local ordinances, except as otherwise provided for in this contract, must be complied with by TNC. Failure to comply with this requirement may result in termination of this contract.

## **VIII. NON-EXCLUSIVE CONTRACT**

- 8.1 TNC acknowledges that this contract does not invest in TNC the exclusive right to provide TNO services in the City of San Antonio during the term of this contract.

## **IX. NON-WAIVER**

- 9.1 Unless otherwise specifically provided for in this contract, a waiver by either party of a breach of any of the terms, conditions, covenants, or guarantees of this contract shall not be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, condition, covenant, or guarantee herein contained. Further, any failure of either party to insist in any one or more cases upon the strict performance of any of the covenants of this contract, or to exercise any option herein contained, shall in no event be construed as a waiver or relinquishment for the future of such covenant or option. In fact, no waiver, change, modification, or discharge by either party hereto of any provision of this contract shall be deemed to have been made or shall be effective, unless expressed in writing and signed by the party to be charged. No act or omission by a party shall in any manner impair or prejudice any right, power, privilege, or remedy available to that party hereunder or by law or in equity, such rights, powers, privileges, or remedies to be always specifically preserved hereby.

## **X. INDEMNIFICATION**

- 10.1 TNC covenants and agrees to FULLY INDEMNIFY, DEFEND and HOLD HARMLESS, the CITY and the elected officials, employees, officers, directors, volunteers and representatives of the CITY, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage (collectively "CLAIMS"), made upon the CITY directly or indirectly arising out of, resulting from or related to TNC'S violation of this Contract, including any violation attributable to any agent, officer, director, representative, employee, consultant or subcontractor of TNC, and their respective officers, agents employees, directors and

representatives while in the exercise of the rights or performance of the duties under this Contract. The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence or intentional misconduct of CITY, its officers or employees. IN THE EVENT TNC AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS FOR THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.

- 10.2** The provisions of this INDEMNITY are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. The parties shall advise each other in writing within 24 hours of any claim or demand against either party that it reasonably believes are covered by TNC's INDEMNITY obligations hereunder. The CITY shall have the right, at its option and at its own expense, to participate in such defense without relieving TNC of any of its obligations under this paragraph.
- 10.3** Defense Counsel - TNC shall retain the right to select defense counsel in fulfilling its obligation hereunder to defend and indemnify CITY, unless such right is expressly waived by TNC in writing. CITY shall also have the right, at its option, to be represented by advisory counsel of its own selection and at its own expense.
- 10.4** Employee Litigation – In any and all claims against any party indemnified hereunder by any employee of TNC, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation herein provided shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for TNC or any subcontractor under worker's compensation or other employee benefit acts.
- 10.5** It is expressly understood and agreed that TNC is and shall be deemed to be an independent contractor and operator responsible to all parties for its respective acts or omissions and that CITY shall in no way be responsible therefor.

## **XI. CHANGES AND AMENDMENTS**

- 11.1** Except when the terms of this contract expressly provide otherwise, any alterations, additions, or deletions to the terms hereof shall be by amendment in writing executed by both the CITY and TNC.
- 11.2** It is understood and agreed by the parties hereto that changes in local, state, and federal rules, regulations, or laws applicable hereto may occur during the term of this contract and that any such changes shall be automatically incorporated into this contract without written amendment hereto, and shall become a part hereof as of the effective date of the rule, regulation, or law.



## **XII. ENTIRE CONTRACT**

- 12.1 This contract and its exhibits constitute the final and entire contract between the parties hereto and contain all of the terms and conditions agreed upon. No other contracts, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind the parties hereto unless same be in writing, dated subsequent to the date hereof, and only executed by the parties.

## **XIII. SEVERABILITY**

- 13.1 If any clause or provision of this contract is held invalid, illegal, or unenforceable under present or future federal, state, or local laws, including, but not limited to, the CITY charter, CITY CODE, or ordinances of the City of San Antonio, Texas, then and in that event it is the intention of the parties hereto that such invalidity, illegality, or unenforceability shall not affect any other clause or provision hereof and that the remainder of this contract shall be construed as if such invalid, illegal, or unenforceable clause or provision was never contained herein; it is also the intention of the parties hereto that in lieu of each clause or provision of this contract that is invalid, illegal, or unenforceable, there be added as a part of the contract a clause or provision as similar in terms to such invalid, illegal, or unenforceable clause or provision as may be possible, legal, valid, and enforceable.

## **XIV. NOTICES**

- 14.1 For purposes of this contract, all official communications and notices between the parties shall be deemed sufficient if in writing and mailed, registered or certified mail, postage prepaid, to the addresses set forth below:

### CITY

Assistant Police Director  
San Antonio Police Department  
315 S. Santa Rosa  
San Antonio, Texas 78207

### TNC

Christopher Nakutis, General Manager  
Uber Technologies, Inc.  
400 W. 15th Street, Suite 200  
Austin, Texas 78701

## **XV. LAW APPLICABLE**

- 15.1 THIS CONTRACT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS AND ALL OBLIGATIONS OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN BEXAR COUNTY, TEXAS.
- 15.2 VENUE AND JURISDICTION FOR ANY LEGAL ACTION OR PROCEEDING BROUGHT OR MAINTAINED, DIRECTLY OR INDIRECTLY, UNDER OR IN

CONNECTION WITH THIS CONTRACT SHALL LIE EXCLUSIVELY IN BEXAR COUNTY, TEXAS.

### XVI. LEGAL AUTHORITY

- 16.1 The signer of this contract for TNC represents, warrants, assures, and guarantees that he has full legal authority to execute this contract on behalf of TNC and to bind TNC to all of the terms, conditions, provisions, and obligations herein contained.

### XVII. PARTIES BOUND

- 17.1 This contract shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns, except as otherwise expressly provided for herein.

### XVIII. CAPTIONS

- 18.1 The captions contained in this contract are for convenience of reference only and in no way limit or enlarge the terms and/or conditions of this contract.

EXECUTED IN DUPLICATE ORIGINALS on October 13, 2015.

CITY OF SAN ANTONIO

RASIER, LLC

*Sheryl Sculley*

*Karen Walker*

Sheryl Sculley  
City Manager

Karen Walker  
Manager

APPROVED AS TO FORM:

*Martha G. Sepeda*

Martha G. Sepeda  
Acting City Attorney

ATTEST:

*Leticia M. Vacek*

Leticia M. Vacek  
City Clerk

*October 13, 2015*

Date



## **Appendix D**

### **Birmingham TNC Ordinance**

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Recommended By: The Director of Finance

Submitted By: The Deputy City Attorney

**ORDINANCE NO. 15-181**

AN ORDINANCE TO AMEND "THE BUSINESS LICENSE CODE OF THE CITY OF BIRMINGHAM, ALABAMA", AS ADOPTED BY ORDINANCE NO. 97-183, AS AMENDED, TO ADD AN ADDITIONAL NAICS SUB-SECTOR AND CORRESPONDING LICENSE SCHEDULE FOR "OTHER TRANSIT AND GROUND PASSENGER TRANSPORTATION" COMPANIES TO ARTICLE I "SCHEDULE OF BUSINESS LICENSES", NAICS SECTOR 485 "TRANSIT AND GROUND PASSENGER TRANSPORTATION".

**SECTION 1. BE IT ORDAINED** by the Council of the City of Birmingham that "The Business License Code of the City of Birmingham, Alabama", as adopted by Ordinance No. 97-183, as amended, be and is hereby further amended to add the following North American Industry Classification System (NAICS) sub-sector and corresponding license schedule of 4859 "Other Transit and Ground Passenger Transportation" to Article I "Schedule of Business Licenses", NAICS Sector 485 "Transit and Ground Passenger Transportation":

**NAICS/NAICS TITLE****LICENSE SCHEDULE / LICENSE DESCRIPTION****NAICS 485 NAICS TITLE – Transit and Ground Passenger Transportation****SCHEDULE 4859 – Other Transit and Ground Passenger Transportation**

Each company primarily engaged in providing: other transit and ground passenger transportation service (except urban transit systems, interurban and rural bus transportation, taxi services, school and employee bus transportation, charter bus services, and limousine services (except shuttle services); Shuttle services (except employee bus) and special needs transportation services are included in this industry; Shuttle service establishments generally travel within a metropolitan area and its adjacent nonurban areas on regular routes, on regular schedules and provide services between hotels, airports, or other destination points; other Transit and Ground Passenger Transportation companies shall pay an annual license of.....\$8,000.00\*

For the purpose of this schedule, special needs transportation establishments provide passenger transportation to the infirm, elderly, or handicapped. These establishments may use specially equipped vehicles to provide passenger transportation.

The initial and annual license renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended, Article II.

**\*Additional Business License Requirement:**

**1. Each Transit and Ground Passenger Transportation company shall meet all of the requirements for obtaining a Transportation Network Company ("TNC") permit, as provided in the General Code of the City of Birmingham-Section 12-16-168, prior to being approved for the purchase of an Other Transit and Ground Transportation business license and operate within the City of Birmingham.**

**SECTION 2.** The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or thereof, or the part application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

**SECTION 3.** This ordinance shall become effective and operative when published as required by state law.



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Recommended By: The Director of Finance

Submitted By: The Deputy City Attorney

**ORDINANCE NO. 15-182**

AN ORDINANCE TO AMEND "THE BUSINESS LICENSE CODE OF THE CITY OF BIRMINGHAM, ALABAMA", AS ADOPTED BY ORDINANCE NO. 97-183, AS AMENDED, TO ADD AN ADDITIONAL NAICS SUB-SECTOR AND CORRESPONDING LICENSE SCHEDULE FOR "TAXI, LIMOUSINE AND OTHER TRANSIT AND GROUND PASSENGER TRANSPORTATION DRIVER" COMPANIES TO ARTICLE I "SCHEDULE OF BUSINESS LICENSES", NAICS SECTOR 485 "TRANSIT AND GROUND PASSENGER TRANSPORTATION".

**SECTION 1. BE IT ORDAINED** by the Council of the City of Birmingham that "The Business License Code of the City of Birmingham, Alabama", as adopted by Ordinance No. 97-183, as amended, be and is hereby further amended to add the following North American Industry Classification System (NAICS) sub-sector and corresponding license schedule of 4853 "Taxi, Limousine and Other Transit and Ground Passenger Transportation Driver" to Article I "Schedule of Business Licenses", NAICS Sector 485 "Transit and Ground Passenger Transportation":

**NAICS/NAICS TITLE****LICENSE SCHEDULE / LICENSE DESCRIPTION****NAICS 485 NAICS TITLE – Transit and Ground Passenger Transportation****SCHEDULE 4853 – Taxi, Limousine and Other Transit and Ground Passenger Transportation Driver**

Each individual who primarily engages in providing passenger transportation services, as a driver of an automobile or van, or provides an array of specialty and luxury passenger transportation services via limousine or luxury sedans as a driver, generally on a reserved basis and not operated over regular routes and on regular schedules shall pay a license in the amount of .....\$30.00\*

Drivers obtaining this license schedule shall obtain all required permits.

The initial and annual license renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended, Article II.

**Additional License Requirements:**

**TNC Drivers shall be required to be in actual physical possession of the TNC Driver's current business license while providing TNC services and shall allow any passenger or law enforcement officer to examine said business license upon request.**

**SECTION 2.** The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or thereof, or the part application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

**SECTION 3.** This ordinance shall become effective and operative when published as required by state law.

Adopted by the Council December 23, 2015 and Approved by the Mayor December 23, 2015



A CERTIFIED COPY  
of the City of Birmingham  
Ordinance No. 97-183  
as amended  
J. E. Frazier  
Mayor



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Submitted by: Council President Austin

Recommended by: Council President Austin

**ORDINANCE NO. 15-183**

**AN ORDINANCE TO RECOGNIZE TRANSPORTATION NETWORK COMPANIES AND TO INCORPORATE THE REGULATION OF SUCH COMPANIES INTO THE CITY TRANSPORTATION CODE; TO PROVIDE FOR THE ISSUANCE OF APPROPRIATE PERMITS FOR SUCH A COMPANY; AND FOR OTHER PURPOSES.**

**WHEREAS**, technologies have developed which make it possible to connect persons who seek for-hire transportation within the City with drivers who are not necessarily involved in such activity on a full-time basis; and,

**WHEREAS**, these new technologies enable persons seeking transportation to use wireless or internet applications to determine the location of a potential driver, obtain information about the driver, and arrange for transportation with that specific driver; and,

**WHEREAS**, these new technologies require some amendment to the City Transportation Code, Title 12, "Licensing and Regulation", Chapter 16, "Taxis and Vehicles for Hire," in order to recognize these non-traditional for-hire transportation services and to protect the safety of drivers, riders, and the general public;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIRMINGHAM, ALABAMA:**



**SECTION 1** Title 12, "Licensing and Regulation," Chapter 16, "Taxis and Vehicles for Hire," as amended of the General Code of the City of Birmingham, 1980, is hereby amended to include the following:

**ARTICLE F**

**TRANSPORTATION NETWORK COMPANIES**

**Section 12-16-167 Definitions.**

(a) *"Transportation Network Company" or "TNC"* shall mean an entity authorized to operate in the City pursuant to Section 12-16-170 of this Chapter that uses a digital network or software application service to connect passengers to Transportation Network Company Services provided by Transportation Network Company Drivers. The vehicles used to provide Transportation Network Company Services are not taxicabs or vehicles for hire for purposes of this Chapter.

(b) *"Transportation Network Company Driver" or "TNC Driver"* shall mean an individual who contracts with a TNC and operates a motor vehicle that is:

- (a) Owned, leased or otherwise authorized for use by the individual;
- (b) Not classified as a taxicab or vehicle-for-hire under this Chapter;
- (c) Used to provide Transportation Network Company Services for said TNC;
- (d) Inspected and insured as required by Sections 12-16-169 and 12-16-170 of this Chapter; and
- (e) Capable of carrying no more than eight (8) passengers at the same time.

(c) *“Transportation Network Company Services” or “TNC Services”* shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC’s digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver’s vehicle, and end when the passenger exits the TNC Driver’s vehicle. TNC Service is not taxicab or vehicles for hire for purposes of this Chapter.

**Section 12-16-168 Permit for Transportation Network Company Required**

(a) Each TNC using a mobile application shall first meet all of the requirements for obtaining a TNC permit in accordance with the provisions of this Article. A TNC operating within the corporate limits of the City of Birmingham must maintain current and accurate records of all qualified TNC Drivers providing TNC Services through the use of the mobile dispatch service. It is an offense to operate a TNC within the corporate limits of the City without a current and valid TNC permit.

(b) Each TNC shall be responsible for ensuring that any TNC Driver assigned to provide TNC Services and any vehicle used in the rendition of TNC Services are duly authorized by the TNC to provide TNC Services pursuant to the applicable provisions of this chapter.

(c) A TNC permit is specific to the TNC to whom it is issued and covers the TNC Drivers who are contracted with the said TNC, and may not be transferred or otherwise

assigned. Each TNC permit is nonexclusive, and no limits or restrictions shall exist upon the number of qualified vehicles that may provide TNC Services through a mobile dispatch service, provided that each vehicle must be operated in accordance with all applicable requirements of this article.

(d) A TNC permit issued pursuant this article shall be valid until December 31<sup>st</sup> of the year issued. Initial TNC permits issued on or after July 1 of the permit issuance year shall be subject to a fee equal to half of the annual permit fee. (e) Each applicant for a permit to operate a TNC shall comply with the requirements of this Chapter and pay an annual fee of \$2,000.00, due no later than January 1 and last payable without penalty January 31 of each year. Any permit renewal fee received after January 31<sup>st</sup> will incur a late fee of five hundred dollars (\$500.00). A TNC permit is a privilege and not a right. A TNC shall be subject to suspension or revocation of its permit for failing to comply with the requirements of this Article and for failing to cooperate with the City.

(f) Each TNC shall meet all of the requirements for obtaining a TNC permit as provided herein as well as purchase any required business license(s) prior to operating within the City of Birmingham. The TNC business license purchases and renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended.

**Section 12-16-169 Insurance Requirements for Transportation Network Companies**

Pursuant to the laws and regulations of the State of Alabama, drivers of motorized vehicles operating within the State of Alabama must have valid automobile insurance in force and effect at all times while operating a motor vehicle. Additionally, TNC Drivers authorized by a TNC to provide TNC Services must comply with the following additional regulations:

(a) On or before the effective date of this Ordinance and thereafter, TNCs and TNC Drivers shall comply with the automobile insurance requirements of this Section 12-16-169.

(b) The following automobile insurance requirements shall apply during the time that a TNC Driver is logged into the TNC's network and available to receive requests for transportation but is not performing TNC services:

(1) Automobile liability insurance that provides at least the minimum coverage amounts required under the Motor Vehicle Safety-Responsibility Act, Chapter 7, Title 32, Code of Alabama 1975.

(2) Automobile liability insurance in the amounts required in paragraph (1) of subsection (b) shall be maintained by a TNC and provide coverage in the event of participating TNC Driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of subsection (b).

(c) The following automobile liability insurance requirements shall apply while a TNC Driver is providing TNC services:

(1) Automobile liability insurance that provides at least \$1,000,000 for death, bodily injury, and property damage.

(2) The coverage requirements of this subsection (c)(1) may be satisfied by any of the following:

(A) Automobile liability insurance maintained by the TNC Driver; or

(B) Automobile liability insurance maintained by the TNC; or

(C) Any combination of subparagraphs (A) and (B).

(d) Each TNC shall carry general liability insurance that provides for at least \$1,000,000 for claims against the TNC arising out of its operations.

(e) In every instance where insurance maintained by a TNC Driver, in order to fulfill the insurance requirements of Section 12-16-169, has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(f) Insurance required by this Section 12-16-169 may be placed with an insurer authorized to do business in the state of Alabama, or with an eligible surplus lines insurer in accordance with Alabama Code Section 27-10-20.

(g) TNC Drivers shall carry proof of the insurance required under section 12-16-169 during the times the TNC Driver is in the vehicle, either logged into the TNC service or providing TNC Services. If the insurance is maintained by the TNC such proof of the insurance shall, at a minimum, identify the TNC's insurance company, policy number, effective dates of the policy, and instructions for filing a claim. Proof of insurance may be displayed electronically through the TNC's digital platform in accordance with Alabama Code Section 32-7A-6.

**Section 12-16-170 Vehicle Inspections, General Appearance, Distinctive Signage.**

(a) Within thirty days after a TNC Driver first uses a vehicle to provide TNC Services, and annually thereafter, a vehicle providing TNC Services shall be inspected to ensure compliance with the requirements of this Section. The inspection may be performed by: an American Advanced Technicians Institute ("AATI") or a National Institute for Automotive Service Excellence ("ASE") certified mechanic, an automobile technician at a licensed automobile repair shop, or any additional automobile repair shop otherwise approved by the City. The TNC shall maintain complete documentation of such inspection at least for the period the current inspection remains valid.

(b) The safety inspection shall cover the following equipment:

- (A) Foot brakes;
- (B) Emergency brakes;
- (C) Steering mechanism;

- (D) Windshield;
- (E) Rear window and other glass;
- (F) Windshield wipers;
- (G) Headlights;
- (H) Tail lights;
- (I) Turn indicator lights;
- (J) Stop lights;
- (K) Front seat adjustment mechanism;
- (L) Doors;
- (M) Horn;
- (N) Speedometer;
- (O) Bumpers;
- (P) Muffler and exhaust system;
- (Q) Condition of tires, including tread depth;
- (R) Interior and exterior rearview mirrors; and
- (S) Safety belts and air bags for driver and passenger(s).

(c) No TNC Driver shall drive or cause to be driven upon the streets of the city any vehicle that is more than ten (10) years old. For purposes of this requirement, a vehicle will be considered to be ten years old on July 31<sup>st</sup> of the tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was

originally placed into service.

(d) A TNC shall establish a uniform logo, insignia, decal or trade dress for use on a motor vehicle at any time a motor vehicle is providing or arranging to provide TNC Services.

(e) At all times that a TNC Driver is providing TNC Services, the vehicle he or she is driving shall prominently display a TNC's distinctive signage. At the time of application for a TNC permit, a TNC shall file an illustration of their distinctive signage with the Clerk's Office.

#### **Section 12-16-171 Transportation Network Company Requirements**

(a) To operate within the corporate limits of the City, a TNC must first qualify to do business in the State of Alabama and maintain an agent for service of process within the State of Alabama.

(b) Notwithstanding any other provision of this Code, a TNC may charge a fare for the services provided to passengers; provided that, if a fare is charged, the TNC shall disclose to passengers the fare or fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC Driver's vehicle. The TNC shall disclose to the passenger prior to the passenger entering the TNC vehicle if it is operating during a period of dynamic pricing. The TNC shall also provide the passenger an option to be notified when the time of dynamic pricing is no longer



in effect. In addition to this notice, the TNC shall notify the passenger as soon as practicable of this same information, if the passenger requests this option.

A TNC may offer service at no-charge, suggest a donation, or charge a fare; provided, that if a fare is charged, a TNC shall disclose the fare or fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges a trip with the TNC.

A TNC or a TNC Driver is not allowed to collect cash for the cost of the trip. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger, that includes the following information:

- (1) The origin and destination of the trip;
  - (2) The total time and distance of the trip; and
  - (3) A breakdown of the total fare paid, if any.
- (c) The TNC's software application or website shall display a picture of the TNC Driver, and the license plate number of the motor vehicle utilized for providing the TNC Service before the passenger enters the TNC Driver's vehicle.
- (d) A TNC shall maintain:
- (1) individual trip records for at least two (2) years from the date each trip was provided; and
  - (2) TNC Driver records at least until the two (2) year anniversary of the date on which a TNC Driver's activation on the TNC digital network has ended.

(e) When requested, and no more frequently than on an annual basis, each TNC shall provide to the City up to one hundred (100) but not less than twenty-five unique identification numbers, each of which has been assigned to an individual TNC Driver associated with the TNC pursuant to the requirements of this Article. The City may once a year send to the TNC a list of up to fifteen (15) driver identification numbers and request visual inspection of records held by the TNC for those fifteen (15) TNC Drivers for purposes of verifying that the TNC is in compliance with the requirements of this Article including, but not limited to, vehicle inspections, proper completion of criminal background checks, and proper insurance. The inspection shall take place at a mutually agreed locale in the City of Birmingham. At this locale, the TNC shall furnish to the City the following records for each of the TNC Drivers associated with the driver identification numbers that the City has identified:

(1) Proof that the TNC confirmed that each vehicle passed an inspection in accordance with Section 12-16-170(a) of this Article.

(2) Proof that the TNC conducted, or had a third party conduct, the criminal background check and driving record check required by this Article; and

(3) Proof that the TNC required each driver to submit an application that complies with Section 12-16-172(b).

(4) The results and findings of the of the inspections and backgrounds checks of Sections (E) (1), (2) and (3) above.

The City does not assume any responsibility for the operations of the TNC, its drivers or any actions or omissions arising in connection with its activities, which, at all times, shall remain the responsibility of the TNC.

(f) A TNC shall maintain a site that can be accessed by the public via the internet, email, or other digital or telephonic communications, twenty-four hours a day, seven (7) days a week, except during short-term website outages or similar disruptions. Each TNC shall provide and keep current with the Chief of Police, or his designee, the address, telephone number, and internet, email or other digital access information of the TNC.

(g) Any TNC allowed to provide TNC Services within the corporate limits of the City, shall cooperate to the fullest extent reasonably possible with law enforcement to provide information about specific transportation incidents. If local, state, or federal, law enforcement asserts that access to such information must be immediate to prevent a reasonable threat of death, or serious physical injury, to a person, then the company, or any driver, shall provide that information immediately. Any TNC that is licensed by the City shall provide an emergency contact number to the Birmingham Police Department for such instances. In all other law enforcement situations, such information shall be provided promptly in response to the issuance of a prosecuting attorney's subpoena to review such records. Any failure to comply with this subsection shall result in the immediate suspension of the TNC license for any TNC Services.

(h) No TNC Driver shall pick up a passenger on any portion of the Birmingham-

Shuttlesworth International Airport (BHM) without proper authorization pursuant to the Ground Transportation Regulations of the Birmingham Airport Authority. Additionally, no TNC Driver shall pick up or discharge any passenger in any designated taxicab stands, whether at the airport, or otherwise.

(i) A TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or sexual identity with respect to passengers and potential passengers and notify TNC Drivers of such policy.

(1) TNC Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(2) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals;

(3) A TNC or TNC Driver shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(j) A TNC responding to a records request from the City may redact any records it furnishes to the requesting party to protect the privacy and identifying information of the TNC Driver. Records furnished to the City are designated confidential and are not subject to disclosure to a third party without the TNC's express written permission unless required to

be disclosed by applicable law or a court order; including without limitation the Alabama Public Records Law, provided that the City notifies the TNC of such requirement promptly prior to disclosure, and provided further that the City makes diligent efforts to limit disclosure pursuant to any available bases set forth in the Alabama Public Records Law or other applicable law. If the City is required to release the TNC's confidential information, it nevertheless shall use any available authorities to redact personal or business confidential information from such records to the extent consistent with applicable law and the final judgment.

(k) All TNCs shall name the City of Birmingham as an additional insured under the insurance policies required by Section 12-16-169 of this Article. Moreover, TNCs and TNC drivers are not agents, servants or employees of the City of Birmingham. Nothing in this Article shall be construed as the City waiving or forfeiting any privilege, immunity, statutory cap on damages, or any other defense it may be entitled to under city, state or federal law.

#### **Section 12-16-172 Transportation Network Company Drivers**

(a) A person shall not provide any TNC Services as a TNC Driver within the corporate limits of the City without having first obtained authorization from a TNC and obtained a City of Birmingham business license.

(b) Prior to authorizing an individual to act as a TNC Driver on its digital platform, the TNC shall:

- (1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC;
  - (2) Conduct, or have a nationally accredited third party conduct, a local and national criminal background check for each applicant that shall include:
    - a. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
    - b. National Sex Offender Public Website.
  - (3) Notify the TNC Driver of the requirement to obtain a City of Birmingham business license.
- (c) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:
- (1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
  - (2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or a violation that

constitutes a felony under the Anti-Terrorism Act of 2002, Ala. Code §§ 13A-10-150 *et al.* or a similar felony offense under the laws of another jurisdiction ;

- (3) Has been convicted of murder, manslaughter, kidnapping, or sexual assault;
- (4) Is a match in the National Sex Offender Public Website;
- (5) Does not possess a valid driver's license;
- (6) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;
- (7) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Services; or
- (8) Is not at least nineteen (19) years of age.

(d) It shall be unlawful for any TNC or TNC Driver to solicit potential passengers for vehicle for hire services at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city, or use any words or gestures that could be construed as soliciting a passenger for vehicle for hire transportation services.

(e) It shall be unlawful for a TNC Driver to accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(f) It shall be the duty of each TNC Driver to pull his or her vehicle to the curb when loading or unloading passengers.

(g) The TNC's internet enabled application or digital platform accessed by potential passengers shall display for the potential passenger: (1) a picture of the TNC Driver and (2) the make and model of the vehicle the TNC Driver is approved to use, including the license plate number of the TNC Driver's vehicle.

The TNC shall make available on the mobile application and the receipt provided to the passenger, the contact information for their customer service department, including the department's email address.

(h) Any TNC or the TNC Driver shall provide to any authorized law enforcement officer proof of the insurance policies required by this article in case of an accident involving a TNC Driver's vehicle, if a law enforcement officer requests this proof.

Any terms or conditions in the agreement between the TNC and TNC Driver, or between the TNC or TNC Driver, and any passenger, that would exclude or limit the TNC's liability for a loss of personal property or injury are valid only to the extent permitted by Alabama law.

(i) A TNC Driver shall not drink any intoxicating liquor or be under the influence of any controlled substance, or alcohol or substance that inhibits the TNC Driver's ability to operate the vehicle in a safe manner, while operating the vehicle.

(j) If an accident occurs involving a motor vehicle that is being used for TNC Services, including when the TNC Driver is logged into or otherwise using the software application or network, the TNC Driver shall provide proof upon request, to the Birmingham Police Department of the following:



- (1) The TNC Driver's individual auto liability insurance meeting the local and state requirements;
  - (2) The TNC's auto liability coverage; provided, that a TNC Driver shall have proof of liability coverage and that the TNC may instead provide such proof to the Birmingham Police Department;
  - (3) Proof that the TNC Driver is logged into or is an active TNC Driver and has access to the TNC's software application or network. Such proof for this subsection shall include either the driver's license number or vehicle license plate.
- (k) A TNC Driver shall not drive for more than 12 hours in any consecutive 24-hour period.
- (l) A TNC Driver shall not refuse to transport a person to a requested destination located within the corporate limits of the city.

**Section 12-16-173 Penalty Provisions.**

Knowing violations of the provisions of this Article shall be subject to the applicable Penalty provisions set out in Section 12-16-50 of the General City Code of the City of Birmingham.

**Section 12-16-174 Controlling Authority.**

Notwithstanding any other provision of law, Transportation Network Application Companies and Transportation Network Drivers are governed exclusively by this Article.

**Section 12-16-175 Severability.**

In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

**Section 2 BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon its passage and publication as required by law and shall be reviewed within six months from the date of passage.



## **Appendix E**

### **Port of Seattle Commission TNC Staff Memorandum**

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**  
**STAFF BRIEFING**

<b>Item No.</b>	7a
<b>Date of Meeting</b>	March 22, 2016

**DATE:** March 14, 2016  
**TO:** Ted Fick, Chief Executive Officer  
**FROM:** Lance Lyttle, Managing Director Aviation Division  
**SUBJECT:** Transportation Network Company (TNC) Implementation Plan

**SYNOPSIS**

Amidst a dynamic ground transportation services environment, three TNCs (Uber, Lyft and Wingz) have requested access to Sea-Tac Airport for the pick-up of passengers. Transportation Network Companies, which are currently authorized by King County and the City of Seattle under Chapter 46.72 of the Revised Code of Washington, provide transportation of passengers for compensation by connecting drivers of personal vehicles to passengers requesting transportation exclusively through use of mobile device application technology. Airport staff have been in regular communication with potential TNC operators throughout 2015 and are now actively engaged in negotiations. Port staff intends to launch a 12-month Pilot Program with TNCs on March 31, 2016.

TNCs have recently accepted either operating a green vehicle-only airport fleet (each vehicle meeting 47 MPG or higher) or implementing an innovative Port-initiated, Environmental Key Performance Indicator (E-KPI) green standard, and are willing to self-report results during pilot implementation until a better tracking system is developed. During the term of the pilot program the Port plans to monitor TNC operating performance monthly and will additionally evaluate it for E-KPI compliance every quarter.

Meetings with each TNC began on March 7 to finalize contractual, financial reporting and operational ramp-up details. These efforts will help the Port determine how to most effectively work with this growing industry segment following the completion of the pilot program. Concurrently, Public Affairs staff is preparing for the launch of this new transportation service at Sea-Tac to inform and communicate to our Airport patrons.

**BACKGROUND**

On May 26, 2015 and subsequently on September 8, 2015, the Port Commission provided guidance by which staff was to establish the framework for implementing an operating agreement with TNCs at Sea-Tac Airport. This guidance was based on a philosophy of establishing a level playing field whereby similar requirements are consistently applied to ground transportation operators at Sea-Tac Airport.

**COMMISSION AGENDA**

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**General Contract Terms**

Listed below are the contract terms being negotiated with TNCs.

1. **Term:** one-year with 30-day cancellation clause, similar to all other GT (non-concession) agreements. (Note: we will be including language regarding E-KPI achievement dates). The term of the pilot program will not exceed one year, commencing March 31, 2016 and ending March 31, 2017, regardless of the start of operations for any individual TNC.
2. **Trip fee:** \$5 fee for each pick-up trip.
3. **Activation fee:**

10,000 or more pick-up trips per month:	\$100,000
5,000 -10,000 pick-up trips per month:	\$ 50,000
1,000-5,000 pick-up trips per month:	\$ 25,000
Fewer than 1,000 pick-up trips per month:	\$ 10,000

  - The activation fee due at the beginning of the pilot agreement will be based on the average actual monthly drop-off trips at Sea-Tac Airport for the period 9/1/15 through 2/29/16 (6 months).
  - After six months, actual monthly pick-up trip count average will be calculated and underpayment will be collected and/or overpayment will be credited.
  - Tariffs may be adjusted after the Pilot Program to cover service costs.
4. **Operating area:** area identified on the 3<sup>rd</sup> floor ground transportation plaza.
5. **Staging area:** 160<sup>th</sup> Street parking lot.
6. **Technology:** operator will be required to establish geo-fences around and, as necessary, within the Airport which allow for vehicle tracking into, within, and out of these areas. Pick-up ride requests cannot be fulfilled while on airport property, except while in the appropriate staging area. Operator will also be required to integrate software that will provide staff oversight from a computer/app to manage enforcement, billing, tracking, and audits once such system is put in place by the Port.
7. **Reporting:** operator will be required to send monthly information on E-KPI, all vehicle trips, both pick-up and drop-off, including information on date, time of entry into geo-fences, time of pick-up/drop-off, time of exit of geo-fences, and location of entry/exit of geo-fences (access points to/from airport). Operator will also need to allow for real-time reporting of information once a technology solution (see 6 above) is in place. This reporting requirement (with real-time information once a system is integrated) will begin concurrently with the commencement of the agreement and will be due monthly.
8. **Vehicle trade dress:** all vehicles must have at least one approved company identifier visible within 50 feet.
9. **Wheelchair accessibility:** operator must fulfill all ADA requests either directly or work with an alternative provider to fulfill all requests.

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10. **Insurance:** \$1 million per TNC - in place at all times while on Port property and not engaged in purely personal business.
11. **Customer feedback:** must provide an app that allows customers to provide feedback and report it to the Port. Operator may choose to have app provide other data.

**Process Monitoring and Verifying Environmental Performance**

As mentioned, TNCs will be able to achieve Port environmental standards by either implementing a green vehicle-only airport fleet, or, meeting an equivalent E-KPI standard. Details surrounding the E-KPI are outlined below and follow the schedule which shows work being completed in March prior to pilot launch.

The Port will monitor the three main environmental factors for TNC performance:

- Fleet Weighted Average MPG
- Deadheading
- Pooling or Ridesharing for Unrelated Passengers

These three factors in combination must meet or outperform the E-KPI threshold for taxis (45 MPG and 7% deadheading reduction). The E-KPI threshold is **10.82 lbs. CO<sub>2</sub> per typical passenger trip.**

- Port will receive detailed monthly data (i.e., spreadsheets) from the TNCs listing each vehicle make/model/year, corresponding MPG, and miles in service to Sea-Tac Airport for outbound trips.
- Port has asked the TNCs to provide the license plate number for every vehicle picking up a passenger at the airport while in service to the TNC.

**Deadheading**

- Port will receive detailed monthly data (i.e., spreadsheets) from the TNCs listing the vehicle ID (last 3 digits of license plate or similar) and matched drop-off and pick-up times (within 3 hours) that occurred for that vehicle.
- Port will compare this monthly data to the total number of airport pick-ups in the same time period to determine the deadhead rate.
- Port intends to cross reference the data reported for revenue purposes with the matched drop off and pick up pairs provided for deadheading calculations, as one layer of verification.

**Pooling/Ridesharing**

- Wingz does not have a pooling application (it will meet the standard through fleet mpg or deadheading reduction).

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- UBER believes their deadheading reduction will be successful enough to meet the E-KPI and they won't need to launch UBERPool.
- Lyft has said they will launch the Lyft Line product in the Seattle market. With no specific date for this product launch, the data reporting for pooling/ridesharing remains unresolved.

**CURRENT SCHEDULE****Pilot Period Schedule and Consequences for Failing to Meet E-KPI Standard**

Throughout the pilot period, TNCs will report data (all data including E-KPI and billing/tracking data) on a monthly basis, and will have 1 week following the end of each month to submit their data to the Port.

**1-month**

- Environmental staff will review and calculate the E-KPI and provide a report on general trends and performance.

**6-month**

- Environmental staff will review and calculate the 6-month E-KPI and provide a report.
- If TNC does not meet E-KPI for the preceding six months, an additional \$5 per trip fee (increasing from \$5 to \$10) will be imposed for the duration of the subsequent quarter. The fee will be imposed on the 1<sup>st</sup> day of the month following reporting (i.e. if non-compliant for April-September, new fee begins November 1).

**9-month**

- Environmental staff will review and calculate the 3rd Quarter E-KPI and provide a report.
- If TNC does not meet E-KPI, an additional \$5 per trip fee ((increasing from \$10 to \$15)) will be imposed for the duration of the quarter, over and above the fee paid in the previous quarter. The fee will be imposed on the 1st day of the month following reporting (i.e. if non-compliant for October-December, new fee begins February 1st).
- If TNC meets E-KPI, the pick-up fee reverts to that amount at commencement.
- TNC will report data monthly
- If TNC does not meet E-KPI, the TNC continues to accumulate \$5 non-compliance fees each quarter (with no upward limit on fee). TNCs can eliminate non-compliance fees if they come into compliance with the E-KPI the following quarter.

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The TNC fee schedule is summarized as follows:

<b>TNC FEE SCHEDULE</b>		<b><u>October 1</u></b> <b><u>E-KPI Compliance</u></b>		<b><u>January 1</u></b> <b><u>E-KPI Compliance</u></b>	
		Compliance	Out of Compliance	Compliance	Out of Compliance
Pick up only	\$5.00	\$5.00	\$10.00	\$5.00	\$15.00

**TNC REGULATORY REQUIREMENTS**

Liability Insurance Requirements	Washington State: On-app without passenger: \$50,000/Person, \$100,000/accident, \$30,000/property damage. On-app with passenger: Combined single limit of \$1,000,000 for death, personal injury, and property damage.
Underinsured Insurance Requirements	Washington State: On-app without passenger: Insured can waive. On-app with passenger: \$1,000,000
Vehicle Requirements	A personal vehicle with a TNC vehicle endorsement. Minimum vehicle age restriction 10 years or less (City) no current age restriction in County. No limit on the number of endorsed vehicles allowed to operate. County has records of all vehicles associated with each TNC driver, as does TNC.
Vehicle Inspection	Certificate of Safety issued by a City approved ASE Certified Inspector, Multi-point vehicle inspection
Licensing Requirements	Valid WA State Driver's License, For-hire Driver's Permit and Vehicle Endorsement, Individual Business License (City only)
Licensing Fees	TNC's pay a quarterly fee of \$0.35 per ride for each trip originating in unincorporated King County or one of 16 contract cities. In the City of Seattle, a \$0.10 fee per ride for each trip originating in the City of Seattle is paid by TNC's. Operators submit fees on a quarterly basis.
Driver Training	Initial license requires completion of an approved For-hire Driver training and exam, and completion of the National Safety Council's four-hour Defensive Driving Course (DDC-4)
Background Checks	King County requires the TNC to provide criminal background checks and driving abstracts/DMV reports for any driver without a For-hire Driver's Permit and Vehicle Endorsement, conducted by County approved third party providers, as part of



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	the TNC For-hire driver permit application process. Documents received by TNC and transmitted to King County with driver applications.
Uniforms	Not required by any regulatory agency

**ON-AIRPORT ACTIVITY MONITORING AND OPERATIONAL ENFORCEMENT**

King County requires TNCs to provide criminal background checks and driving abstracts/DMV reports for any driver without a For-hire Driver's Permit and Vehicle Endorsement. These checks are conducted by County approved third-party providers, as part of the TNC For-hire driver permit application process. These documents when completed are transmitted by the TNC to King County along with driver applications.

To further ensure operational compliance the Airport will require that TNCs visually block out the drives on the customer application so that drivers cannot pick up there. The only place they will be visible to a rider will be the 160<sup>th</sup> Street holding lot where all TNCs must first report and stage until actually hailed electronically by a customer. The third floor of the public parking garage will serve as the active pick-up location for TNC riders.

The Airport's Ground Transportation Controller (GTC) cadre will expand their duties to oversee TNC operations on a day-to-day basis. Ground Transportation Controllers will conduct and document random periodic observations that will be used to cross reference license plate information as required to be submitted by the TNCs. This information will then be used by Aviation Division staff to match pairs of data sets to reconcile environmental and operational data specified in the contract.

During the period of the pilot program, Aviation Operations staff will evaluate the need for additional enforcement personnel given the anticipated high volume of TNC activity. Staff has also committed to employ 25 Port-sponsored high school interns to assist where appropriate during the busy summer season ahead.

**TNC COMPLIANCE WITH REPORTING REQUIREMENTS**

TNC operating agreements will include stringent terms that require specific methods for reporting of environmental and operational activity with frequent auditing. A cross-functional Port of Seattle team including Environmental, Finance and Budget, Operations, Business Development/Properties, and Information and Communications Technology, will meet monthly to review all aspects of TNC requirements. Additionally, the Port of Seattle Internal Audit department will conduct periodic independent audits to further ensure effective managerial oversight and contract compliance.

**COMMISSION AGENDA**

Ted Fick, Chief Executive Officer

March 14, 2016

Page 7 of 7

**ATTACHMENTS TO THIS BRIEFING**

- PowerPoint Presentation

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

- January 26, 2016 □ Briefing on Transportation Network Companies (TNCs)
- December 8, 2015 □ Briefing on Ground Transportation □ Introduction of Transportation Network Companies (TNCs)
- September 8, 2015 □ Briefing on Options for Structure of Airport Ground Transportation System
- May 26, 2015 □ Briefing on Airport Taxi Service and Transportation Network Companies

## **Appendix F**

### **General Mitchell International Airport TNC Agreement Press Release**



**FOR IMMEDIATE RELEASE**

Media contact line: (414) 519-8482

**RIDE-SHARING SERVICES UBER, LYFT WILL BE PERMITTED  
TO PICK UP PASSENGERS AT MITCHELL AIRPORT**

*Pilot program responds to strong customer demand for Lyft, expanded Uber services*

**MILWAUKEE (March 14, 2016)** – Milwaukee County’s General Mitchell International Airport (MKE) announced today that it has reached an agreement to offer a 90-day pilot program for popular ride-sharing services Uber and Lyft.

Beginning Tuesday, March 15, 2016, arriving passengers will have the option of selecting Uber or Lyft to reach their final destinations. Previously, Uber and Lyft could drop-off passengers, but only Uber Black and Uber SUV could pick up passengers at the Airport. As part of the pilot program, all Uber and Lyft services will be permitted to pick up passengers at the Airport.

“Ride-sharing services like Uber and Lyft are becoming an important part of the travel and transportation infrastructure, and we are pleased to offer this pilot program to passengers at Mitchell Airport,” County Executive Chris Abele said. “We are optimistic that this pilot program will set the stage for the Airport to offer convenient Uber and Lyft pickups permanently.”

The Uber and Lyft ride-sharing pick-up area is located between Baggage Claim Carousels 1 & 2. Passengers requesting rides on Uber or Lyft should use the exit doors marked “Exit to Ticketing” located alongside the escalator.

Mitchell Airport offers nonstop flights to nearly 40 destinations coast-to-coast, and 160 international destinations are available from Milwaukee with just one connection. MKE is served by Southwest, Delta, Alaska, Air Canada, American, Frontier, OneJet and United. The nonstop cities map can be found at [www.mitchellairport.com](http://www.mitchellairport.com).

*General Mitchell International Airport is owned by Milwaukee County and operated by the Department of Transportation, Airport Division, under the policy direction of the Milwaukee County Executive and the County Board of Supervisors. The airport is entirely funded by user fees; no property tax dollars are used for the airport’s capital improvements or for its day-to-day operation.*

###

## **Appendix G**

### **Altamonte Springs Uber Press Release**

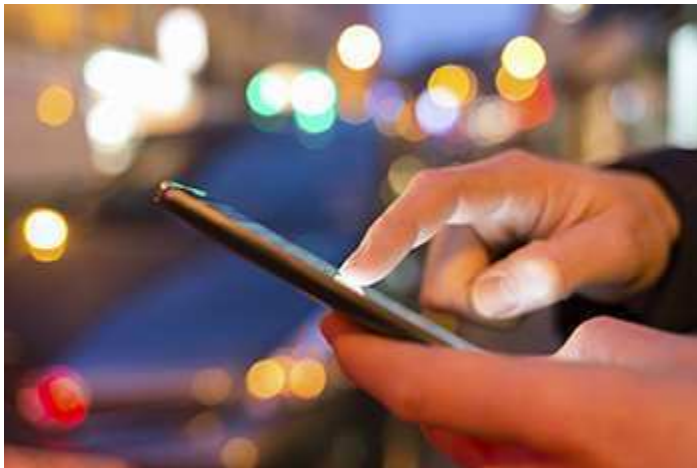
[Home](#) > [How Do I](#) > [Find Information On](#) > [Uber](#)

## Uber



### Altamonte Springs Feature In Uber App Is Live

*The City of Altamonte Springs Now Provides Support for All Uber Trips That Begin and End Within the City Limits*



The City of Altamonte Springs has officially launched a one year pilot project with Uber and is now paying a portion of all trips that begin and end within city limits.

The City now pays 20 percent of any Uber trip that starts and ends within the city limits. As an added benefit to encourage ridership for SunRail, all trips starting or ending at the Altamonte Springs SunRail station (provided the whole trip remains within city limits) will receive a 25 percent subsidy. This convenient service eliminates worry over finding parking at popular venues, allows individuals who can't drive the ability to get around the City and provides solutions to urgent situations such as car repair, health care, etc.

To use the new feature, riders must enter the promo code "ALTAMONTE" and choose the Altamonte option to receive the discounted services. The app will recognize if the user is within the Altamonte Springs city limits. The subsidized portion of rides is automatically deducted from the rider's cost of the trip.

The City's goals of the partnership are to:

- Help alleviate traffic congestion by promoting ride-sharing through Uber

- 1. Improve connectivity to regional transit
- 1. Meet changing transportation needs of the community
- 1. Offer flexible transportation options
- 1. Assess ways that technology and ride-sharing can be utilized to meet future transportation needs

"We are very encouraged by the response we've received to this unique pilot project," said Frank Martz, Altamonte Springs City Manager. "We're very excited to be on the forefront of exploring how we can incorporate this new technology into our overall mobility plan and help people get where they need to go more efficiently and effectively."

"The pilot program in Altamonte Springs epitomizes the many ways Uber can partner with a local community," said Christine Mitchell, General Manager for Uber. "Through this partnership, Altamonte Springs is leading the charge of putting the convenience of safe and reliable transportation at the tap of a button within the reach of more people of this city."



### How It Works

1. DOWNLOAD the Uber app from the Google Play Store or iTunes App Store.
2. OPEN the Uber app within Altamonte Springs city limits and select the Promotions option from the menu.
3. TAP Select Pickup Location.
4. SELECT Promo Code at the bottom of the screen.
5. ENTER ALTAMONTE in the promo code field.
6. SLIDE the icon to the Altamonte Springs option.
7. ENTER the destination by tapping the plus icon on the pickup address box (Android) or the box behind the pickup address (iPhone).
8. TAP the Request button to submit your trip.

For help with the Uber app, visit [www.uber.com/help](http://www.uber.com/help).



## **Appendix H**

### **Maycomb County Uber Press Release**

FOR IMMEDIATE RELEASE:  
June 30, 2015

CONTACT:  
Macomb County Clerk's Office  
Todd Schmitz  
[todd.schmitz@macombgov.org](mailto:todd.schmitz@macombgov.org)  
[586-469-5122](tel:586-469-5122)

Uber:  
Leor Reef  
[leorreef@uber.com](mailto:leorreef@uber.com)  
[901-484-3802](tel:901-484-3802)

## Macomb County Clerk and Uber Partner to Deliver Jurors to Courthouse

*First-of-its-kind partnership makes a ride to jury duty as simple as a tap on the app*  
Macomb County, MI (June 30, 2015) In Macomb County, a jury summons now comes with a driver, providing on-demand transportation to and from the Courthouse. Macomb County Jurors will receive an Uber code good for a \$20 ride each way or \$40 round trip to and from the courthouse. In most cases, the code will cover the full cost of a ride. The ride must start or end at the Macomb County Circuit Court Building in Mount Clemens, and the cost will depend on the distance from a juror's home.

According to Macomb County Clerk/Register of Deeds [Carmella Sabaugh](#), some Macomb County jurors have difficulty finding transportation for jury duty. Sabaugh also wanted a solution to help jurors who worry about finding parking or driving in bad weather. The County hopes to encourage civic participation by partnering with [Uber](#) to provide jurors with free round-trip fare. This 60 day pilot project comes at no cost to the Macomb County budget.

"The right to a jury of your peers is fundamental to our democracy, and Uber is helping Macomb County put innovation into the justice system to safeguard this right," said Sabaugh. "Uber's technology connects jurors with safe rides, frees up parking in the city, and creates an opportunity for Macomb County residents to earn extra cash by driving jurors to court to do their civic duty."

After Macomb County jurors receive a summons and answer the online questionnaire, they will get a unique Macomb County Juror Uber link to create an Uber account. Jurors who choose to use the offer will be picked up at their home and dropped off at the Court Building in Mount Clemens. Jurors may also use their Macomb County Juror Uber code to request a ride home from the Court Building. Riders are encouraged to use the fare estimate feature in the Uber app to determine if the promotional code covers the round-trip fare.

Sabaugh, who has been the Macomb County Clerk / Register of Deeds since 1993, added that providing good service to county residents means embracing new technology, whether it's [Uber](#), [Google Apps for Government](#), [Square](#), or other innovative services her office uses. "Uber believes that getting a safe and affordable ride should be an option for everyone," said Mike White, General Manager of Uber Michigan. "If we are able to come together as a community to minimize transportation deserts, civic participation will grow. We are excited to be

a part of this pilot project and look forward to protecting and encouraging the democratic process in Macomb County. □

###

### **About Macomb County Clerk / Register of Deeds, Carmella Sabaugh**

A Warren resident since the 1965, [Carmella Sabaugh](#) served on the Warren City Council and as Warren City Clerk. ([Sabaugh photo](#).) Sabaugh has served as Macomb County Clerk / Register of Deeds since 1993. Sabaugh, who was honored as a [Google Government Transformer](#), is recognized for using technology to improve service, including:

- Partnered with Suburban Mobility Authority for Regional Transportation to provide [free bus tickets](#) for jurors without transportation. Sabaugh said she will continue to offer free bus tickets as an option.
- Started a [one-day, one-trial system](#) that reduced jury duty from one week to one day for most jurors and reduced annual costs.
- Provides free [wireless Internet service](#) in the jury room so jurors can stay in touch with family or work while waiting to be picked for a trial.
- Partnered with the Mount Clemens Public Library to provide [free library books](#) delivered from any library in the county, waiting when jurors arrive.
- Provides restaurant-style [pagers to jurors](#), depending on court docket demand, letting jurors shop or simply get some fresh air, while waiting to be sent to a courtroom.
- Provides self-serve kiosks for jurors to check-in upon arrival, update their personal information, and also request other Clerk / Register of Deeds services such as birth records or deeds.

### **About Uber**

#### **How Uber Works**

When a rider requests a ride through the free Uber smartphone app, he or she sees available cars on a map. The nearest driver is alerted of the ride request and is given the rider's pick up location. The rider then receives detailed information about the driver, including his or her first name, photo and Uber rating, and the vehicle's make, model, and license plate number. While both the rider's and driver's phone numbers are anonymized through Uber's technology, they have a direct line of contact to one another if needed.

When the rider reaches his or her destination, they are automatically charged for the ride through a seamless, cashless transaction. The rider immediately receives an electronic receipt via email.

**Learn how to use Uber [here](#).**

#### **Economic impact**

Uber creates a new market for transportation services that leads to significant job creation in all Uber cities. The flexibility of the platform is the most prominent reason why drivers use the Uber app. Drivers choose their own hours and can work as little or often as they like. Worldwide, 50,000 driver jobs are generated by the Uber platform every month.

#### **Impact on drunk driving**

The ubiquity and reliability of Uber can remove the temptation of getting behind the wheel after a night on the town. The seamless, cashless alternative makes it easy for drivers to leave their cars at home, thereby reducing the prevalence of drunk driving.

In a recent study by Mothers Against Drunk Driving (MADD), four in five (78%) respondents said friends are less likely to drive home after drinking since ridesharing services like Uber started operating in their city.

**A ride for everyone**

Uber serves all communities and neighborhoods with ETA-based dispatch rather than traditional location-based dispatch, ensuring that no rider is rejected because of who they are, where they live, or where they want to go.

**The Uber app's safety features:**

**Transparent Trip Tracking:** GPS is utilized for every ride on the platform allowing Uber to account for the time and route of every trip.

**No Ride is Anonymous:** Once a ride request is confirmed, users have the picture, name, vehicle type, license plate number and rating of the driver

**Share My ETA:** Users have the ability to "Share My ETA" with friends and family, displaying a live map of the trip in progress.

**A 24/7 Feedback Loop:** Riders rate and provide comments about their experience at the end of every trip and drivers do the same. Uber constantly monitors that feedback to ensure any issue is addressed immediately.

For more information see Uber's blog:

<http://newsroom.uber.com/detroit/2015/06/macombcounty/>

**From:** [Mickey Frost](#)  
**To:** [chris.schafer@uber.com](mailto:chris.schafer@uber.com)  
**Cc:** [Karen Morden](#)  
**Subject:** Public Vehicle Pilot Program Committee  
**Date:** 2016/05/31 1:23:56 PM  
**Attachments:** [image001.png](#)

---

Mr. Schafer:

I understand that you are the TNC sector representative on the Public Vehicle Pilot Program Committee.

With that in mind, please provide me with a written response summarizing your position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters of the pilot and what should be measured to assess the impact of the pilot.

I would appreciate receiving a copy of your written response by email by noon on Monday, June 6, 2015, and please copy Ms. Karen Morden on your response.

Your co-operation and assistance are appreciated. I look forward to working with you on the Committee.



**Mickey Frost, HBA; CPA, CGA; MPA**  
Director, Enforcement  
T 905-615-3200 ext.4020 | F 905-615-3374  
[mickey.frost@mississauga.ca](mailto:mickey.frost@mississauga.ca)

[City of Mississauga](#) | Transportation and Works Department  
Enforcement Division

**From:** [Mickey Frost](#)  
**To:** [Mark Sexsmith](#)  
**Cc:** [Karen Morden](#)  
**Subject:** Public Vehicle Pilot Program Committee  
**Date:** 2016/05/31 1:28:14 PM  
**Attachments:** [image001.png](#)

---

Mr. Sexsmith:

I understand that you have been appointed to the Public Vehicle Pilot Program Committee on behalf of the traditional taxi and limousine industries in Mississauga.

With that in mind, please provide me with a written response summarizing your position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters of the pilot and what should be measured to assess the impact of the pilot.

I would appreciate receiving a copy of your written response by email by noon on Monday, June 6, 2015, and please copy Ms. Karen Morden on your response.

Your co-operation and assistance are appreciated. I look forward to working with you on the Committee.



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[City of Mississauga](#) | Transportation and Works Department  
Enforcement Division

**From:** [Mickey Frost](#)  
**To:** [Al Cormier](#)  
**Cc:** [Karen Morden](#)  
**Subject:** Public Vehicle Pilot Program Committee  
**Date:** 2016/05/31 3:32:22 PM  
**Attachments:** [image001.png](#)

---

Mr. Cormier:

I understand that you are the PVAC Citizen Member Representative on the Public Vehicle Pilot Program Committee.

With that in mind, please provide me with a written response summarizing your position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters of the pilot and what should be measured to assess the impact of the pilot.

I would appreciate receiving a copy of your written response by email by noon on Monday, June 6, 2015, and please copy Ms. Karen Morden on your response.

Your co-operation and assistance are appreciated. I look forward to working with you on the Committee.



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[City of Mississauga](#) | Transportation and Works Department  
Enforcement Division

**Mickey Frost**

---

**From:** Mark Sexsmith [REDACTED]  
**Sent:** 2016/06/04 7:39 PM  
**To:** Mickey Frost  
**Subject:** TNC Panel  
**Attachments:** Proposal for TNC trial in Mississauga.pdf

>  
> Dear Mr. Frost:  
>  
> Please find attached the position paper that you requested from the taxi industry in regard to the panel looking into the role of TNC's in the Mississauga for hire transportation business.  
>  
> Best regards,  
>  
> Mark Sexsmith.



## Proposal for TNC trial in Mississauga:

1. All TNC's will register as taxi brokers in Mississauga. This will ensure that all TNC's have a level playing field in competing for business. As taxi brokers, the TNC's would have immediate representation on the PVAC through the Broker Representative. Alternatively, the PVAC could be expanded to include a TNC rep, as is the case with the limousine industry.
2. All TNC's will utilize, as per the "Capture" option passed by Mississauga Council, and incorporated into the By Law as per the changes to be brought before the PVAC on June 15/2016, registered taxis and taxi drivers.
3. All taxis will be able to accept orders from any platform, whether it be from phone calls to brokers dispatched over broker dispatch systems, TNC orders over smart phones, public place pickups, or any contractual agreement that a taxi operator may have with any customer.
4. All dispatched phone in orders from regular taxi brokers, as well as pickups from public places will be on the meter. All TNC calls will be as per the TNC pricing platform. All contractual taxi broker fares will be as per the contractual price between the parties (with the taxi operator having the option of not accepting these orders). All Brokerage App calls will be as per the price on the broker's app.
5. Fares leaving P.I.A. would continue to be regulated by the GTAA.

6. The taxi industry will commit to moving forward to the Staff's recommendation of a 22% accessible taxi supply (in excess of requirements for Transhelp). This will be done as part of the PVAC's ongoing consideration of the way that the taxi industry will be structured to attain this percentage.
7. The TNC's will agree to a reduced commission rate for fares provided by the registered taxis because of their lower overhead for administration and insurance. These fees would be registered, and monitored, by the Transportation Enforcement Office.
8. There will be a streamlined driver licensing procedure which will enable all TNC (and other) drivers to participate in the licensed taxi system of the Capture option.
9. This whole package will be referred to the City's Legal Department before being presented to Council for final ratification.

This plan offers the public with the best service level and best service choices, with the added assurance of City regulated vehicles (in terms of driver training, vehicle condition, and proper insurance coverage). This plan offers the TNC's exactly the same income as alternate plans with unlicensed drivers and vehicles. This plan offers the taxi business the opportunity to prove that they can survive under a new service/pricing regimen that is a part

of the “new economy” that the public and City Hall are calling for. This plan ensures that the City will continue to collect the fees from the for hire transportation industry that it has been collecting in the past. This plan opens the door to move forward on the accessible taxi program that has been demanded by the Provincial Government, the Hara Report, and the travelling public. This plan enables previously non-licensed operators who are unable to participate in current TNC operations because of vehicle restrictions to work in the industry.

We would urge the PVAC and Staff to implement the changes to the By Law that would facilitate moving forward on all aspects of the Capture Option voted on by City Council.

## Extent and Nature of the Pilot Program

We are recommending a one year pilot program utilizing the points made above.

During this period, all brokers (TNC and otherwise) will monitor call volumes and patterns to ascertain the level of customer service the new arrangement has made. Staff will compare this information with statistics collected in the Hara Report in order to gauge the level of consumer

acceptance of the pilot program. We would recommend that a factual analysis process be instituted to determine the impact of this program on driver incomes. After the pilot program has been analysed, the PVAC will be asked to formulate a permanent program to be incorporated into the By Law.

**From:** Al Cormier [REDACTED]  
**Sent:** 2016/06/05 8:26 PM  
**To:** Mickey Frost  
**Subject:** RE: Public Vehicle Pilot Program Committee

Here is my input Mickey. This may be a second transmission. I tried this am from the lake but not sure it got out.

Regards

Al Cormier

[REDACTED]

## Comments by Al Cormier – Citizen Member Meeting of June 13, 2016

*Special Committee to define the scope of a Pilot Project to allow Transportation Network Companies (TNC's) to operate in Mississauga under a one-year pilot project.*

IN ADDITION TO WORKING ON A PILOT PROJECT FOR TNCs, THE CITY SHOULD IMMEDIATELY INITIATE A PARALLEL ACTIVITY TO MODERNIZE ITS TAXI BY-LAW SO REGULAR TAXIS CAN BE MORE EFFECTIVE IN MEETING CURRENT AND SURE TO COME MORE COMPETITION FROM OPERATORS WITH DIFFERENT BUSINESS MODELS. THE CURRENT BY-LAW DOES NOT ENCOURAGE INNOVATION, IT HAS LIMITED MARKET PENETRATION AND DELIVERED POOR SERVICES TO PERSONS WITH DISABILITIES. MANY OF THE REQUIRED CHANGES HAVE BEEN IDENTIFIED MONTHS AGO AND MORE CAN BE FOUND. I VOTED IN FAVOUR OF THE 'CAPTURE' OPTION AT PVAC WITH THE UNDERSTANDING THAT THESE CHANGES WOULD BE GIVEN FULL AND QUICK CONSIDERATION AND WOULD HOPEFULLY IMPROVE CONDITIONS FOR THE TAXI DRIVERS AND THEIR CUSTOMERS, PARTICULARLY DISABLED CUSTOMERS. THIS SHOULD BECOME A PRIORITY ACTIVITY FOR THE **PUBLIC VEHICLE ADVISORY COMMITTEE** IN THE COMING MONTHS.

The 2015 report on TNC's by Windel Marx contained a Pilot Program Option as copied in Appendix 1 of this document. This offers some insights as to what a pilot project could accomplish but does not define how a project could be set up. Regrettably, the Windel Marx report was primarily designed to save the taxi industry from new business models and not to examine the needs of its customers or other citizens. The criteria they used to evaluate the 6 options in the report did not include customer impact nor the opinions of the customers.

I believe the Committee must first of all consider some basic facts:

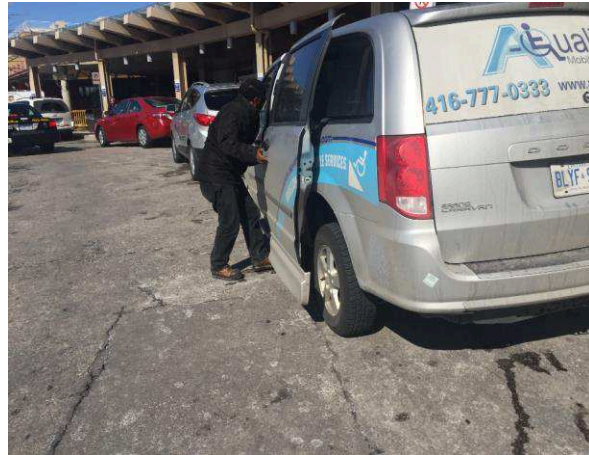
- Over 100,000 Mississauga residents have signed on as Uber customers and about 5,000 Mississauga residents have signed on as Uber partners (drivers).
- At the March 2, 2016 General Committee of Council meeting, staff reported an increase in taxi business. When questioned as to the source of this information, staff responded that the data came from regular reports filed with the city by the taxi industry. The report said that the number of Mississauga taxi trips in 2015 in fact increased by 6.8% compared to 2013. Further, the only decrease in trips was the 2015 decrease of only 1.9% compared to 2014. Such small variations can easily be attributed changes in the economy or other factors.
- The above bullet suggests to me that UBER customers are not former taxi customers but are indeed new customers.
- While the 'sharing economy' principles that drive UBER and the likes are not welcomed by the taxi industry, the same principles can be extremely valuable to the transit industry by being able to handle demand from low bus ridership neighbourhoods thus reducing the transit financial burden upon the city.
- The Windel Marx report refers to Portland, Oregon as a jurisdiction that is conducting a pilot program for TNCs. Their program contains 16 pages of Guiding Principles for the pilot and it is difficult to see where TNCs are treated differently than regular cabs unless one is familiar with Portland's taxi rules. I would prefer to see a simpler approach for Mississauga.

In developing my position on the pilot project, I am assuming the following:

- The fact that Council approved the 'capture' option for TNC's is interpreted by some to mean that any pilot project has to comply with the full set of regulations applicable to the taxi

industry. If that view is held by the majority of committee members, then there is no room for a pilot project.

- TNC's simply cannot operate with their business models and meet all requirements of the current taxi by-law. If the pilot project is to set up a protocol for the operation of TNC's, then the TNC's will need rules appropriate to their mode of business that also do not seriously compromise the basic needs for consumer safety and protection.
- The taxi industry has not responded well to the needs of disabled passengers. Uber like services may be welcomed by able-bodied passengers but for wheelchair bound disabled persons, they have limited or no service offerings at the moment. However, the Uber app is superior to conventional taxis for persons with hearing impairments and related disabilities that make telephone usage difficult.
- On the matter of taxis for the disabled, their annual insurance costs as city licence taxis are in the \$10,000 range. Yet, similar services – see photo of van operating under a provincial PV licence as a patient transfer service - operating PV licences get insurance for about \$4500 a year. Risks are similar and it is suspected that these vehicles circumvent city rules by also operating as regular taxis for the disabled. So Uber is not the only service taking fares away from city licenced taxis.



My position on the TNC pilot project is the following:

- Accept operating rules that are different enough from the taxi industry to accommodate the business model of TNC's but yet protect the basic safety needs of consumers (insurance, background check for drivers, vehicle safety etc). These rules should include a minimal role by the city that is focused on basic protection for the consumers and not the safeguarding of company interests.
- Consider opening only a part of the city to TNCs. I am thinking that they could operate in the area west of Hurontario. That is the area with the lower densities and less public transport.
- Adopt the recently approved Toronto TNC rules for the pilot project duration.

To measure the impact of the TNC pilot project, we will need to monitor the following:

- Taxi usage east of Hurontario and West of Hurontario. I believe the taxi industry is required to collect trip origin information but I am not sure if it is in a format usable for this purpose.
- TNC usage in the part of the City west of Hurontario.

Respectfully submitted,

June 5, 2016

## Appendix 1

**PILOT PROGRAM OPTION**

Policy	<b>Pilot program for TNCs</b> <ul style="list-style-type: none"> <li>• TNCs would be introduced to the City through a pilot program aimed at addressing service problems and gaps in the FHV and taxicab industries; and</li> <li>• The pilot would measure the introduction of TNCs to ensure entry leads to service improvements and does not cause widespread irreversible safety or environmental problems or market failure.</li> </ul>
Pros	<ul style="list-style-type: none"> <li>• Using a pilot program to regulate may help improve customer protections to ensure public safety without permanently establishing regulations that may not work;</li> <li>• The City can pick and choose programs that seem to be the most successful and has the option to easily extend programs as needed;</li> <li>• Removes the risk of long-term ineffective regulations;</li> <li>• Can fill gaps in niche markets, such as accessibility and other service gaps;</li> <li>• Can immediately meet demands in case of a shortage in service;</li> <li>• Can provide competitive advantages to current drivers, but mitigate against immediate driver income level losses; and</li> <li>• Can potentially lessen negative environmental impacts.</li> </ul>
Cons	<ul style="list-style-type: none"> <li>• Successful programs could be terminated through public opinion or lobbying;</li> <li>• Potentially successful programs might not have enough time to work out kinks and issues before being branded as a failure and discontinued;</li> <li>• There are costs involved in writing regulations, holding meetings with the industry and the public throughout the program; and</li> <li>• New regulations in pilot programs come with uncertainty in their application which can create market confusion and increase enforcement costs.</li> </ul>
Cost	<ul style="list-style-type: none"> <li>• While pilot programs certainly come with costs such as those to write and pass the regulations, enforce the new regulations, and assess the regulations at the end of the program, they are minimal compared with instituting permanent laws and enforcing those laws indefinitely.</li> </ul>
Jurisdictions	<ul style="list-style-type: none"> <li>• Portland, Oregon</li> </ul>



**From:** [Mickey Frost](#)  
**To:** [Chris Schafer](#)  
**Cc:** [Karen Morden](#)  
**Subject:** RE: Public Vehicle Pilot Program Committee  
**Date:** 2016/06/01 4:04:55 PM  
**Attachments:** [image001.png](#)

---

Thank you.



**Mickey Frost, HBA; CPA, CGA; MPA**  
Director, Enforcement  
T 905-615-3200 ext.4020 | F 905-615-3374  
[mickey.frost@mississauga.ca](mailto:mickey.frost@mississauga.ca)

[City of Mississauga](#) | Transportation and Works Department  
Enforcement Division

**From:** Chris Schafer [mailto:[chris.schafer@uber.com](mailto:chris.schafer@uber.com)]  
**Sent:** 2016/06/01 3:36 PM  
**To:** Mickey Frost  
**Cc:** Karen Morden  
**Subject:** Re: Public Vehicle Pilot Program Committee

Understood.



Chris Schafer  
Uber Public Policy Manager - Canada  
[chris.schafer@uber.com](mailto:chris.schafer@uber.com) | +1 (647) 389-8052  
[www.uber.com](http://www.uber.com)

On Wed, Jun 1, 2016 at 3:14 PM, Mickey Frost <[Mickey.Frost@mississauga.ca](mailto:Mickey.Frost@mississauga.ca)> wrote:  
Thank you for the response, Mr. Schafer.

To clarify, I will need your response by June 8<sup>th</sup> so that I can review and include it in the staff report for the first meeting of the Public Vehicle Pilot Program Committee. Otherwise, I will indicate in the report that you were unable to respond.



**Mickey Frost, HBA; CPA, CGA; MPA**  
Director, Enforcement  
T [905-615-3200](tel:905-615-3200) ext.4020 | F [905-615-3374](tel:905-615-3374)  
[mickey.frost@mississauga.ca](mailto:mickey.frost@mississauga.ca)

[City of Mississauga](#) | Transportation and Works Department  
Enforcement Division

**From:** Chris Schafer [mailto:[chris.schafer@uber.com](mailto:chris.schafer@uber.com)]

**Sent:** 2016/06/01 2:18 PM

**To:** Mickey Frost  
**Cc:** Karen Morden  
**Subject:** Re: Public Vehicle Pilot Program Committee

I will try but I'm in Waterloo Region for a major vote on ridesharing on June 8th so my resources are taxed to be honest.



Chris Schafer  
Uber Public Policy Manager - Canada  
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On Tue, May 31, 2016 at 3:58 PM, Mickey Frost <[Mickey.Frost@mississauga.ca](mailto:Mickey.Frost@mississauga.ca)> wrote:  
Mr. Schafer:

Can you respond by June 7<sup>th</sup>, end of business day?



**Mickey Frost, HBA, CPA, CGA, MPA**  
Director, Enforcement  
T [905-615-3200 ext.4020](tel:905-615-3200) | F [905-615-3374](tel:905-615-3374)  
[mickey.frost@mississauga.ca](mailto:mickey.frost@mississauga.ca)

[City of Mississauga](http://www.cityofmississauga.ca) | Transportation and Works Department  
Enforcement Division

**From:** Chris Schafer [mailto:[chris.schafer@uber.com](mailto:chris.schafer@uber.com)]  
**Sent:** 2016/05/31 3:57 PM  
**To:** Mickey Frost  
**Cc:** Karen Morden  
**Subject:** Re: Public Vehicle Pilot Program Committee

Hi Mickey,

My team is meeting on June 6th to discuss the pilot. As such, it will not be possible for me to share anything with you on the 6th. We are unfortunately due to scheduling, unable to meet internally before the 6th. I'll be in touch after our June 6th meeting.

On Tuesday, 31 May 2016, Mickey Frost <[Mickey.Frost@mississauga.ca](mailto:Mickey.Frost@mississauga.ca)> wrote:  
Mr. Schafer:

I understand that you are the TNC sector representative on the Public Vehicle Pilot Program Committee.

With that in mind, please provide me with a written response summarizing your position on the TNC pilot project in terms of what the extent and nature of the pilot should be, the parameters

of the pilot and what should be measured to assess the impact of the pilot.

I would appreciate receiving a copy of your written response by email by noon on Monday, June 6, 2015, and please copy Ms. Karen Morden on your response.

Your co-operation and assistance are appreciated. I look forward to working with you on the Committee.



**Mickey Frost, HBA; CPA, CGA; MPA**

Director, Enforcement

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RESOLUTION 0096-2016  
adopted by the Council of  
The Corporation of the City of Mississauga  
at its meeting on May 25, 2016

0096-2016 Moved by: Pat Saito

Seconded by: Chris Fonseca

Now therefore be it resolved that a committee be created with the aim to developing a terms of reference for a limited one-year pilot program to allow Transport Network Companies (TNCs) to operate in Mississauga to determine how TNCs can operate within the Mississauga marketplace and under Council regulation; and

Be it further resolved that this committee be comprised of two Councillors, one being the Chair of the Public Vehicle Advisory Committee (PVAC), and the Mayor as ex officio, and one of each of the following: a citizen representative, a taxi cab industry representative, and a representative from the TNC sector; and

Be it further resolved that this Committee will work with enforcement staff to develop a report with recommendations on the framework as soon as possible and no later than June 29, 2016 General Committee meeting; and

Be it further resolved that Councillor Starr and Councillor Ras be appointed to the Committee and;

That a representative be appointed by the Taxi Industry and TNCs by Monday, May 30, 2016 and if not the Committee will proceed;

That staff be directed to contact the citizen representatives on PVAC to confirm one representative to sit on the Committee.

**Recorded Vote**

	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor J. Tovey	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish		X		
Councillor R. Starr		X		
Councillor N. Iannicca	X			
Councillor M. Mahoney		X		
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson		X		

Carried (8, 4)

**From:** [Peter Pellier](#)  
**To:** [Mayor Bonnie Crombie](#); [Ron Starr](#); [Karen Ras](#); [Mark Sexsmith](#); [Al Cormier](#); [chris.schafer@uber.com](mailto:chris.schafer@uber.com); [Karen Morden](#); [Mickey Frost](#); [Daryl Bell](#)  
**Subject:** CONTROLLED ENTRY  
**Date:** 2016/06/23 8:11:21 AM

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THE CHAIR & MEMBERS,  
 PILOT PROGRAM COMMITTEE.

In devising a regulatory framework aimed at including transportation network companies, members of the Pilot Program Committee need to consider both the law, and underlying principles that impact your recommendation. The law is clear. On May 11th, Council adopted Resolution 0082-2016, the Capture Option, which effectively defines the manner in which TNC's are to be treated for purposes of licensing and regulation.

Controlled entry lies at the heart of the Capture Option. First introduced by the City of Chicago in 1929, to this day, it is a regulatory cornerstone in urban centres throughout North America. Controlled entry not only respects supply and demand, but also principles of fair competition and environmental sustainability. Arguably, all three are critical considerations.

Controlled entry creates a much-needed balance between prompt, professional service and the opportunity to earn a reasonable living - balance being a key component in both fair competition and environmental sustainability.

The TNC business model, certainly as practiced by Uber, is anything but balanced, seeing as it is predicated on open entry. For Uber, any limitation imposed on the number of affiliated drivers is wholly unacceptable, resulting in an irreconcilable difference between itself and the Capture Option.

No market is infinite, including, and in particular for-hire ground transportation. Given the presence of a finite market, it is imperative the Committee rejects open entry in favour of controlled entry to protect the interests of all service providers. Failure to do so guarantees livelihoods, pensions

and plate  
values will be placed in serious jeopardy. For many members of the taxi industry, a lifetime of  
planning  
and effort will go up in smoke.

Thank you.

PETER D. PELLIER

Mayor Crombie/ Members of Council /Members of PVAC:

Over the years I have discovered that very few people, including many within the industry itself, understand how the taxi industry works, so I have created two web sites.

The first, [www.torontotaxireform.com](http://www.torontotaxireform.com), is basically a chronicle of Toronto's taxi industry from the time of amalgamation (1953) to the present.

The second, [www.stopuber.net](http://www.stopuber.net), is basically a primer on how Toronto's taxi industry works and was set up as an information site for Toronto councillors. That said, and because there are very few differences between any of the taxi industries operating in the GTA, it is relevant to the ongoing concerns of stakeholders in Mississauga's taxi industry, which would include the taxi-riding public.

To fully understand the needs of the public and the taxi industry it would be desirable if the mayor, every member of council and every member of PVAC were to read all of the files on the Stop Uber site, because, in addition to showing how the taxi industry works it shows how Uber or another Transportation Network Company could be utilized to provide prompt taxi service in well-maintained taxis that are driven by professional taxi drivers.

Mayor John Tory and every City of Toronto councillor was informed of the existence of the Stop Uber site and its contents, but decided to take the industry in another direction; thereby missing a golden opportunity to make every taxi in the City of Toronto wheelchair accessible within 7 years; provide every member of the public with prompt taxi service; and make Toronto's taxi industry one of the most affordable in North America as it was prior to 1982.

In short, rather than provide every member of the taxi-riding public with prompt service in well-maintained wheelchair accessible taxis that were driven by professional taxi drivers, John Tory et al decided to continue using Toronto's taxi industry to fill the city's coffers, as has been the case since 1982 and as is explained throughout the website located at [www.torontotaxireform.com](http://www.torontotaxireform.com).