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PRIVATE FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE MEETING SUMMARY DRAFT FINAL

March 23, 2023 • 1:00 PM—2:30 PM

Zoom Call

Advisory Committee Members	Position	Affiliation	Present
Darin F. Campbell, Chair	Taxi Company	Radio Cab	Yes
Abubakar Ahmed	Taxi Driver	Flat Cab	No
Nickole Cheron	City of Portland, ADA Title II and Disability Equity Manager	Office of Equity and Human Rights	No
Dan Mark, Vice Chair	LPT Driver	Mark Car Service LLC	Yes
Jen Armbruster	Representative of People with Disabilities	Member-at-Large	Yes
Jemal Abdi	NEMT Company	JB Medical Transport, LLC	No
David Duncan	Tour Bus Company	Grey Line of Portland	Yes
Eileen Collins	TriMet	TriMet—Accessible Transportation	Yes
April Murchinson	Ground Transportation Contracts Administrator	Port of Portland	Yes
Guy Auker	TNC Driver	Lyft	No
Allison Ford	TNC Company	Uber	No
Dan Lenzen	Riding Public	Business Owner	Yes
Mark Williams	PBOT (non-voting member)	Regulatory Division Manager	Yes
Gabby Sanchez	PBOT	Regulatory Division, Office Support Specialist II	Yes
Dave Benson	PBOT	Group Director, Parking and Regulatory Services	Yes
Matthew Erickson	PBOT	PFHT Program Manager	No
Camerina Galván	Notetaker	Galván Consulting LLC	Yes
Tracy M. Smith	Facilitator	Inhance LLC	Yes
Vacant	At-Large Community Member, Disability		N/A

Advisory Committee Members	Position	Affiliation	Present
Vacant	LPT Company		N/A
Vacant	Shuttle Company		N/A
Vacant	NEMT Driver		N/A
Vacant	Limousine or Party Bus		N/A
Vacant	Shuttle Driver		N/A
Vacant	Tourism Industry		N/A
Vacant	Pedicab Company		N/A

Other Attendees: Jen Martinek, CARE Oregon, NEMT brokerages; Karyssa Jackson, Lyft; Michael Tietjen, Program Manager, Uber US, and Canada; Adam Bierman, Uber; Anna Richter Taylor, Uber; Steve Hext, Broadway Cab; James Thompson; Amy Ruiz, Strategies 360; Carrie McKowen, Ground Transportation Contracts Administrator.

OPENING: DARIN F. CAMPBELL, CHAIR

- Darin F. Campbell called the meeting to order at 1:08 pm.
- A quorum was met at 1:16 pm.

ANNOUNCEMENTS: DARIN F. CAMPBELL, CHAIR

- **Committee Member Recruitment:** Several Executive Sedan Company and NEMT Driver position applications have been submitted. The applications have yet to be reviewed. Qualified applicants will be appointed at the next meeting. Mark Williams and Darin F. Campbell have considered moving Dan Mark to the LPT Company position. Ed Kelly resigned from the Shuttle Company Representative position.

APPROVAL OF 01/26/2023 MEETING SUMMARY: DARIN F. CAMPBELL, CHAIR

- Approved: Final draft January 26, 2023, Meeting Summary.

PBOT UPDATES: MARK WILLIAMS, PBOT

- **Upcoming Pilot for DMV and Criminal Driver Continuous Monitoring:** The program will start on April 4, 2023. Uber and Lyft already have drivers enrolled in this system. PBOT will be notified of driver DMV and criminal record alerts.
- **Enforcement:** There wasn't an enforcement report.
- Dave Benson announced his retirement set for April 12, 2023.
- Darin F. Campbell met with Commissioner Mingus Mapps last week.

PUBLIC COMMENT: DARIN F. CAMPBELL, CHAIR

- No public comment.

DISCUSSION: DRIVING FOR MULTIPLE PLATFORMS SUBCOMMITTEE UPDATE: DAN MARK, VICE-CHAIR

- The [draft language](#) for revising the City Code was shared to clarify existing language to avoid confusion and prevent drivers from working more than 12 hours in 24 hours.
- The topic submission moved from discussion to consideration.
- Motion made by Dan Mark to move the topic submission to an action item. April Murchinson seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.
 - **ACTION ITEM:** Mark Williams will share the draft language with the city attorney for feedback.

CONSIDERATION: TOPIC SUBMISSION: EYECAM MD1000: MARK WILLIAMS, PBOT

- This was a request to review the EYECAM MD1000 to add it as an approved camera to the administrative rule. A representative from EYECAM was absent from answering questions.
- After a review of the product and the material, PBOT determined that the camera meets the company's requirements using the EYECAM MD1000 purchases the additional auxiliary recording system. The camera has two recording options:
 - Option 1: A cloud recording that requires a continuous 5G connection. Mark Williams does not support the 5G connection because PBOT cannot confirm that the subscription to 5G is maintained once that camera is installed.
 - Option 2: Purchasing the additional accessories that include a cable from the camera to a storage unit that can be put in an accessible, secure location with up to 4GB of storage.
 - **ACTION ITEM:** Mark Williams will invite an EYECAM representative to attend the next meeting to have their responses to questions on the record.
- Darin F. Campbell asked if it is possible to state in the code that the additional accessories must be purchased. Mark Williams responded that the administrative rule would need to be revised so it's clear that an additional unit for that EYECAM MD1000 must be included with the installation. PBOT staff would confirm by conducting a vehicle inspection.
- Motion made by Dan Mark to move the topic submission to an action item. Jen Armbruster seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

CONSIDERATION: TOPIC SUBMISSION: PER-TRIP REIMBURSEMENT FOR TNC Wheelchair Accessible Vehicle (WAV) TRIPS: MICHAEL TIETJEN, UBER

- Michael Tietjen encouraged the committee's consideration of increasing the current incentive PBOT provides to TNCs for completed WAV trips. TNCs currently receive \$15 per completed WAV trip. Uber is projecting that in 2023 each completed WAV trip will cost over \$175. The rider fare doesn't reflect the actual cost, and Uber subsidizes \$145 per completed WAV trip. The prices of operating the WAV program are increasing. Uber appreciates any increase in the subsidy.
- Mark Williams highlighted that taxi companies and nonemergency medical transportation also experience increased expenses in providing WAV services. He shared that the 50-cent surcharge funds the \$15 subsidy. He asks the committee to consider the funding source for any additional subsidy.
- PBOT doesn't have costing models for sustaining current WAV services. The surplus that private for hire has held on to for years had grown to over 8 million dollars. Since COVID-19, PBOT relays on the surplus to pay

bills even after cutting over 50% of staffing. Consideration of the 50 cents surcharge would be needed to increase the subsidy.

- TriMet is experiencing cost increases and difficulties in contracting and providing WAV services.
- A subsidy increase would be across the industry.
- Motion made by Eileen Collins to move the topic submission to an action item. Dan Mark seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

CONSIDERATION: TOPIC SUBMISSION: DRUG TESTING TO DRIVE IN A PRIVATE FOR-HIRE INDUSTRY: DAN MARK, VICE-CHAIR

- Dan Mark proposed that one of the requirements for obtaining a Private For-Hire permit is a clean drug test. A clean drug test would be required for permit renewals. After an accident, the driver would need a post-accident drug screen.
- Drug testing comes with a considerable cost to providers. TriMet contracts with service providers and has drug use policies built into their contracts. Eileen Collins recommends that the committee be careful about putting the cost of a nonrequired program on providers and recognize that service providers also have a responsibility. Riders using private for-hire services should know how the businesses are regulated.
- A positive marijuana test would not be prohibitive.
- There are regulations in the city code stating that private for-hire transportation companies must have a drug policy in place. Radio Cab does not do pre-employment screenings and will conduct drug testing if there is reason to believe someone is intoxicated or high. Radio Cab is not in opposition to the topic submission.
- Jen Martinek commented in the chat: "From a NEMT perspective, drivers may be required to undergo a drug & alcohol screening if there is suspicion due to an incident—it's up to the brokerage's discretion. Some providers require their drivers to do pre-employment or reasonable suspicion tests." Due to the cost, they don't require drivers to undergo pre-employment screening. All the brokerages require transportation providers to develop a drug screening program.
- April Murchinson added the Portland International Airport policy in the chat: "8.3.1 Definition. 'Marijuana' Recreational Marijuana (also including Sections 8.3.1-Definition and 8.3.2-Prohibition). DEFINED TERMS: 'Marijuana' shall mean and include all parts of the plant of the genus cannabis, whether or not growing, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate and marijuana products and consumables. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed or the plant which is incapable of germination, or the weight of any other ingredient combined with Marijuana to prepare oral administrations, food, or drink. Marijuana shall not mean medical Marijuana as that term is defined under Oregon law."
- The Port of Portland doesn't test drivers.
- Motion made by Dan Mark to move the topic submission to an action item. April Murchinson seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

ACTION ITEM: TOPIC SUBMISSION: VEHICLE AGE LIMIT: MARK WILLIAMS, PBOT

- Mark Williams withdrew the proposal submitted to the committee. The city attorney advised a code change to be made. Internal PBOT discussions will continue.
- Mark Williams revised the recommendation to raise the vehicle age limit from 10 to 13 years for taxis, TNCs, and nonemergency medical sedans.
- Darin F. Campbell voiced support.
- Motion made by Dan Mark to raise the vehicle age limit from 10 to 13 years for taxis, TNCs, and nonemergency medical sedans. Eileen Collins seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

ACTION ITEM: TOPIC SUBMISSION: VEHICLES OPERATING ILLEGALLY IN PORTLAND (UNREGULATED): DARIN F. CAMPBELL, CHAIR

- Darin F. Campbell recommends allowing the City of Portland to tow unregulated taxis.
- Mark Williams feels this is important because none of the outlining cities around Portland have driver requirements, whereas the City of Portland conducts thorough background and vehicle record checks. Unauthorized drivers are cited multiple times, continue to operate, and do not pay citations. He feels the next step is to take a more serious approach. This will require City Council approval and a revision to the Portland Police Bureau (PPB) policy. PPB would execute the tow.
- Unregulated taxis are inadequately insured.
- No public comment.
- Motion made by Dan Mark to allow the City of Portland to tow unregulated taxis. Eileen Collins seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

ACTION ITEM: TOPIC SUBMISSION: REQUIRED PBOT TO CONDUCT BACKGROUND CHECK (DMV AND CRIMINAL): MARK WILLIAMS, PBOT

- Currently, city code allows companies to self-certify, meaning they can contract with an accredited background check company and run a background check themselves. They share the information with PBOT to obtain a permit for a driver.
- The recommendation would compel a company to have all its drivers go online, complete an application, and submit a request for PBOT to conduct the background in motor vehicle check if the company cannot integrate with PBOT's system. This would impact about five companies that run their background checks.
- Self-certification would be available. Companies will receive specific information on linking with the PBOT system to submit data on drivers and vehicles.
- In the chat, Jen Martinek asked, "Has the city reached out to the providers that do their background checks now to identify how this proposed change will affect them?" Mark Williams responded that PBOT contacted the largest company but has not contacted the others. The recommendation would go into effect in September 2023.
- There are two benefits for drivers. First, if the city conducts all the background checks, a driver can take their permit and work with a company without a company having to run another background check. Second, PBOT charges a flat rate for background checks to make the price accessible for drivers.

- Motion made by Dan Mark to require PBOT to conduct background checks if companies cannot self-certify correctly. Eileen Collins seconded it.
 - Approved: Motion passed. David Duncan abstained. The remaining members voted in favor.

ANNOUNCEMENTS: DARIN CAMPBELL, CHAIR

- Darin Campbell named the vacant committee positions and emphasized the need for a representative from the tourism industry. He would like Travel Portland to engage with the private for-hire sector.

CHAIR ADJOURNED THE BUSINESS MEETING AT 2:21 pm.

NEXT MEETING: The next meeting will be Thursday, April 27, 2023, from 1:00 pm—2:30 pm.

Submitted by Camerina Galván, Notetaker, Galván Consulting LLC.