



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

October 11, 2021 • 3:30 PM – 5:00 PM

Zoom Call

Advisory Committee Members	Organization	Present
Mark Williams	Regulatory Division Mgr., PBOT (non-voting member)	Yes
Chuck Coleman	At Large Member of the Public	No
Jeremiah Renfrow	At Large Member of the Public	Yes
Chad Derrington	TNC Driver, Vice-Chair	Yes
Keenan Browe	TNC Driver	Yes
Owen Christofferson	TNC Driver, Chair	No
Richard Rohrich	TNC Driver	Yes
Hank Kaplan	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	No
Leah Bazzani	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	No
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	No
Ramona Prieto	Technical Advisory Panel, Uber	No
Richard Fedesco	Technical Advisory Panel, Moda Center/Trailblazers	No
Sam Cho	Technical Advisory Panel, Lyft	Yes
Gabby Sanchez	PBOT Regulatory Division, Office Support Specialist II	Yes
Dave Benson	PBOT Parking Group Manager	Yes
Tracy M. Smith, Facilitator	Inhance LLC	Yes
Vacant	At Large Member of the Public	N/A
Vacant	TNC Driver	N/A



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Other Attendees: Chris Thomas, Lyft; April Murchinson, Port of Portland; Anna Richter Taylor, Uber; Michelle Plambeck, Strategies 360

INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

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

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: CHAD DERRINGTON, VICE CHAIR

- No announcements.

APPROVAL OF 08/09/2021 MEETING SUMMARIES: CHAD DERRINGTON, VICE CHAIR

- Approved: No revisions or objections made to the final August 9, 2021, Meeting Summary.

GENERAL UPDATES FROM TECHNICAL ADVISORY PANEL: CHAD DERRINGTON, VICE CHAIR

- No updates.

PUBLIC COMMENT-NON- AGENDA: CHAD DERRINGTON, VICE CHAIR

- No public comment.

PBOT PROGRAM UPDATES: MARK WILLIAMS, PBOT

- **Child Seat Law:** [ORS 815.080](#) Providing safety belt, harness or child safety system that does not comply with standards. This statute states Taxis are exempt from providing a car seat when transporting a child. Further, the statute doesn't say if Taxis are required to provide a car seat if the passenger doesn't have one. The statute also doesn't reference TNCs. TNCs and Taxis most likely have internal policies related to this issue. Uber and Lyft will confirm whether or not the drivers' Terms and Conditions specify if the driver is obligated to transport a child without a car seat. One member stated the insurance carriers might have a stronger position on this issue. [ORS 811.210](#) Failure to properly use



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safety belts. Except as provided in [ORS 811.215](#), in relevant part, a person commits the offense of failure to properly use safety belts if the person... “(B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class II all-terrain vehicle registered under [ORS 803.420](#) (Registration fees), is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.”

- **Email Permits:** As of October 18, 2021, permits will be emailed to drivers. The electronic permits will ensure addresses are correct, require less printing, and show a picture of the driver. The driver and company will receive the electronic permit. The first name will be on the permit, and it must be displayed inside the vehicle. The security QR code on the permit allows the passenger to scan the permit and receive an authentication/validity of the driver’s permit. PBOT will be alerted if the permit isn’t valid, and the passenger will receive a complaint form on their phone screen to complete. Drivers can call Customer Service if there’s an issue obtaining their permits via email. PBOT doesn’t foresee issues if the email address is updated. The permits need to be displayed as previously required.

DISCUSSION ITEM: OMBUDSPERSON QUARTERLY REPORT: SALLY LAJOIE, OMBUDSPERSON AND MARK WILLIAMS, PBOT

- There were fewer complaints filed this quarter. Some complaints were resolved by the Ombuds office and some by PBOT. Seven complaints focused on serious deactivations/suspension that didn’t implicate the City code or State statute.
 - Six of the seven complaints have been closed.
 - FAQs will be sent to drivers next week, 10/18/2021, to explain the business license requirements.
 - Drivers are required to have their Portland City business license number written on the rear decal.
 - Drivers are required to carry a copy of their Portland City business license.
 - To date, the Ombuds office has received a total of 137 complaints, 27 related to compensation and 68 related to deactivations/suspensions.
- **OMBUDSPERSON QUARTERLY REPORT: MARK WILLIAMS, PBOT**

The Ombuds service was revamped around July 2021. PBOT began to work with driver complaints applicable to Portland City Code and State law. As of July 2021, PBOT received:

 - Seven complaints
 - One complaint was sent to the Ombuds service.



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- Three of the complaints were resolved with TNCs and related to a background or motor vehicle check issue.
- One investigation is in progress.
- Two complaints didn't meet the requirements as outlined in the City Code.

DISCUSSION ITEM: MINIMUM DRIVER COMPENSATION & DRIVER PROTECTIONS: CHAD DERRINGTON, VICE CHAIR

- Chad Derrington read a statement by Owen Christofferson, Chair, on Minimum Compensation. It reads as follows:

Statement by Owen Christofferson, Chair, Minimum Compensation

Hello and welcome everyone to this important topic. I'm glad we're starting this conversation. Compensation has probably been the number one driver issue since the beginning of this Committee, and, back in January 2016, it was what got me first involved in driver advocacy. That was when the TNCs first cut their rates in the Portland market, a 25% per mile and 33% per minute cut. A fare cut is a wage cut, and it hurt.

It also drove home the point that, despite being classified as independent contractors, drivers have no say as to their rates, and no mechanisms exist to prevent unilateral rate cuts on the part of the TNCs. That's why the Committee is interested in establishing a minimum compensation standard to make sure that TNC drivers in Portland make at least Portland minimum wage plus expenses. It's the right thing to do for TNC drivers and for the Portland community at large.

For TNC drivers, a minimum compensation standard is about more than just driver pay during a ride. It is about true compensation for time and expenses borne by drivers. This includes compensation for time spent in Period 1, for time spent cleaning and preparing the vehicle, compensation for cell phone plans, and provisions for health insurance.

We also need to keep in mind that in Oregon, tips are not included in the minimum wage and it should also be that way for TNC drivers.

The conversation around minimum compensation is also a conversation of racial justice and environmental justice. While we lack concrete numbers for Portland, according to Lyft's data, drivers are about twice as likely as the general public to identify as a racial or ethnic minority. And a Seattle survey found that drivers are much more likely to rely on public assistance programs and less likely to have healthcare. These are the workers who would benefit most from a minimum compensation standard.

And the conversation on minimum compensation is also an environmental one. I believe that we can come to an agreement, either through a hard cap or an incentive structure, that limits the amount of empty TNC vehicles on the road while ensuring drivers have a standard of minimum pay. Simply switching the fleet



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over to electric vehicles won't solve this problem. Fewer drivers in period 1 means less congestion and fewer carbon emissions.

Thank you to everyone who is here to comment on this important topic. I will now turn it over to Lyft, who have three minutes to comment, and then we'll open the floor for committee members and the general public.

- Chris Thomas of Lyft gave a statement and provided the Committee with a Portland Earnings Letter.
 - Expressed his support of reviewing minimum compensation standards but stated data should inform public policy.
 - Shared information on how drivers earn money using the Lyft platform.
 - Referenced his view of the adverse actions of the City of Seattle's TNC Minimum Compensation Standard.
 - Mentioned the minimum compensation policy in New York City was adversely impacting drivers.
 - Encouraged the City of Portland to look for a more straightforward way to review driver earnings.
- Uber is open to sharing information on this subject later when it has had time to prepare.
- The Committee has some data on this issue from the complaints on earnings filed with the Ombuds service, but the Committee needs more data. The Committee will make recommendations, not policy, to PBOT's Director, not to City Council.

VICE-CHAIR ADJOURNED THE BUSINESS MEETING AT 4:31 PM.

NEXT MEETING: The next meeting will be Monday, December 13, 2021.

Submitted by Tracy M. Smith, Facilitator, Inhance LLC