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TNC DRIVERS ADVISORY COMMITTEE MEETING SUMMARY DRAFT FINAL

December 11, 2023 • 3:30 PM – 5:00 PM

Zoom Meeting Call

Advisory Committee Members	Organization	Present
Keenan Browe	TNC Drive, Chair	Yes
Richard Rohrich	TNC Driver	Yes
Phil Berger	TNC Driver, Vice Chair	Yes
Annadiana Johnson	At Large Member of the Public - Representative of People with Disabilities	No
Kris Meagher	At Large Member of the Public – Representative of People with Disabilities	Yes
Mark Williams	Interim Parking and Regulatory Group Director	No
Josh Lynch	PBOT Regulatory Division, Interim Manager	Yes
Matt Erickson	PBOT Regulatory Division	Yes
Gabby Sanchez	PBOT Regulatory Division, Office Support Specialist II	No
Sally LaJoie	Ombuds Team, LaJoie Mediation and Consulting, LLC	Yes
Leah Bazzani	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	No
Julie Reading	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	No
Eliot Rose	Technical Advisory Panel, Metro	No
Ken Puckett	Technical Advisory Panel, Providence Park/Portland Timbers	No
April Murchinson	Technical Advisory Panel, Port of Portland	Yes
Anna Richter Taylor	Technical Advisory Panel, Uber	Yes
Richard Fedesco	Technical Advisory Panel, Moda Center/Trailblazers	No
Tracy M. Smith, Facilitator	Inhance LLC	Yes
Camerina Galván, Notetaker	Galvan Consulting LLC (Inhance LLC)	Yes
Vacant	At Large Member of the Public	N/A
Vacant	TNC Driver (2-year term)	N/A
Vacant	TNC Driver (3-year term)	N/A

Other Attendees: Online: Terry D; Peter Z; Marijana Sarich, Karyssa Jackson, Lyft; Darin Campbell, Radio Cab & Chair of the Private for-Hire Transportation Advisory Committee; Jerald McClinton; Lisa B; Jordan; Nathaniel Hudson-Hartman; Tyler S, Rideshare Drivers United; Hank; Steve Koester, Port of Portland; Karrie W; Chad Derrington; Marshall; Hannah Morrison, PBOT; Sean; KerrySaahil Karpe; Noah; Bryan Ford; Dan Mark, Vice-Chair of the Private for-Hire Transportation Advisory Committee; Mary Everson; Erica Mighetto, Board Member, Rideshare Drivers United; Kerry Harwin, Communications Director, Drivers Union; Ahmed Ashalmani; Hahir Sheikh-med; Tara Colbert; Erick Stayton; Bruce Trimble; Bob Nesbitt.

INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

- Tracy M. Smith called the meeting to order at 3:31 p.m.
- The quorum was met.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: KEENAN BROWE, CHAIR

- Keenan Browe invited people to read "[On Algorithmic Wage Discrimination](#)" by Veena Dubal, published in the *Columbia Law Review*.
- **Driver Permitting:** Josh Lynch shared that TNC must give PBOT a daily list of every active driver. PBOT takes the list and creates a driver's permit for the permit period. If the documentation from the TNC is incomplete or does not reflect the driver's status, the driver will not receive a permit, even though the driver can drive. If that happens, drivers should contact PBOT or the TNC. A driver should obtain the permit after the TNC updates the driver's record and gives PBOT the correct documentation.
 - Phil Berger shared he received his permit in the mail on November 30, 2023, and it expires on December 16, 2023. He asked Josh Lynch to clarify how long the permit would be valid.
 - Josh Lynch shared that it depends on the certification date that the driver initially joined the platform, the background check run by the platform, and the motor vehicle record check. If any of those expires earlier than one year, the permit will only be valid until the most recent one of those documents. The TNC updates driver information and sends the new documentation to PBOT, who then issues a new permit.
 - What is the standard for receiving a new permit?
 - The standard is a year. TNC runs a background check on a cycle, and this will cause the dates to get out of sync.
 - Can PBOT notify a driver when one of the documents has been updated to explain why they don't have a recent permit?
 - Josh Lynch responded that the TNC is responsible for updating the documentation. The driver should be notified that a permit is invalid due to documentation. It should be seamless.
 - Phil Berger asked drivers to raise their hands if they had not received their permits on time. About two-thirds or three-quarters of the 60-70 drivers in the room raised their hands.
 - Drivers can email their name and contact information to regulatory@portlandoregon.gov for assistance.
- **Private for-Hire Transportation Advisory Committee Merger:** Phil Berger opposes having the TNC Drivers Advisory Committee merge with the Private for-Hire Transportation Advisory Committee. He invited drivers to fill the vacant committee positions.
- **Rider Recruitment:** Keenan Browe and Phil Berger prioritize recruiting committee members. Riders are encouraged to participate in the committee. Drivers are encouraged to contact PBOT to request rider cards and discuss concerns with riders.
 - Josh Lynch affirmed that rider cards can be printed if they request them from PBOT.

- **January 2024 Meeting:** Keenan Browe proposed holding longer monthly meetings to address more content. Phil Berger would like a strategic plan developed for the committee at the January 2024 meeting. He also wants to extend the meeting time and have a budget to pay for the facilitator and notetakers' time.
- Phil Berger motioned to hold a January 2024 TNC Drivers Advisory Committee meeting. Richard Rohrich seconded it.
 - Approved. The motion to hold a January 2024 TNC Drivers Advisory Committee meeting passed unanimously.
- Phil Berger motioned for the chair and vice chair to set the meeting length and officially extend the meeting time. Richard Rohrich seconded it.
 - Approved: The motion allowing the chair and vice chair to set the meeting length and officially extend the meeting time passed unanimously.
- Phil Berger moved to increase the budget to cover the cost of a facilitator and notetaker for longer and more frequent meetings. Keenan Browe seconded it.
 - Approved: The motion to increase the budget to cover the cost of a facilitator and notetaker for longer and more frequent meetings was approved unanimously.

APPROVAL OF 06/12/2023 AND 10/09/2023 MEETING SUMMARY: KEENAN BROWE, CHAIR

- Richard Rohrich motioned to approve the Draft Final on June 12, 2023, and October 9, 2023, Meeting Summaries. Phil Berger seconded it.
 - Approved: The Draft Final June 12, 2023, and October 9, 2023, Meeting Summaries were approved unanimously.

PRESENTATION: DRIVERS UNION: KERRY HARWIN, DRIVERS UNION

- Kerry Harwin shared an Oregon chapter of the Drivers' Union has been launched to ensure drivers' rights and named some issues drivers are experiencing. Kerry Harwin shared that employment classification is outside the City of Portland's jurisdiction.

PRESENTATION: RIDESHARE DRIVERS UNITED: ERICA MIGHETTO-RAVIART, RIDESHARE DRIVERS UNITED

- Erika Mighetto-Raviart shared about herself and her experience as a TNC driver and organizer. Erika Mighetto-Raviart advocated for the New York rate model for TNC drivers. She invited drivers to learn more about [Portland Drivers United](#).
- Phil Berger noted that the Drivers Union and Rideshare Drivers United want the same goal but disagree on the methods. He encouraged both entities to work together.

NOTIFICATION TO DRIVERS OF THE OMBUDS PROGRAM: SALLY LAJOIE, OMBUDSPERSON

- Sally LaJoie reported that the number of complaints has decreased over time. She asked about the frequency of the notifications sent to the drivers regarding the OMBUDS Program.
- Josh Lynch reported that drivers are notified about the OMBUDS Program via email quarterly.
- While the OMBUDS Program is on call to support drivers, drivers don't always get the results they want.

DISCUSSION: OMBUDS QUARTERLY REPORT: SALLY LAJOIE, OMBUDSPERSON

- Sally LaJoie reported there are no new complaints since the last report. The [Quarter 19 OMBUDS Report](#) contains the number of complaints since the program began.
- Keenan Browe shared that drivers who don't receive support from Lyft or Uber can contact the OMBUDS Program and complete a [complaint form](#).

- Sally LaJoie shared in the chat that initiating a complaint starts with the online [complaint form](#) through PBOT. Once it is an open complaint, it is handled by Sally LaJoie and Leah Bazzani, the OMBUDS team. Questions can be sent to sally@lajoiemediation.com.

PBOT PROGRAM UPDATES: JOSH LYNCH, PBOT

- **City Codes Update:** Josh Lynch reported that in December 2023, the Regulatory Program put forward code changes that impact drivers.
 - **Vehicle Age Extension:** The code change extended the vehicle age from 10 to 15 years. It went into effect on December 1, 2023.
 - Phil Berger appreciated the changes to the code. He asked that when serious changes are considered, the committee is asked before changes are made. Some drivers didn't receive the extension from 10-15 years of vehicle age well.
 - Josh Lynch clarified that the vehicle age extension was a recommendation made by the Private for-Hire Transportation Advisory Committee and went through a public comment period. He recommends that drivers engage in the Private for-Hire Transportation Advisory Committee if an agenda item or recommendation impacts TNC drivers.
 - **Certifications Qualifications for a Driver:** If a person has at least 365 days of driving experience within the last 18 months, they are eligible to drive. Previously, the code read that a person had to have one year of consistent driving experience on record in the last year. This has been changed because PBOT recognizes that some administrative suspensions may make it so that a person cannot drive because their license is no longer active, which is unrelated to driving experience and ability.
 - **Inactivation:** The same is true for the inactivation of a person's driving record due to administrative suspensions. These are not counted towards the three suspensions necessary to disqualify someone as a driver.

GENERAL UPDATES FROM TECHNICAL ADVISORY PANEL & PUBLIC COMMENTS: KEENAN BROWE, CHAIR

- **Port of Portland Transportation Plaza:** April Murchinson reported that the Port of Portland transitioned TNC drivers to the new transportation plaza from Island 2 roadway in late October 2023.
 - Keenan Browe shared that drivers and passengers have difficulty locating the transportation plaza. He requested better signage.
 - April Murchinson reported that background work and discussion are happening regarding signage. New signage will be installed today.
 - Phil Berger asked drivers to raise their hands if they heard from riders that the transportation plaza took a lot of work to locate. All but two of the 60-80 drivers in the Portland Building Room raised their hands. International passengers are especially having a hard time finding the pick-up area.
 - Phil Berger has experienced limited Wi-Fi and GPS signals in the transportation plaza. He requested a Wi-Fi or GPS booster in the garage so drivers can communicate with passengers.
 - April Murchison said all the comments are being noted and will be taken to the team for discussion.
 - Phil Berger shared he would have liked to have seen drop-offs before pick-ups or a shortcut through the garage so the drivers don't have to exit and return to the airport. This is an example of an issue that could have been prevented had the drivers been consulted.
- **Lyft Deactivation Presentation:** Karyssa Jackson shared that Lyft's priority is to avoid deactivations. She shared that deactivations are extremely rare, impacting 3% of drivers. Most of those are temporary deactivations, and more than half are due to safety issues.

- Phil Berger interrupted Karyssa Jackson’s presentation to share that deactivations are one of the top issues faced by drivers. Phil Berger would like to dedicate a significant portion of the next meeting to discussing deactivations, with 30 minutes for public comments and 1-2 minutes per driver.
- Ahmed Ashalmani, an Uber and Lyft driver, interrupted the meeting to provide public comment.
- Karyssa Jackson continued with the presentation and shared the process for investigating deactivations. Lyft will roll out a new process for drivers to appeal permanent deactivations in early 2024. A driver will submit an appeal through the app and provide additional information and evidence. Karyssa Jackson shared her email in the chat: karyssajackson@lyft.com.
- Ahmed Ashalmani shared that they were a good driver and were unjustly deactivated. Ahmed Ashalmani doesn’t feel the TNC was responsive. He advocated for a drivers union.
- Tracy M. Smith reminded the chair and vice chair that members of the public must wait until the public comment period to share their comments.
- Uber’s presentation was moved to a future meeting.

DISCUSSION: TOPIC SUBMISSION: OPPOSITION TO MERGER WITH PROFIT FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE (PFHTAC): KEENAN BROWE, CHAIR

- Keenan Browe stated the TNC Drivers Advisory Committee is opposed to merging with the Private for-Hire Transportation Advisory Committee.
- Phil Berger motioned for an official statement opposing the TNC Drivers Advisory Committee's merger with the Private for-Hire Transportation Advisory Committee. Richard Rohrich seconded it.
 - Approved: The motion for an official statement opposing the TNC Drivers Advisory Committee’s merger with the Private for-Hire Transportation Advisory Committee passed unanimously.
- Phil Berger made a motion requesting the PBOT Commissioner to make a public statement to keep the TNC Drivers Advisory Committee independent for at least through the end of 2024. Richard Rohrich seconded it.
 - Approved. The motion requesting the PBOT Commissioner to make a public statement to keep the TNC Drivers Advisory Committee independent for at least through the end of 2024 passed unanimously.

ACTION ITEM: TOPIC SUBMISSION: DRIVER SAFETY, PHOTOS & THIRD-PARTY RIDES: PHIL BERGER, VICE CHAIR

- This agenda item was not addressed during the meeting.

DISCUSSION: TOPIC SUBMISSION: THIRD-PARTY RIDES: KEENAN BROWE, CHAIR

- This agenda item was not addressed during the meeting.

DISCUSSION: TOPIC SUBMISSION: RIDER FARE TRANSPARENCY: ANNADIANA JOHNSON, COMMITTEE MEMBER

- This agenda item was not addressed during the meeting.

PUBLIC COMMENT: KEENAN BROWE, CHAIR

- Virtual public members were invited to add their comments to the chat. Those who gave public comments in person were Dahir Sheikh Ahmed, Tara Colbert, Erick Stayton, Bruce Trimble, and Bob Nesbitt. Refer to the Chat transcript that is saved as a separate PDF.

CHAIR ADJOURNED THE BUSINESS MEETING AT 5:02 p.m.

NEXT MEETING: The next meeting will be in January 2024.

Submitted by Camerina Galván, Notetaker, Galvan Consulting LLC.