



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

February 14, 2022 • 3:30 PM – 5:00 PM

Zoom Call

Advisory Committee Members	Organization	Present
Owen Christofferson	TNC Driver, Chair	Yes
Chad Derrington	TNC Driver, Vice-Chair	Yes
Keenan Browe	TNC Driver	Yes
Richard Rohrich	TNC Driver	Yes
Philip Berger	TNC Driver	Yes
Rachel Keller	TNC Driver	Yes
Mark Williams	Regulatory Division Mgr., PBOT (non-voting member)	Yes
Gabby Sanchez	PBOT Regulatory Division, Office Support Specialist II	Yes
Dave Benson	PBOT Parking Group Manager	No
Sally LaJoie	Ombuds Team, LaJoie Mediation and Consulting, LLC	Yes
Leah Bazzani	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	No
Hank Kaplan	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	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
Tracy M. Smith, Facilitator	Inhance LLC	Yes
Camerina Galván, Notetaker	Galván Consulting LLC (Inhance LLC)	Yes
Vacant	At Large Member of the Public	N/A
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Vacant	Tech Advisory Position	N/A

Other Attendees: Linda Smith, Lyft & Uber; Jacob Sherman, Mobility Program Manager, PBOT; Darin Campbell, PFHTAC; Kyle Endert, Parking Manager, Portland Trail Blazers and Memorial Coliseum; Anna Richard Taylor, Uber.

INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

- Owen Christofferson called the meeting to order at 3:31 pm.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: MARK WILLIAMS, PBOT

- Mark welcomed Rachel Keller and Philip Berger, two new committee members, and Camerina Galván, a consultant partnering with Tracy M. Smith, Inhance LLC.

APPROVAL OF 10/11/2021 MEETING SUMMARIES: OWEN CHRISTOFFERSON, CHAIR

- Approved: No revisions or objections made to the final October 11, 2021, Meeting Summary.

GENERAL UPDATES FROM TECHNICAL ADVISORY PANEL & PUBLIC COMMENTS: OWEN CHRISTOFFERSON, CHAIR

- KGW Report.** [KGW reported](#) there is a driver shortage. The question emerged if there are 9,000 licensed Uber and Lyft drivers in Portland, as indicated in the [KGW article](#). The number PBOT shared with KGW is collective because they cannot release the number of vehicles or ride numbers for individual companies per disclosure agreements. PBOT reported the driver shortage is across industries with a shortage of non-emergency medical transportation drivers, taxi drivers, and tow truck drivers
- Compensation:** [KGW also reported](#) riders are seeing a longer wait time for a pickup, and drivers are not seeing a rise in wages or compensation for driving more hours. Committee members shared drivers are not compensated for driving further distances at greater times for pickups. Pickup fees, extended pickup fees, and ride rates vary between companies and within companies themselves depending on the mode drivers utilize. Compensation will be added as a topic for discussion in a future meeting, given many concerns.



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PBOT PROGRAM UPDATES: MARK WILLIAMS, PBOT

- **Learning Management System (LMS):** LMS is PBOT's new driver training software. Drivers will enter the new system and complete the course online. PBOT will track which drivers have completed the course, and drivers will receive email reminders to complete the course. LMS had a soft launch a few weeks ago. Several beta testers completed the test and provided feedback. PBOT's Business Systems Analysis team will review the feedback and make necessary configurations. PBOT will launch LMS in April 2022.
- **Program Administrative Updates:** PBOT is revising the Portland City Code with the recommendations and codes approved by the TNC and PFHTAC Advisory Committees. The timeline is uncertain at this point. The changes may go into effect in July or until next year.
- **Enforcement Activities:** PBOT's Enforcement Team can be found at the airport and some hospitals. The Enforcement Team has reported seeing Uber and Lyft drivers without decals in their rear windows. Decals should be shown in the front and rear windows per the City of Portland code. Citations will be issued to drivers, not in compliance.
- **Accessible Services:** PBOT convened a meeting with stakeholders about accessible services. These included Uber, Lyft, taxi companies, non-emergency transportation companies, TriMet, and RIDE Connection. This is the first of many conversations to determine how to improve their accessible services across the region as an industry. Two challenges in the conversation were the shortage of drivers and the lack of new equipment and new vehicles. PBOT encouraged the stakeholders to think creatively about solving supply and demand issues, working together, and not competing.
 - Clarification was provided about the PDX WAV Program. Companies such as Lyft and Uber have their dispatching vehicles. They contract with a provider, and the vehicle is dispatched through the Uber or Lyft app. Through PDX WAV, the rider calls a centralized dispatch number, and the dispatcher will locate a participating taxi company that sends the ride. Currently, technology does not allow for a single centralized dispatch number to locate a taxi, Uber, or Lyft vehicle for riders.

DISCUSSION ITEM: OMBUDSPERSON QUARTERLY REPORT: Sally LaJoie, Ombudsperson

- There were fewer complaints filed this quarter. Some complaints were resolved by the Ombuds office and some by PBOT. The complaints focused on serious deactivations/suspensions that didn't implicate the City code or State statute. One of the five complaints from last quarter has been closed, and the remaining four remain open. These four complaints would be impacted by the DAC recommendation regarding TNC Cooperation with Ombuds Program, currently under review. If adopted, the Ombuds Team would request further information from the TNCs and additional review of these four driver deactivations. Since last quarter, six new complaints have been filed. Of those six, four complaints were closed, and two were reactivated. One reactivation was by Lyft and one by Uber: both these



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deactivations were the result of rider complaints, and in both cases the riders reported the riders were destructive and/or aggressive but filed complaints against the drivers.

- One driver was deactivated for rider safety complaints. Uber has a safety training program called "7x7" to improve quality ratings. Uber responded to the Ombuds query that this program is not for safety. Ombuds will follow up to differentiate the difference between a quality ride and a safe ride.

DISCUSSION ITEM: STATE OF THE INDUSTRY: MARK WILLIAMS, PBOT AND JACOB SHERMAN, PBOT

- PBOT is in close contact with Travel Portland to understand fluctuating business conditions. There is a correlation between the Portland Convention Center business level and the number of rides. When tourism and convention activity is up, ride numbers increase. In recent conversations with Travel Portland and the Portland Convention Center:
 - Some conventions have been canceled prematurely.
 - During the peak of the pandemic, the industry was down 80%.
 - Today business is at about 60% compared to pre-pandemic times. This number fluctuates during different quarters of the year.
 - There is trust that convention business and tourism will return.
 - There is a 50% increase in room nights in February 2022 compared to February 2021 on weekends
 - Pre-pandemic, 79%-89% of the capacity of rooms was used.
 - For Saturdays in 2021, 25% of hotel rooms were booked, compared to roughly 46% in 2022.

Ride numbers in 2021 are down 60% compared to pre-pandemic times. Most of the rides down started or ended downtown or at the airport. Rides around the city have started to rise, and those rides are down 40%-50% compared to pre-pandemic times.

- **50-Cent Surcharge:** When there are numerous rides, the City of Portland collects a 50-cent surcharge for Uber and Lyft rides. The money collected from the surcharge is restricted only to PBOT programs or sub-programs. Questions were asked about how the 50-cent surcharge has been impacted, given that rides starting and ending downtown may never bounce back to pre-pandemic times. PBOT has decreased its budget with decreased rides, and they've cut back where possible. In the future, the ride fee may have to increase to balance the budget if the number of rides doesn't increase.
- **Transportation Modes:** The ridership of escooters plummeted immediately after the pandemic. Scooter riders are down 20% from pre-pandemic peak ridership season. Bike Town is slowly nearing normal ridership levels. TriMet rides are down significantly, as seen in the [TriMet COVID-19 Ridership Impact performance statistics](#).



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- **Mask Mandate:** Mask mandates are established by the Oregon Health Authority, and PBOT follows Center for Disease Control (CDC) guidelines. Individual rideshare companies can establish their policies. If state mandates disappear, local governments may continue with mask mandates. Some committee members consider continuing with precautions and require riders to wear masks. PBOT advises drivers to be aware of changes to company agreements. Anna Richter Taylor will ask Uber if a state-wide mask mandate is lifted, would Uber leave it up to the driver to decide to wear a mask, and can a driver ask that of the rider?

DISCUSSION ITEM: REVISED SERVICE AGREEMENT LEADING TO DIMINISHED COMPENSATION TRANSPARENCY: MARK WILLIAMS, PBOT

- PBOT shared updates for two policy initiatives: First, the Revised Service Agreement Leading to Diminished Compensation Transparency (Exhibit B) requires Uber and Lyft to issue at least a 30-day notice when there is a change in terms of services that affect driver compensation, changes explicitly in rate per mile, rate per minute, and flat rate, and the rate change effective date. City Code does not include any policy related to Exhibit B; therefore, Exhibit B can become an administrative rule and have the same enforcement level as the code. The administrative rule will go into effect on March 1, 2022. There are concerns the administrative rule may be too narrow in scope as it only pertains to rate changes. Committee members are in favor of amending the language in the future. The committee moved to approve Exhibit B with an understanding discussion will continue at the next meeting
 - Approved: Revised Service Agreement Leading to Diminished Compensation Transparency (Exhibit B)
- Second, the Ombuds Investigation Language was reviewed by the PBOT directors, and it has been escalated to the Commissioner's office.

DISCUSSION ITEM: PBOT DRIVER COMMITTEE CROSSOVERS: MARK WILLIAMS, PBOT

- PBOT proposed the TNC Driver's Advisory Committee and the Private-for-Hire Advisory Committee each have four regular committee meetings and two joint committee meetings a year for the committees to discuss policy, ideas, and changes together. The first joint meeting will introduce policy initiatives and take public comment. The second joint meeting will be for voting or making recommendations. The TNC Advisory Committee would like to keep six meetings a year in addition to two joint committee meetings a year. The Private-for-Hire Advisory Committee will discuss joint committee meetings next month, and PBOT will report their comments to the TNC Advisory Committee.

DISCUSSION ITEM: SENATE BILL 1558: MARK WILLIAMS, PBOT AND JACOB SHERMAN, PBOT



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- The [Senate Bill 1558](#), known as the Omnibus Transportation Bill, has been revised, and the language presented by Lyft has since been removed. The bill continues to move forward due to other provisions. There is a proposal on the table, Amendment-7, to strike all the languages about transportation and food delivery companies. Amendment-7 has been postponed twice and is scheduled for a work session on Feb 15, 2022.
 - In the submitted testimonies for [Senate Bill 1558](#), several stakeholders, including the City of Portland, DoorDash, the Portland Business Alliance, the Port of Portland, Multnomah County, and several individuals and companies, have stated they were not consulted in the drafting of the bill. Owen Christofferson asked if, in the future, a more diverse group of stakeholders will be consulting on state legislation, particularly about issues such as electrification and TNCs. Representative McLean, chair of the Joint Transportation Committee, has voiced a desire for a short session at the end of March 2022. At this point, PBOT doesn't have a sense of what that process might look like and who the stakeholders will be.
 - Owen Christofferson submitted a personal testimony in opposition to the legislation, given some of the narrow languages in the bill. Owen Christofferson felt some of the languages threatened the very existence of the TNC Advisory Committee and its ability to submit locally administrative rules.

DISCUSSION ITEM: ADDITIONAL DRIVER CONCERNS: MARK WILLIAMS, PBOT

- **Enforcement Activities:** Concerns were raised about drivers who are and are not using the apps, picking up riders from the airport from either side of the islands, and accepting cash. PBOT's enforcement team has received these reports. When they witness it in the field, they report it to Uber and Lyft. Typically, those drivers are immediately off-boarded or prevented from going to the Port of Portland. The Port of Portland will also deny access to drivers that off-board. The enforcement team is also looking for Sedan drivers who park in the garage and walk over the island to pick up passengers. The enforcement team wears uniforms and plain clothing and conducts rides as an undercover passenger. Undercover passenger rides are less frequent during COVID-19.
- **Temporary Email Permits:** Temporary permits are emailed to drivers during the pandemic. Those without a double-sided printer must manually print two sheets of paper. PBOT will look at consolidating the permit information on one sheet.

CHAIR ADJOURNED THE BUSINESS MEETING AT 4:55 pm.

NEXT MEETING: The next meeting will be Monday, April 11, 2022.

Submitted by Camerina Galván, Notetaker, Galván Consulting LLC