



PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576 Portland.gov/Transportation

Jo Ann Hardesty Commissioner Chris Warner Director

PRIVATE-FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE MEETING SUMMARY FINAL DRAFT

March 22, 2021 • 1:00 PM – 2:30 PM

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Advisory Committee Members	Position	Affiliation	Present
Mark Williams	PBOT (non-voting member)	Regulatory Division Manager	Yes
Nickole Cheron	At-Large Community Member with a Disability	Portland Commission of Disabilities	No
Teresa Leatham	LPT Company	Executive Towncar	No
Ahmed Alzubaidy	LPT Driver	A1 Diamond Limo	No
Kirk Foster, Vice-Chair	Non-Emergency Medical Transportation Company	Wapato Shores	Yes
Jemal Abdi	NEMT Driver	JB Medical Transport, LLC	No
Debbie Brooks	Port of Portland	Port of Portland	Yes
Ed Kelly	Shuttle Company	ecoShuttle	Yes
Idris Khoshnaw	Shuttle Driver	Hillsboro Airporter & Car Service	Yes
Steve Hext, Chair	Taxi Company	Broadway Cab	Yes
Sirous Tanzadeh	Taxi Driver	Radio Cab	Yes
Caleb Weaver	TNC Company	Uber	No
Billie Moser	Tourism Industry	Travel Portland	Yes
Margo Moore	TriMet	TriMet-Accessible Transportation	Yes
Vacant	Pedicab Company		NA
Vacant	TNC Driver		NA
Vacant	Tour Bus Company		NA
Dave Benson	PBOT	Parking Group Manager	No
Gabby Sanchez	PBOT	PBOT Regulatory Division	Yes



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Advisory Committee Members	Position	Affiliation	Present
Matthew Erickson	PBOT	PFHT Program Manager	No
Tracy M. Smith	Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza	Recorder	Inhance LLC	Yes

Other Attendees: Darin Campbell, Radio Cab; Jen Martinek, CareOregon; Paul Maduell, Wave Transport; April Murchinson, Portland Airport; Noah Ernst, Radio Cab; Sam Cho, Lyft.

INTRODUCTIONS AND REVIEW OF MEETING AGENDA: STEVE HEXT, CHAIR

- Steve called the meeting to order at 1:18 PM.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: COMMITTEE MEMBERS

- Billie Moser: Travel Portland feels positive about bringing tourists back and our first Pool Campaign will start on 4/1/2021. Sadly, this is not convention business due to mass gathering restrictions, but we’re going after a drive for West Coast markets.

APPROVAL of 1/22/2021 MEETING SUMMARIES: STEVE HEXT, CHAIR

- No revisions or objections were made for January 22, 2021, Meeting Summary.

VOTE: Unanimous approval.

ACTION: No action taken.

PFHT PROGRAM STAFF REPORT: MARK WILLIAMS, PBOT

- Deferral Payment Plan and Fleet Minimum Extension
 - The fleet minimum payment plan has been extended to the end of this calendar year. On 7/1/2021, every company operating with eight vehicles, during COVID, will be required to get back to the 15-fleet minimum. However, the deferral payment plans close at the end of this month, so expect an invoice to be sent on 4/1/2021. PBOT deferred background check payments, vehicle permit payments, and industry driver permit payments.
 - PBOT submitted a recommendation to the Bureau Director for Phase 2 of the deferral payment plan to remove barriers from new drivers or drivers not permitted during the pandemic, to get into the



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industry and start operating. For drivers not permitted during the pandemic or wanting to join a PFHT company for the first time, PBOT will defer payments up to four months. Vehicle permits, company permits, and drivers that took advantage of the previous deferred payment plan will not qualify for Phase 2 deferral. This has not been approved yet, but a recommendation and memo were submitted to the Bureau Director, and expect approval in the next week or two. If approved, it will go into effect on or before 4/1/2021.

- Vehicle Age Exemption for Wheelchair Accessible Vehicles
 - Portland City Code allows the Bureau Director to implement an emergency Administrative Rule, without going through this Committee process and it is good for 120 days. A month ago, we asked the Bureau Director to consider an emergency rule to extend expired wheelchair-accessible vehicles for one additional year. Currently, wheelchair-accessible vehicles are permitted up to their 15th year and then are no longer eligible to be permitted for PFHT services. This extension would allow companies time to purchase these vehicles, which are not easy to do since requiring a van, parts, and supplies. The supply chain has been disrupted where these vehicles were to be customized with ramps and lifts for customer-based needs. Therefore, companies with expiring vehicles in their 15th year or soon to expire will have a 120-day window to renew those vehicles for an additional year. Vehicles that do not expire in 120 days can also renew early to take advantage of the additional year by not having to replace or purchase an additional vehicle, but no credit will be given for any lost time on the existing permit.
 - Ed Kelly: Is the 15 years the age of vehicle or years in service?
 - Mark Williams: It's the age of the vehicle from the manufactured date.
 - Steve Hext: When using the term expiring, does that mean having a continuous City approval to be grandfathered into the 16th year? For instance, Radio Cab has vans that were not renewed last year because we didn't expect to need them. Therefore, there's a break in the City permit, but we'd like to bring them back online as we need, but now it'll look like a new vehicle, since being out of the system.
 - Mark Williams: How long ago did they expire?
 - Steve Hext: I'm unsure, but I know there's a handful of vans that were not renewed and would like to bring them back into the 16th year.
 - Mark Williams: We did not consider expired vehicles, but are happy to discuss the vehicles, how long they've been expired, and see if we can make some sort of accommodation for it. This is about making sure companies have the vehicles they need to keep servicing our constituents.



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- Kirk Foster: I'm confused because looking at the history, this was reduced to 10 years from 15 years, and then recently changed back to 15 years. Everyone that had a vehicle, in that range of 12-15 years in service would have already gotten rid of those vehicles unless new companies are bringing in 12 plus year vehicles in the past year. He doesn't understand the benefit if no one has vehicles in those 15 years.
 - o Mark Williams: There are vehicles in our PFHT fleets that are in their 15th year. Typically, from the industry, we hear these vans are easy to acquire. However, what's happening now is supply chains have been disrupted due to COVID-19 and can't customize wheelchair vans as quickly as they normally could, which is the reason for this accommodation.
 - o Kirk Foster: He was not aware of this, as vehicles are readily available due to many NEMT companies going bankrupt nationwide and it's easy to pick up vehicles, the only challenge is shipping. Suppliers that he works with aren't saying anything about a supply chain problem and vehicles can be found on eBay that are less than five years old. Also, readily available vehicles can cost \$10,000-\$12,000, between five and 10 years old. Maybe someone sees something different, but there's no shortage of vehicles for ramp or lift vans as there are plenty of vehicles in the market. He receives solicitations from Sunset Vans through Schetky and Performance Mobility that have inventory to sell on their lot by Airport Way.
 - o Mark Williams: It's a temporary rule that's open for 120 days. Some companies may have financial constraints, but the Director agreed to make this accommodation for those who need it.
- Darin Campbell: Mark, did the taxi fleets already have that extension?
 - o Mark Williams: No. The 15-year vehicle age exemption for WAV vehicles was industry-wide and applied to every WAV vehicle. Right now, no vehicle outside of this new rule could be permitted beyond its 15th year.
 - o Darin Campbell: I agree with Kirk as this wouldn't make sense.
- Kirk Foster: Right now, there is a shortage of business and almost every company runs way below capacity. He actively has wheelchair vans for sale because there's no work for them. If that's a decision on the temporary rule, it's not supported by facts from the ground.
 - o Mark Williams: PBOT has been trying to make accommodations, across the industry, for all different reasons, and this is for WAV vehicles. He mentioned earlier deferral payment plans and drivers getting into the industry with Phase 2 of the deferral payment plan. So, this may not apply to everyone, but it does apply to some and that's why we're doing this.
- Margo Moore: With Lyft, we've also retired our vehicles, and have 30 vehicles retiring over the next two months, which is another available option. We go through a bust build once a year and it's a good way to get some very good vehicles for \$3,000-\$5,000.



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- Accommodations Update
 - Mark Williams: Some of these accommodations required PFHT to manually go into our system and override features. As a result, we've experienced unexpected issues we didn't know were happening in the background of the software. There were a small number of drivers that were never billed for their permits. We reached out, made contact with some of the companies and drivers, and let them know an invoice for the unpaid permit is coming. This was a result of extending permits and extending temporary permits but it took almost a year to resurface. The issue has been resolved and hopefully, we don't run into these issues going forward.

PUBLIC COMMENT-NON-AGENDA: STEVE HEXT, CHAIR

- No public comment.

UPDATE ITEM: FEES AND FARES CO-SUBCOMMITTEE: MARK WILLIAMS, PBOT AND DARIN CAMPBELL, RADIO CAB

- Mark Williams: This topic mostly impacts the taxi and TNC industry, where the Fees and Fares Subcommittee will discuss permit fees across the industry at a later time since it's not the right time for PBOT to consider cutting fees with revenues so low. Through our process, we are trying to be thoughtful about any recommendations made to this Committee and the TNC Drivers Committee. We've looked at what the problem is and the issues we're trying to solve. We're working on defining that problem statement and what we're trying to do. Once we figure that out, our next step is to do research and return with supporting evidence of what we're trying to address. This will take time and we'll hopefully come back with updated information in the future.
- Darin Campbell: Every time we meet, we realize how much bigger of an undertaking this is around the country and the world. Every jurisdiction is figuring out different ways to bring fairness to this trade. We need to look at what other jurisdictions are doing, find what works for Portland, and move forward with it. This will be time-consuming, but it's a good group of people working on this, so expect to have something good coming back.

ACTION ITEM: REVISE TAXI METER SECTION TO CLEARLY INCLUDE DIGITAL TAXI METERS: MARK WILLIAMS, PBOT

- This is an Action Item we've been discussing for a while and Exhibit C has been noted with all the edits from the previous version we discussed at the last meeting. This is not the end of this, as we need to dive deeper into digital meters. We need to find ways to verify they're working correctly and adopt something that demonstrates digital meters work the way they're designed to, which includes limiting



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the ability to use and prevent fraud. This establishes basic standards on how a digital meter should operate.

Comments

- Darin Campbell: This is catching up with the times and being ready for the future. Mechanical meters are either gone or going away and in bigger jurisdictions, digital meters are what you have in taxicabs. It's smart for the City to look at this and thinking about the future with what's available for taxi companies in the future, which is a big part of why and where this topic came from.
- Steve Hext: Mark are you anticipating as things develop, revisiting this in the future? But not aware of anything right now to revisit?
 - Mark Williams: No. Not right now, but I know other cities have adopted more comprehensive regulations that include testing and other areas. This is an education process for PBOT to learn more and hopefully bring back additional language for the Committee to consider in the future.
- Ed Kelly: I didn't see anything about calibration or frequency of calibration. I understand it's GPS-based, but would there need to be a check and balance for that?
 - Mark Williams: We need to better understand those things and come back with that type of language once we learn more. We'll do further exploration, find out what other larger cities are doing, figure out the types of policies they have in place, and maybe adopt some of them.
 - Steve Hext: He's familiar with Mobile Technologies International (MTI) where the program is set on our mainframe in the office, not in individual cabs. Calibration is an old taxi word where you'd calibrate the meter to the taxi rotation, but there isn't any of that. Instead, rates are programmed in the office and the GPS tracks the distance. Item 3., b. says the meter has hardware and software provisions that protect the rates from unauthorized changes. The problems before were drivers tampering with the meter, but from his understanding, there's no way for an individual to tamper with it in the office, which has at least reduced the number of people that could affect the rates.
- Mark Williams: Broadway and Radio Cab have advanced systems, but we know nothing about other digital taxi systems if they can be hacked into, or if the GPS records a mile is a mile or a mile is two miles. We need to figure out what technology is out there, what is available, and understand if this technology can be tampered with. Then, we need to understand what tools are available to regulators to enforce it.
 - Steve Hext: Both, Radio Cab and Broadway systems are in thousands of taxicabs in hundreds of companies in the United States right now. It's figuring out what questions need to be asked.
- Ed Kelly: What happens after the Bureau Director?



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- Mark Williams: If the Bureau Director approves, then it'll appear in the next revision for City Code, and all companies would be required to follow these standards. This is step one of this regulation and certainly anticipate coming back with revised language in the future.
 - Steve Hext: Motion to send to the Bureau Director.
 - Ed Kelly motions, Steve Hext seconds.
 - No further comments or objections. APPROVED

CONSIDERATION ITEM: REVISED REVISION TO ADMIN RULE TRN- 14.30- ACCESSIBLE SERVICE FUND, ACCESSIBLE SERVICE PROGRAM: MARK WILLIAMS, PBOT

- This simple edit is to clarify the intent of this Administrative Rule. To offset the cost, maintain, and provide this expensive wheelchair-accessible service, the City of Portland subsidizes companies for paid WAV rides with a \$15 subsidy for each ride. The intent from the beginning was to subsidize on-demand rides, but it wasn't clear in the Administrative Rules. Eligible rides include WAV rides that are charged directly to the passenger when they reach their destination, while rides billed to a third party are not eligible. For example, if a person gets a WAV vehicle to take them to the store and pays the driver at the termination of the ride, then the ride is eligible for a \$15 subsidy. On the contrary, contracts or arrangements with OSHU to pick up patients and get them home are not eligible when the patient pays nothing but receives a bill from the taxi company. We want to add clarity to the rule to support that.
 - Steve Hext: The majority or over half of these wheelchaired passengers are medical-related trips. For example, for convenience purposes, a care center operates an account for residents, but once they receive a bill it's the passenger's name on the charge slip for the transportation cost. Therefore, the care center does not pay the bill, but the individual pays for it. Also, many passengers don't want to carry a credit card or cash or may not be able to negotiate them. You want to disregard people that can't use a credit card or choose not to for convenience?
 - Mark Williams: The intent of the accessible service with the PDX WAV program was to reimburse the vehicle owner to offset the costs of some of the rides. At the time of those discussions, we primarily talked about on-demand or also known as cash rides. The intent was never for NEMT transportation or anything closely equivalent to NEMT, but it was always for on-demand wheelchair-accessible rides.
- Kirk Foster: I recall the intent was to stay away from the medical rides and personally don't agree, but it was the original decision. This may be worth revisiting now with people trying to get to vaccine clinics and if there's funding it may be something to consider. It may be something Nicole Cheron should weigh in on from the Equity Office.



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- Mark Williams: We are engaged in several conversations on pandemic and vaccinations which are separate from this Administrative Rule. We are working on plans to support the vaccination clinic at the Convention Center, as well as the one the City is participating and setting up next week on 122nd at the Kmart parking lot. Those conversations are happening but are separate from the intent of this rule and the clarification on it.
 - Darin Campbell: We have quite a few customers with accounts, now would that be considered tendering payment if they have an account in their name with the company?
 - Mark Williams: If you're saying someone has an account and you bill them at the end of the month is different than a third party being billed by the cab company, who then charges this person?
 - Darin Campbell: Yes. He wants to make sure the language doesn't exclude someone, who has an account because their family reviews their charges every month.
 - Mark Williams: He sees flexibility in this language to accommodate as it says rides are charged directly to the passenger when they arrive at their destination. If the passenger is being charged, then yes, it is still covered under this Administrative Rule. He is happy to revise the language and provide clarity if this Committee would like.
 - Steve Hext: He is thinking of convenience, so when a cab is called, the person's name is given to ensure the right person is picked up. Once the care center receives the cab company's statement, they then charge the individual passenger within their fee mechanism. In that case, the trip is on a voucher, but not a public type of account, so the passenger ultimately pays it there's just a step or two in between. Would that qualify mark?
 - Mark Williams: At the end of the day, there is no middleman, and we're targeting when the driver or company is charging the passenger directly, not the third party that the company bills for fees associated with the passenger.
 - Steve Hext: So, billing their residence center is not direct enough?
 - Mark Williams: No, that is not the intent of this rule.
 - Steve Hext: This is for consideration and not an action item, so there's no vote needed.
 - Tracy M. Smith: Correct. It will be on the next meeting's agenda for action.

CONSIDERATION ITEM: TOPIC SUBMISSION: 16.40.270 TNC DRIVER CERTIFICATION REQUIREMENTS: MARK WILLIAMS, PBOT

- This topic does not only apply to TNC driver certification. However, we did not want to look at every certification from every section of the code. However, the TNCs have exercised this practice the most. Before TNCs, the traditional regulatory operations included taxi drivers that would annually show up to



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the office, filled out an application, a background check was conducted, a motor vehicle check was conducted, provided all the necessary documentation, the City would go through the review process, and then PBOT would issue the permit. If the driver chose to operate the next year, they'd have 30 days from the expiration of their permit to go through the process again. However, the flaw is in the code language, which says, in part, the background check and driver history review of all drivers shall be conducted annually. This means in 365 days, a background check and a motor vehicle check have to be conducted, but the problem is sometimes companies do checks for their internal reasons. Based on the way the code reads, a background check completed three months ago could be turned in with an application for permit approval because it was within the last 365 days. However, with that, PBOT now has to track two dates for every driver. The system is designed to track annual certifications or permit dates that are inherently designed in the system, but not designed to track a separate motor vehicle record (MVR) date and a separate background date.

Here's one scenario, Darin gets his permit on January 1st, then six months later his boss wants to make sure he doesn't have any tickets and runs a motor vehicle check. He sees that Darin's in good shape and he continues to drive. In December, Darin is ready to recertify his for-hire permit, but instead of running a new DMV check his company decides to use the one from March, which is legal according to the current language. PBOT's system is not designed to track that separate MVR check, so now we have to get a spreadsheet and make sure Darin gets another MVR check in three months because that's when his record indicates it'll expire. This has become very laborious and is done by hand because the system was not designed to do that and it's not how the industry has ever operated. We're seeing these more and want to make sure we're following the policy within code, so we need to get back to background checks and motor vehicle checks being done annually within 30 days of the certification date, so they travel along the same timeline.

- Kirk Foster: So, the MVR and background check need to be on the same date? Because they are often from two different agencies.
- Mark Williams: No. We want the background checks and MVR to be done within 30 days of the re-certification date. If a permit expires on December 31st, then we want checks done after December 1st on that driver and we will date all those documents to be the same date as the certification or permit date. We want to make sure all three documents have the same date or close to the same date.
- Kirk Foster: I'm surprised it's an issue, as it was always a rule to be within 30 days.
 - Mark Williams: That is the rule, but it wasn't interpreted that way by the attorneys disputing it. This mostly affects TNCs because they have automated programs in place where they often check driver backgrounds and MVR checks randomly throughout the year, which is a great thing. We do not want to take away from checking backgrounds to ensure drivers and our passengers are safe on the road, however, our expectation is at the end of the year when recertifying that driver, we want to see



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another MVR check and background check, so all three documents maintain the same annual certification date.

- Tracy M. Smith: We need to take a vote to consider an action item at our next meeting in May.
- Steve Hext: Motion to discuss further at a future meeting.
 - Kirk Foster motions; Billie Moser seconds. APPROVED.

CHAIR ADJOURNED THE BUSINESS MEETING AT 2:10 PM.

NEXT MEETING: Monday, May 24, 2021, via GoToMeeting.

Submitted by, Jamie Lynne K. Souza, Recorder