



1120 SW Fifth Ave, Suite 1331, Portland OR 97204

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

TNC DRIVERS ADVISORY COMMITTEE MEETING SUMMARY FINAL DRAFT

March 11, 2024 • 3:30 PM – 5:00 PM

Zoom Conference Call & The Portland Building, Rm. 203

Advisory Committee Members	Organization	Present
Keenan Browe	TNC Drive, Chair	Yes
Phil Berger	TNC Driver, Vice Chair	Yes
Kris Meagher	At Large Member of the Public – Representative of People with Disabilities	No
W Scott Floyd	TNC Driver (2-year term)	Yes
Erica Raviart	TNC Driver (3-year term)	No
Steven Dalton	TNC Driver (3-year term)	Yes
Mark Williams	Interim Parking and Regulatory Group Director	No
Josh Lynch	PBOT Regulatory Division, Interim Manager	Yes
Matt Erickson	PBOT Regulatory Division	No
Gabby Sanchez	PBOT Regulatory Division, Office Support Specialist II	No
Sally LaJoie	Ombuds Team, LaJoie Mediation and Consulting, LLC	Yes
Mary-Margaret Jenkins	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	Yes
Richard Myers	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	TNC Driver (2-year term)	N/A
Vacant	At Large Member of the Public - Representative of People with Disabilities (2-year term)	N/A

Vacant	At Large Member of the Public (2-year term)	N/A
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Other Attendees: Lori Hules; Mohamed; Karyssa Jackson, Lyft; Steven Koester, Parking Systems Manager, Port of Portland; Karry Harwin, Drivers Union; Mariah Hudson, Chair, PBOT Bureau and Budget Advisory Committee; Joe Jackson, Driver’s Union; Ahmed Mohamed, Driver’s Union; Craig Bethell, Driver’s Union; Dahir Sherkh-Ahmed; Driver’s Union; Brian Dane, Driver’s Union; Amin Mohamed, Driver’s Union; Nuur B Nuur, Driver’s Union; Abdirahman As, Driver’s Union.

INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

- Tracy M. Smith called the meeting to order at 3:35 p.m.
- The quorum was met at 3:40 p.m.

APPROVAL OF 02/12/2024 MEETING SUMMARY: KEENAN BROWE, CHAIR

- Steven Dalton motioned to approve the Draft Final of the February 12, 2024, Meeting Summary. W Scott Floyd seconded it.
 - Approved: The Draft Final February 12, 2024, Meeting Summaries were approved.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: KEENAN BROWE, CHAIR

- Sally LaJoie introduced Mary-Margaret Jenkins.
- Phil Berger read a written statement. Highlights included attending a TNC driver action event and speaking to the media. He hopes to participate in future agenda-planning meetings. He disagrees with the request to refrain from using meeting time for process issues. He asked for a show of hands of who would like to meet with him outside the committee meeting and who supports using committee time to address process and driver issues simultaneously. He will only focus efforts on driver issues if he gets support.
 - Keenan Browe shared that all communications with committee members ideally copy PBOT. Josh Lynch clarified that communication between a committee member and a non-committee member is fine. Still, if the conversation influences committee decisions, it must be documented differently.
 - As a public representative, Steven Dalton will refrain from having side conversations with committee members, especially if it is to serve a committee member’s agenda.
- Tracy M. Smith advised that Phil Berger submit a topic submission. He declined the offer.

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

- Anna Richter Taylor reported that the rider pays for the 50-cent surcharge.
- Phil Berger asked April Murchinson about posting recruitment cards at the Port of Portland. April Murchinson responded that the Port of Portland generally doesn’t allow the display of items. If she receives an electronic copy, the Port of Portland can review it and make a decision.
 - **ACTION ITEM:** Josh Lynch will send an electronic copy of the driver postcards to April Murchinson.
 - **ACTION ITEM:** April Murchinson will report back the Port of Portland’s determination.

PUBLIC COMMENTS: KEENAN BROWE, CHAIR

- Nathaniel Hudson-Hartman feels TNC passengers are overcharged, and drivers are underpaid. He calls for just driver compensation and asks the committee to recommend compensation that keeps up with inflation and greater safety measures.
- Lori Hules was unjustly deactivated in December 2023 by Uber and Lyft due to a 30-year-old criminal record. She proposed creating a policy to enforce a limitation on the length of time that TNCs are allowed to cite a

reason for not employing or terminating an employee. Lori Hules listed the benefits Uber and Lyft could offer drivers.

- Tracy M. Smith advised that Lori Hules resubmit their testimony on the PBOT website as the comments were not captured the first time.
- Dahir Sheikh-Ahmed requests that the committee make a recommendation to the city council for fair compensation that keeps up with inflation and the cost of living and eliminates unfair deactivations.
- Brian Dane seconded the previous comment and hasn't had a reservation in a year. He doesn't believe that TNC algorithms choose the driver nearest the reservation, and he cannot get assistance from the TNCs to resolve the issue.
 - Phil Berger responded that one reason for algorithm issues is Lyft's wait-and-save program. Uber compensates drivers for long pick-ups if they are over 9 minutes; Lyft does not.
 - In dozens of instances, Keenan Browe mentioned that riders in this vehicle who request a ride through the app are not paired with him.
- Joe Jackson has noticed passage rates increase with inflation, but driver compensation has decreased. He calls for an increase in pay per minute for all trips. After all the fees, drivers receive roughly 42% of fares.

PBOT PROGRAM UPDATES: JOSH LYNCH, PBOT

- **Status: Amendment 16.40.270: TNC Driver Certification Requirements:** The director approved a packet of recommendations. Staff is writing the code changes, which will undergo several editing stages. They will be presented to the City Council later this year.
 - Josh Lynch clarified that PBOT doesn't have a regular cadence for code changes. When a few recommendations are packaged together, they are presented to the city council, or an immediate change needs to be made. Public safety could be an expedited recommendation, depending on the specifics.
- **Update on Expired Permits Info:** PBOT updates the permit packaging with instructions on what to do if drivers have questions about their permits or need to resolve an issue. The instructions will be included in a quarterly newsletter sent to all drivers. Auditors can check if permits are valid.
- **Vehicle Age:** Uber mistakenly sent a message regarding the lifespan of vehicles. Vehicles have a 15-year lifespan.
- **TNC DAC Comment Form:** The public can submit a comment form on the website that will be sent to all committee members immediately. It currently is not working properly.
 - **ACTION ITEM:** Josh Lynch will work on the comment form so it is routed to all committee members.
- **Committee & Ombuds Notifications:** A quarterly newsletter will be sent to drivers, including Ombuds updates. Committee announcements are sent through GovDelivery to people who sign up. Registered drivers receive the PBOT newsletter.

MINIMUM PAY STANDARD AND DEACTIVATIONS PROTECTIONS: KEENAN BROWE, CHAIR

- Kerry Harwin encouraged the committee to vote affirmative for a driver minimum pay standard and protections against unjust deactivations. He hopes the committee votes affirmative on the language in the topic submission.
- Keenan Browe read the language in the topic submission and clarified that the committee already voted affirmatively on the right to appeal deactivations.
 - Josh Lynch responded that the recommendation is included in the package and that there is already a process for drivers to appeal deactivations. The process will not change unless there is a significant issue.

- Karry Harwin noted that the topic submission calls for higher protections and guarantees than those currently in Portland.
- Ombuds Sally LaJoie shared that the Ombuds dispute resolution (similar to an appeal) process is currently voluntary on the part of the TNCs. This Committee passed a resolution in April 2021 to make their participation mandatory and require certain information be shared with the ombuds to assist the drivers, which was drafted into a final administrative rule by the City but never finalized/adopted by the Bureau. The resolution proposed by the DU calls for another level of protection relating to the representation of drivers in arbitration hearings.
- Cost of living increases are not reflected.
- When setting the rates, the committee should consult a department about wages and labor statistics.
- Keenan Browe is concerned that an increase in the compensation will lead to an oversaturation of drivers.
- If the recommendation is approved, PBOT will refine it with the committee. Phil Berger shared that the Fees & Fares Subcommittee developed a recommendation for a certain percentage, and PBOT returned requesting more details. The subcommittee didn't follow up, and the recommendation died. He hopes the committee can meet as much as needed, supervised and unsupervised, between public meetings to develop a detailed recommendation soon.
- Phil Berger would like to attach Nathaniel Hudson-Hartman's public comments from this and the last meeting, Dahir Sheikh-Ahmed's public comments, and other public comments to the topic submission. He requested an expedited review from the PBOT Director.
 - Steven Dalton requests more public engagement to strengthen the recommendation. Josh Lynch will move the recommendation up the chain as quickly as possible and report his findings at the next meeting.
 - **ACTION ITEM:** Josh Lynch will share his findings regarding the expedited recommendation.
- Public Comment:
 - Dahir Sheikh-Ahmed feels the City of Portland is a barrier and calls for the committee to vote affirmative.
 - A public member asked for compensation per minute instead of per mile to represent the traffic issues.
 - Nathaniel Hudson-Hartman said drivers are essential workers and should be paid fairly for the risks they take.
 - Ahmed Mohamud called for treating drivers as humans, fair compensation in line with the cost of living, safe work, and eliminating unjust deactivations. He called for decision-makers to act with urgency.
 - Lori Hules feels it is a rush to ask for a percentage or raise when other issues are not being considered. There has been no discussion of Uber Connect, Uber Eats, additional expenses, skill set, or seniority. There is a huge compensation gap between TNC drivers and other delivery companies. Lori Hules doesn't feel the committee has considered everything when determining compensation.
 - Josh Lynch clarified that PBOT does not regulate Uber Eats and Connect.
 - Lori Hulet is a TNC specialist in EMT work. In the Portland market, they have a contract with TriMet.
 - The recommendation to merge the TNC Driver Advisory Committee and the Private for-Hire Advisory Committees is based on staff capacity and committee coordination. Both committees cover the same code but have different concerns.
 - Anna Richter Taylor clarified that Uber is a technology company first, and TNC is one component of their overall model. Uber Eats is regulated through city code but not through this committee or PBOT.
- The committee discussed whether to add specific language to the recommendation or vote as is.

- Tracy M. Smith reminded the committee that the Fees and Fares Subcommittee had made a recommendation previously, and Mark Williams returned to the committee asking for additional details. The committee did not respond, and the initiative died.
- Steven Dalton feels the recommendation doesn't cover all the considerations raised in the meeting and called for greater public engagement. He would like to host a town hall meeting.
- Tracy M. Smith and Camerina Galván do not provide transcription.
- **ACTION ITEM:** A committee member will transcribe Nathaniel Hudson-Hartman, Dahir Sherkh-Ahmed, and Joe Jackson's public comments.
- Phil Berger motioned to approve the language in the topic submission with Nathaniel Hudson-Hartman, Dahir Sherkh-Ahmed, and Joe Jackson's public comments attached as an appendix and to expedite the Director's response. W Scott Floyd seconded it.
 - Approved: The motion passed unanimously.

DISCUSSION FARE TRANSPARENCY: KEENAN BROWE, CHAIR

- Phil Berger called for fair transparency and implored the committee members to read the topic submission.
- Phil Berger made a motion to move the topic submission to an action item. W Scott Floyd seconded it.
 - Approved: The motion passed unanimously.
- Anna Richter Taylor said Uber would like to be at the table to discuss earning standards and transparency.

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

NEXT MEETING: The next meeting will be on Monday, April 8, 2024, 3:30 p.m.-5:00 p.m.

Submitted by Camerina Galván, Notetaker, Galvan Consulting LLC.