



PBOT

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

TNC DRIVERS ADVISORY COMMITTEE MEETING SUMMARY DRAFT FINAL

June 14, 2021 • 3:30 PM – 5:15 PM

Zoom Call

Advisory Committee Members	Organization	Present
Mark Williams	Regulatory Division Mgr., PBOT (non-voting member)	Yes
Alma Raya	At Large Member of the Public	Yes
Chuck Coleman	At Large Member of the Public	Yes
Jeremiah Renfrow	At Large Member of the Public	Yes
Alan Doud	TNC Driver	Yes
Chad Derrington	TNC Driver, Vice-Chair	Yes
Keenan Browe	TNC Driver	Yes
Owen Christofferson	TNC Driver, Chair	Yes
Richard Rohrich	TNC Driver	Yes
Vacant	TNC Driver	N/A
Hank Kaplan	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	Yes
Leah Bazzani	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	Yes
Sally LaJoie	Ombuds Team, LaJoie Mediation and Consulting, LLC	Yes
Eliot Rose	Technical Advisory Panel, Metro	No
Ken Puckett	Technical Advisory Panel, Providence Park/Portland Timbers	No
Michael Huggins	Technical Advisory Panel, Port of Portland	Yes
Ramona Prieto	Technical Advisory Panel, Uber	Yes
Richard Fedesco	Technical Advisory Panel, Moda Center/Trailblazers	Yes
Sam Cho	Technical Advisory Panel, Lyft	Yes
Dave Benson	PBOT Parking Group Manager	No
Saffy Chan	PBOT Regulatory Division, Office Support Specialist II	Yes



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Tracy M. Smith, Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza, Recorder	Inhance LLC	Yes

Other Attendees: Darin Campbell, Radio Cab; Anna Richter Taylor, Uber.

INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

- Tracy called the meeting to order at 3:33 PM.

WELCOME CHAIR AND VICE-CHAIR: MARK WILLIAMS, PBOT

- Welcome to our new Chair Owen Christofferson and Vice-Chair Chad Derrington to their first meeting in these positions. Thank you, Tracy, for the support she’s given to the Chair regarding the process of these meetings. We’re working on a document for meeting processes for future officers. We are here to support and navigate both Owen and Chad through this process.
- Welcome Sam Cho, Lyft, to the Technical Advisory Panel representing the TNCs.
- Caleb Weaver, Uber, is no longer with the Company. Ramona Prieto will be a temporary replacement. She leads Public Affairs and policy for Uber for the West.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: TRACY M. SMITH, FACILITATOR

- No Announcements.

APPROVAL OF 04/12/2021 MEETING SUMMARIES: OWEN CHRISTOFFERSON, CHAIR

- No revisions or objections were made to April 12, 2021, Meeting Summary.

VOTE: Unanimous approval.

ACTION: No action was taken.

GENERAL UPDATES FROM TECHNICAL ADVISORY PANEL: OWEN CHRISTOFFERSON, CHAIR

- No updates.

PUBLIC COMMENTS: OWEN CHRISTOFFERSON, CHAIR



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- No public comments.

PBOT PROGRAM UPDATES: MARK WILLIAMS, PBOT

- Emailing Permits
 - The Regulatory Division is three months away from implementing a process to email permits to drivers. When a driver applies with their company when we approve that permit, instead of showing up in the mail, it will arrive in the driver's email. We're working with Uber and Lyft to find the best way to help us notify drivers since people can receive a lot of emails. There may be a way to message drivers in the app to check their email for their permit. TNCs are working on a policy or process for drivers to print the permit at the Hub for those that may not have access to a printer. We will keep the Committee updated since it's not implemented yet, and our team is excited as there are cost savings and efficiencies across the board.
- Advisory Committee Recommendation Updates
 - It's been approximately six weeks since we submitted the Committee recommendation, and he had hoped to receive an update from the Bureau Director. He will continue to reach out to the Bureau Director's Office for updates. He'll reach out to the Chair and Vice-Chair with any updates before the next meeting and then update the rest of the Committee.
 - Chad Derrington: Are the Committee's recommendations in the last meeting's summary?
 - Tracy M. Smith: Yes, it's in the April 21st meeting summary, which will be finalized and sent to Committee members after this meeting.

OMBUDS REPORT UPDATE AND HIRE RIGHT: SALLY LAJOIE, OMBUDSPERSON

- Since the start of the Ombuds program, they've had 130 total complaints filed with the online form since October 2019. Of those complaints, 28 were compensation, 67 were deactivations/suspensions, five were COVID/PPE safety-related, four were personal vehicle damage, three were fraudulent activity, three were insurance, one was technology, and 15 were miscellaneous complaints.

The newest information mentioned at the last meeting was the industry safety sharing program called HireRight. It's a third-party information hub, an entity that provides safety checks of employees, I-9 checks, and contract work for companies. Uber/Lyft announced their agreement with HireRight, where they report any safety concerns for a deactivated driver based on six serious categories. The six categories include physical assault, inappropriate/non-consensual touching, and the more extreme categories of assault/misconduct. As long as HireRight has accurate information, that driver is



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deactivated by the other company, as they parallel each other. However, once that program was announced our team immediately received complaints by drivers that had been deactivated by Lyft, yet continued to drive for Uber. Some drivers weren't aware of the seriousness of complaints they were accused of by riders until they were deactivated from both companies, so they filed a complaint. We're in the same place of the information we receive from companies on what level of investigation we can do on serious safety issues for a rider. The companies are willing to provide a generalized statement of a serious safety concern that falls into one of the six categories. When an agreement is in place about the protections provided to the riders, the companies have advised us that they are willing to provide the necessary information. Therefore, those complaints will be in a holding pattern since we can't get any additional information voluntarily from the companies as they wait for the go-ahead. However, we're hoping to reopen those complaints and investigate once we get more information.

In this Quarterly Report, we had 32 complaints and since the last update, all open reports have been closed. Files that were closed don't necessarily mean it was closed in a method people were happy with, however, it did mean that our team reached the end of our process and what we could do for the driver(s) or company. Of the complaints, 17 were deactivation/offboarding/suspension, five compensation, two for insurance, three for safety, two for technology, and three for other complaints. Our teams had the most success with erroneous background checks when some things have gone wrong, and things like a CDL triggering a flag. The following are some of the newer types of complaints we've received. We had a driver accused of poor driving techniques and the company agreed to reconsider because they were new and they continued driving. We had a driver concerned about rider spoofing where they believed someone was overriding the system because the pick-up location continued to change over the trip, so it was reported, and they were compensated. A general topic of complaints is drivers being concerned about how customers are being charged. As our team moves along, it's starting to become effective as we start having better relationships with the companies and knowing what we can and cannot do, or what kind of information we can or cannot communicate. Of course, this can change when we receive more. However, we know we're locked in of what we can't get.

The two newest complaints regarding insurance were related to the ice storm, where drivers risked their safety and vehicles to help transport people and didn't realize their deductible was so high after they had damage to their vehicles. However, they felt it was unfair because they risked themselves transporting people, but the guidelines and agreements are set and we couldn't do anything different. Another complaint was about whether or not a driver was wearing a mask, but successfully asserted knowing they had the dashcam footage. The driver believed the rider may have selected the wrong option as they always wore a mask. This is a prime example of how dashcam footage can be helpful for our team to prove drivers complying with safety guidelines, and a way to help protect the driver and rider.



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QUESTIONS

- Keenan Browe: Was the mask skin-toned and was it a particular driver with this consistent issue?
 - Sally LaJoie: It was frustrating for the driver because neither our team nor the driver could figure it out. The driver said they always wore a mask. They believe it could've been a mistake by the rider selecting the wrong feedback.
 - Leah Bazzani: The driver believed the options set up in the app may have either confused the rider or the selections were close together.
- Chuck Coleman: Since he started with this Committee, he has always wanted to protect drivers as a whole because he dealt with people making false accusations and having to defend himself as a paramedic. Now with Uber and Lyft, riders can make complaints causing driver stress, temporary deactivation, and work to dig up the proof for their situation. He'd like to see a future agenda to discuss drivers that are falsely accused to be compensated by the rider. Also, now with HireRight, he believes Uber and Lyft should include in their screening process a warning for new drivers that when you screw up with one company, you screw up with the other and are out of the TNC business.
 - Sally LaJoie: That is a good point, to have a notice sent to drivers.
- Jeremiah Renfrow: He used to work in human resources and there were specific things people were allowed and not allowed to share about former employees. It's interesting when a driver is working for one company that it's preceding them before they work for someone else. Has Uber or Lyft looked at a concern of violating any rights when it comes to privacy, tortious interference with business contracts since Uber and Lyft are different companies, where essentially one is influencing the other? Especially if they get deactivated that's likely they're going to raise a concern with the Ombuds Office.
 - Anna Richter Taylor: Can we follow up with that issue after the meeting?
 - Hank Kaplan: It's common to be cautious about what's said about former employees because if it's not completely accurate or even if it is, you're rendering the employer's subject to a lawsuit for defamation. If it is accurate, that's a defense to a suit for defamation, but still, you have to defend it and that's a hassle. In theory, it's true that if a driver wanted to, they could hold a passenger accountable by suing them for defamation for reporting false information that resulted in deactivation. In that sense, a remedy exists, but is not easily obtained.
 - Sam Cho: Yes, it does happen, but depends on the state and what the platform uses for background checks. As a company, we've been working to create a clearinghouse to communicate with each other to make sure an unsafe driver on one app is also not operating on another app. Regarding the question, he'll have to check with their privacy leagues on how we work with them. Uber and Lyft do



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not directly exchange information, as HireRight is the intermediary. He's unsure what Lyft's service level agreements say about exchanging information. He'll research more and come back to this Committee with an answer.

- Owen Christofferson: There was a deactivation that involved a food delivery service. Do you know if food delivery services are included in HireRight as well?
 - Sally LaJoie: The driver was with Postmates, which she understands Uber has acquired and believes it was a HireRight report. That is a good question since they don't have rider reports. However, it could also be a secondary deactivation. Anna, would you know the answer? My recollection is they're deactivated from all platforms. The food delivery driver was activated, but we're waiting to see if they're reactivated with Postmates. Again, her recollection when first researching HireRight was that it did cover UberEats and if they committed any of the six serious offenses, then they would be taken off any platform.
 - Anna Richter Taylor: She believes that's correct but doesn't know all the details, so she'd have to confirm.
 - Sally LaJoie: Those six categories are very offensive and the companies would want to deactivate, but our concern is what's the evidence that led to that conclusion?
 - Chad Derrington: Customers of delivery services can complain about a driver being inappropriate or being one of those six offenses. It doesn't happen often, but customer and driver interactions are possible at a personal level.
- Owen Christofferson: Regarding Uber, 19074-00 (pg. 4), a driver was deactivated for their business license and it mentioned issues with the Portland business license process and concerns that drivers had to reapply. Did we get answers about whether or not drivers are being deactivated because of their business license and have to reapply?
 - Mark Williams: The Revenue Bureau is in charge of business licensing and updated their system. However, as part of that process, did the Revenue Bureau require every business license to reapply for a replacement in their new system?
 - Saffy Chan: Not that she knows of. However, she can reach out to the customer service team. Any business license questions are forwarded to the Bureau of Revenue, but as far as drivers or company owners there haven't been issues.
 - Mark Williams: This has come up a few times with the Ombud's team, but he believes they're not able to replace an existing business license, so if it's lost it cannot be replaced. So, if a driver goes to Uber or Lyft to re-certify and the company wants a copy of the driver's business license, but the



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driver doesn't have it, then they'll need to reapply because the new system will not allow them to replace it due to old data not transferring to the new.

- Sally LaJoie: The driver wanted clarification after being notified they needed to display their license, but wasn't able to get any further information. The last update was the Ombuds team followed up with PBOT and they were looking into it.
- Owen Christofferson: So, to clarify, business licenses do expire?
 - Chad Derrington: He proposes we get a representative from the Revenue Department to let us know the facts.
 - Mark Williams: We will get that information and bring it back to the Committee before the next meeting. We need to get this information to drivers as quickly as possible to figure out the issues.
- Chuck Coleman: So, the dashcam fixed a problem with a driver. Was that driver deactivated?
 - Sally LaJoie: He was either deactivated or flagged for a pending deactivation. However, they offered their dashcam evidence and it was adequate.
 - Chuck Coleman: So, the issue ended and the case was closed?
 - Leah Bazzani: The driver was not deactivated, but was concerned about the number of complaints he received.
- Chuck Coleman: It's been two years of the Ombud's program, so what does the office's workload look like? Is it increasing?
 - Sally LaJoie: Our work comes and goes, but we'll get a spike of complaints when the City sends out notices to drivers or anything new. We had a spike during COVID, when the crime increased, and when we started with deactivations from HireRight. The different factors keep it at the same level, so even with the same number of complaints something else always moves in as far as the hours put in. For the most part, we can predict and be ready when we know notices are going out to drivers.
- Chuck Coleman: Are there cases that the Ombuds Team gets that the complaint is so bizarre that you can close it right then and there?
 - Sally LaJoie: Our role is to stay neutral. We try to give everyone the benefit of the process, but there are some that when they come into the door we know they won't go through the process. Sometimes people want to make complaints to be heard and that's enough for them. Periodically we know we'll see a complaint where the driver refutes a rider complaint and know we're not going to prevail, but we go through the process and sometimes they go further than others.



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- Owen Christofferson: On page 12 of the Meeting Summary Final Draft, 4/12/2021, under proposed changes, there are excessive rates charged to riders. Is there anything that needs to be brought to our attention?
 - Sally LaJoie: The driver complained they earned \$6.76 and the rider was charged \$18.20 for the ride. However, it wasn't that the fee breakdown wasn't under the allowed service agreement, but the driver felt it was price gouging since the rider's rates are high due to the limited access of rides. It was more than a public service complaint and it followed the User Services agreements, so we said we'd bring it to the Committee for review.

CONSIDERATION ITEM: UBER FEES: MARK WILLIAMS, PBOT

- The Portland City Council decided they no longer were going to regulate fees back when the City Code incorporated TNCs. Currently, as long as the fees are posted, every company can charge whatever they want. Before TNCs entered the market, the taxi industry had set established fees and believes it exists in other cities today. He suggests that the Committee does not consider this topic as it overlaps with the Fees and Fares Subcommittee have been discussing and allow it to continue doing their work.
- Owen Christofferson: Regarding fares being posted, we know the base rates are posted for passengers. Now since there are different pricing algorithms, do passengers have access to see how a fare is calculated if above the base rate?
 - Mark Williams: Before Uber and Lyft's algorithm, where it predicted and charged a guaranteed fare, there was an issue for a short time. We received complaints from passengers having to pay more. However, now passengers can see the fare before the ride is requested, which Regulatory has considered an acceptable posting of the rate, even if based on a dynamic pricing algorithm. Today, we don't receive many complaints about fares from TNC passengers. However, we continue to get complaints about taxicab prices when going from point A to B, and then going back can be a different price on a different day.
- Chad Derrington: He'd like to motion to move this issue to the Fees and Fares Subcommittee.
 - Motion to move to the Fees and Fares Subcommittee.
 - Keenan Browe motions, Richard Rohrich seconds, 5 approved. APPROVED.

CONSIDERATION ITEM: DASH CAMS: MARK WILLIAMS, PBOT AND CHUCK COLEMAN, COMMITTEE MEMBER

- Mark Williams: The City of Portland has a camera policy for taxi vehicles that is an Administrative Rule titled Digital Records Requirements on PBOT's website. And covered under taxi company requirements



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in City Code 1640.140 Transportation Administrative Rule 14.35. The PFHT Advisory Committee has reviewed this policy, agreed, and approved six cameras to be used in taxi vehicles. A long time ago, two taxi drivers were killed and City Council required all taxis to install a camera in the vehicle. Today, all taxis are equipped with a camera because it's a digital record of the transaction between driver and passenger. Compared to Uber and Lyft, who have access to a passenger's information on their app. Taxi drivers pick up street hails and accept cash so there's no data trail, which is why cameras are in place to take footage the moment a passenger enters the vehicle and has some record of the passenger. Now, these cameras are expensive, have a secure storage compartment in a locked box, may upload information to the cloud, and are designed if the camera was stolen the data would still be secured. He cannot imagine the City adopting a separate camera policy for TNC drivers, so if the Committee wants to consider this, we'd be looking at these types of cameras.

- Link to TRN- 13.35 Digital Records Requirements
<https://www.portland.gov/policies/transportation/private-hire-transportation/trn-1435-digital-records-requirements>
 - Chuck Coleman: Lyft and Uber are inherently safer because of the information collected on the passenger such as their credit card, phone number, and location so there's a huge digital trail. Another point is TNCs drivers don't carry or accept cash. He's considered it and since people drive private cars they may not want permanent installations they can't get to. He's looking for recourse for the drivers and riders, as there are many cases where the drivers were the problem, so a dashcam could backup the rider too. This may keep people more civil knowing there's a dashcam watching them. Dashcams can help make a decision real quick by showing the facts. He'd like to move this discussion forward and see if Uber and Lyft could find a good deal and mass purchase cameras for their drivers. For the next meeting, he'd like to see what Uber and Lyft would have to say about this. Also, regarding people who've made false accusations of the six categories and were proven false, then the rider should be deactivated from the system. We're quick to deactivate drivers when there's a problem, but don't deactivate riders where they're held accountable.
 - Mark Williams: There have been cases where the riders have been deactivated by the TNCs because PBOT will receive those calls and complaints about being kicked off the TNC platform.
- Jeremiah Renfrow: We need to look at who's benefiting from having the cameras, so if it's not a safety issue like the taxis, then we're mainly talking drivers and situations like false accusations. He can see us encouraging Lyft and Uber to help buy cameras and allow their drivers to pay it off over time like the first aid kit and fire extinguisher. However, he doesn't think it's within this Committee's wheelhouse. He's looking at this from a business perspective and doesn't think it's up to us to order private entities for the benefit of independent contractors who do work for them.



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- Keenan Browe: He agrees with a lot that's been said and agrees it's important to provide benefits to multiple parties. These are expensive and the risk window isn't as widespread as it is for taxi drivers, but he thinks this Committee has the ability and motivation to bring this up to TNCs to put something together. Maybe have an incentive if a driver satisfies an X number of rides over a certain amount of time, then they could have the option to be mailed a camera. The benefit is obvious but the question is payment and maybe installation.
 - Sam Cho: He'd like to clarify will TNCs need to present this at the next meeting?
 - Tracy M. Smith: Next meeting would involve further discussion of the topic submission. She recommends Chuck Coleman and Owen Christofferson submit their questions to Uber and Lyft before the next meeting to allow companies an opportunity to prepare. She also suggests Chuck Coleman revise the topic submission with specifics in light of what Mark said and what they'd like to ask the TNCs.
 - Owen Christofferson: That sounds good. If Sam would like to present at the next meeting that is an option and we can discuss further.
 - Sam Cho: This is complicated information dealing with collected data and who owns it. Is it the drivers? Is it TNC? Also, not all cars can accommodate a dashcam as everyone has different settings or requirements. So, it is complicated, but he's happy to have a discussion next meeting with clarification on what types of drivers tend to have cameras and which ones don't.
 - Owen Christofferson: That's great, he'll follow up with Sam.
 - Motion to move forward to next meeting.
 - Keenan Browe motions and Chad Derrington seconds.
 - Three approved and one opposed. APPROVED.

CONSIDERATION ITEM: CREATE A PILOT NO PICK-UP ZONE FOR THE DOWNTOWN PORTLAND 5TH AND 6TH AVE TRANSIT MALL: MARK WILLIAMS, PBOT

- He suggests not moving forward with this Topic Submission because there's already a good relationship with PBOT and Uber/Lyft. Together they've worked on zoning off specific areas for pickups or no pickups and it has worked well. Before COVID, there was a conversation with Uber and Lyft about 5th and 6th Avenues. Shortly, they will be implementing a geofence to no longer allow pickups in bus zones. Therefore, any time this Committee has a suggestion about an area we can revise or alter picking up passengers, instead of a policy issue, we can have a discussion and work with Uber and Lyft.



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- Motion to Table this discussion.
- Jeremiah Renfrow motions and Chad Derrington seconds.
- Five in favor to table the discussion. TABLED.

CHAIR ADJOURNED THE BUSINESS MEETING AT 4:48 PM.

NEXT MEETING: The next meeting will be Monday, August 9, 2021.
Submitted by, Jamie Lynne K. Souza, Recorder