

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Ted Wheeler Mayor Millicent D. Williams Director

**Date:** September 6, 2024  
**To:** Tony Green, Deputy Ombudsman, Auditor's Office  
**Cc:** Millicent Williams, Director, PBOT  
Wendy Cawley, Transportation Operations Deputy Director, PBOT  
Matt Erickson, Regulatory Operations Section Manager, PBOT  
**From:** Erika Nebel, Parking & Regulatory Operations Division Manager, PBOT  
**Subject:** Findings and recommendations on enforcement of tour bus regulations

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Dear Deputy Ombudsman Green,

Thank you for your thoughtful review of the Portland Bureau of Transportation (PBOT) Private For-hire Transportation Program's enforcement strategy regarding illegally operating tour companies. I appreciate the opportunity to respond to the recommendations.

**Recommendation:** "Open investigations into the 82 unpermitted tour companies in Bureau records."

**Response:** The program will continue to investigate all unpermitted tour companies that are brought to our attention or identified during the investigation process. This will include researching the tour companies that have expired permits in our system. Not all the companies that have expired permits are currently operating or pick up passengers in Portland. Regardless, we will do our due diligence, open an investigation should we find a previously permitted company operating without an active permit, and take appropriate regulatory action if City requirements are not met.

**Recommendation:** "Rather than continuing its practice of first issuing warning and cease-and-desist letters, the Bureau should instead use its authority under City Code to move directly to issuing citations against those that advertise that they pick up passengers in Portland."

**Response:** Some company owners may be unaware of their regulatory requirements for operating in Portland and others may incorrectly advertise that they pick up in Portland. The purpose of the program is to bring companies into compliance with the City's regulations. For that reason, issuing a cease-and-desist letter first allows these companies to make corrections without creating a significant financial hardship by issuing a penalty. With that said, public safety is



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paramount, and our process will now include a specified and consistent timeline for issuing penalties and conducting further investigations after a cease-and-desist letter is issued, as the memo points out.

**Recommendation:** “If evidence of advertising is unavailable, reach out to the company by email or phone and determine if they are conducting business in Portland. Promptly issue a citation if the company confirms.”

**Response:** Companies under investigation will continue to be contacted via email or phone to verify whether they conduct business within city limits. Rather than conducting a “sting” operation on each of these companies first, we will promptly issue a penalty if the company confirms they will pick up in Portland. If the company doesn’t initiate an application for a permit within 10 days from the date of the letter, a sting operation will be conducted thereafter, which may result in additional penalties.

**Recommendation:** “Look into whether it is necessary and feasible to record phone calls to use as evidence when the Bureau contacts companies by phone.”

**Response:** We are exploring the feasibility of recorded phone calls as a means of collecting evidence during our investigations. While Oregon allows one-party consent for recorded calls, some companies may be based out of Washington or elsewhere and, therefore, we may be held to different requirements. We will consult with the City Attorney and Hearings Office and assess the technical requirements to implement this recommendation.

PBOT’s Private For-hire Transportation Program will continue to explore ways to protect consumers, support the economic vitality of the city, and provide a clear process for our customers to acquire a permit and comply with local regulations. As we work through implementing these recommendations, we will consult with the City Attorney, Hearings Office, and the Ombudsman to ensure changes are allowable and defensible. We are grateful for your efforts and our continued partnership with the Auditor’s Office to look for opportunities to examine and improve our processes.

Sincerely,



**Erika Namioka Nebel**  
Division Manager  
Parking & Regulatory Operations  
Portland Bureau of Transportation