

TNC DRIVERS ADVISORY COMMITTEE**FINAL DRAFT MEETING SUMMARY****November 30, 2020 • 3:30 PM – 5:00 PM**

Via Zoom Call

Advisory Committee Members	Organization	Present
Mark Williams	Regulatory Division Mgr., PBOT (non-voting member)	Yes
Alma Raya, Vice Chair	At Large Member of the Public	Yes
Jeremiah Renfrow	At Large Member of the Public	Yes
Chuck Coleman	At Large Member of the Public	Yes
Vacant	TNC Driver	
Duane Hanson, Chair	TNC Driver	Yes
Alan Doud	TNC Driver	No
Orlando Lopez Bautista	TNC Driver	No
Mario Salazar	TNC Driver	Yes
Stephanie Strahan	TNC Driver	No
Hank Kaplan	Ombuds Team, Bennett Hartman Attorneys at Law, LLP	Yes
Sally LaJoie	Ombuds Team, LaJoie Mediation and Consulting	Yes
Leah Bazzani	Ombuds Team, Bennett Hartman Attorneys at Law, LLP Intakes	Yes
Eliot Rose	Technical Advisory Panel, Metro	No
Debbie Brooks	Technical Advisory Panel, Port of Portland	No
Caleb Weaver	Technical Advisory Panel, Uber	Yes
Anna Richter Taylor	Technical Advisory Panel, Uber	Yes
Richard Fedesco	Technical Advisory Panel, Moda Center/Trailblazers	No
Ken Puckett	Technical Advisory Panel, Providence Park/Portland Timbers	No
Dave Benson	PBOT Parking Group Manager	Yes
Saffy Chan	PBOT Regulatory Division	Yes
Matthew Erickson	Private for-Hire Program Manager	No
Tracy M. Smith, Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza, Recorder	Inhance LLC	Yes

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

Other Attendees: Patricia B., Uber; Chad Derrington, Driver; George Waters, Lyft; Cherie, Lyft; Owen Christofferson, Uber/Lyft.

WELCOME AND INTRODUCTIONS: TRACY M. SMITH, FACILITATOR

- Tracy called the meeting to order at 3:30 PM

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: TRACY M. SMITH, FACILITATOR

- Duane Hanson: Duane has written a book, Three Dreamless Decades.
- No further announcements from Committee Members.

APPROVAL of 10/19/2020 MEETING SUMMARIES: DUANE HANSON, CHAIR

- No revisions or objections were made to the October 19, 2020, Meeting Summary.

VOTE: Unanimous approval.

ACTION: No action taken.

TECHNICAL ADVISORY PANEL & PUBLIC COMMENT: DUANE HANSON, CHAIR

- Patricia B: Patricia is a full-time Uber driver and due to medical issues has not been able to drive. Uber sent emails regarding her vehicle inspection since the permit expired and she thought there was an extension. Patricia's original inspection was due in August 2020. She's unsure why she has to get the inspection in light of COVID-19. She plans on returning to drive once there's a vaccine, however, is there anything that can be done about the inspection?
 - Caleb Weaver: If a deferral is being offered, then Uber will defer that. Uber follows the requirements of the City in whatever jurisdiction and if they require a driver to get their license and complete an inspection, then Uber has to submit the inspection on the driver's behalf to the City.
 - Mark Williams: Currently, there is no deferral on extending permits. However, we are accepting expired driver's licenses and vehicle registrations due to DMV closures. In the Portland City code, there's a requirement to have a background check and a vehicle inspection annually. These requirements are in place for public safety when traveling with PFHT. I assume the Uber and Lyft Hubs have strict COVID policies, such as social distancing and masks, and that can make it possible to take care of this without being exposed.
- Patricia B: Multnomah County had 628 cases yesterday, and she is not risking her health and believe it's outrageous it has to be taken care of now. Did PBOT not extend due to COVID?
 - Mark Williams: No, we did not extend vehicle inspections, criminal background checks, and DMV motor vehicle checks. Again, PBOT has only extended expired driver's licenses and vehicle registrations due to the closure of DMVs, but not to the normal permitting process.

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

- Chad Derrington: Wouldn't Patricia only have to complete her vehicle inspection before she drives?
 - Patricia B: Will it cancel my account?
 - Caleb Weaver: No, it will just be inactive, and the app won't be able to turn it on. However, when you are ready to drive again you can reactivate your account. The vehicle inspection must be completed as well as meet all of the requirements before PBOT issues you a new permit.
- Tracy M. Smith: Process Check with the Technical Advisory Panel. If there are comments related to agenda items please save comments for that section of the agenda. The content of the meeting summary reads better when capturing all of the discussion under a particular agenda item.
- Caleb Weaver (Uber): Caleb wants to acknowledge the updated language in the Revised Service Agreement Proposal and appreciates the PBOT team along with this Committee's work to ensure TNCs are not inadvertently restricting companies from making driver surge or incentives available. Uber looks forward to continuing to work with the Ombuds and TNC Investigation Process regarding deactivated drivers. Since the last meeting, conversations to push that idea forward and address concerns were raised. To reiterate, Uber has worked hard to come up with a system that provides driver and rider safety. Roughly over 50% of complaints are drivers complaining about passengers and our system is set to not allow retaliation and allow riders and drivers to feel comfortable submitting reports when things go wrong. It's important to make sure information that is shared is used appropriately for everybody's safety and believe there's a way to achieve the Ombudsperson's goals, but also ensure the platform and network are safe. Caleb is not able to stay on this call the entire time, but Anna Richter Taylor will be on for any questions.

Also, agenda item 9, Compensation for Period 1- Exhibit C, is referring to Period 2, the time between the driver accepting a trip to the passenger pick-up. Period 1 is industry jargon for the time the driver's app is on and available to accept trips but has not yet matched with a rider. Caleb looks forward to discussing this more.

Regarding agenda item 10, FARE Compensation-Exhibit D, Caleb is interested in learning more because from the company's perspective this is extremely problematic. It appears to be a regulation on the companies to charge a minimum fare that is charged to riders. There's been a few jurisdictions with past regulations around requirements for driver pay. However, Caleb's not aware of any jurisdiction in the United States that sets a minimum threshold for what riders must pay. Also, there's a reason why in 10 plus years of aggressive regulation of TNCs, that step hasn't been taken. Almost nowhere in our economy does the government step in and mandate a minimum price a private company must charge the public. For example, it's akin to the government passing a requirement that a gallon of milk no matter the quality or where it came from, must be sold at a certain price no matter what it cost. That is a massive regulatory step like putting your thumb on the scale of a group of people to benefit a different group of people. That type of regulation seems like it'd diminish the business for rideshare drivers without creating any benefit to the drivers and have concerns about that concept at a high level. It'd be an unprecedented step of a required charge for providing services to the public.

- Mario Salazar: Mario has driven for five years for Uber/Lyft with over 17,000 rides and is disappointed with Uber as they've never had the drivers back. If a driver's been driving long enough,

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

they'd know. Therefore, Mario doesn't believe anything Uber has to say. He's had enough of this company and is looking for another job and believes the only way drivers can fight back is to either quit or drive for a company that cares for you as an employee and pays benefits. Uber spends hundreds of millions of dollars fighting to keep drivers from becoming employees and stating they're independent contractors. However, Uber manipulates and bosses drivers around on the app while drivers have no say in anything.

- Alma Raya: The reasons stated by Mario Salazar is a big reason why this Committee exists. Mark, where are we in filling the open positions on this Committee? She knows a driver that's interested and who has attended a lot of these meetings. What is the process of selecting the positions or requirements?
 - Mark Williams: PBOT filled one of the two open positions with Jeremiah Renfrow and the other applicant backed out at the last minute. PBOT will open another recruitment in December and should have all the positions filled by the next meeting in January 2021.
- Alma Raya: Stephanie Strahan emailed and said she's no longer on the Committee, as well as Orlando Lopez Bautista.
 - Mark Williams: When we were filling the open positions, Orlando and Stephanie didn't express leaving at that time.
 - Alma Raya: Thank you, Mark. We appreciate that and know for this Committee to work the more driver voices we have the better. So, there are three open positions?
 - Jamie Lynne Souza: Yes, when we receive Orlando and Stephanie's resignation, there will be two three-year driver positions and one two-year driver position open for the Committee Members.
- Mark Williams: Mark's advice to this Committee is to encourage other members to attend because a lot of the time people don't show up. During the election process, PBOT will ask the questions, make sure applicants know what the commitment is, and when the meetings are.
- Alma Raya: As members, can we spread the word via social media?
 - Mark Williams: Yes, once the link is posted on the PBOT website it can be shared with anyone.
- Chuck Coleman: What about Committee member Alan Doud? He attended maybe three meetings and hasn't been seen since then.
 - Duane Hanson: Duane sent him several queries and Alan mentioned having trouble hearing the proceedings and thought he might not finish his terms based on that, so we can assume he's done.
- Mark Williams: We will send the necessary paperwork and have those members resign from the Committee, and then recruit for that open position too.
- Tracy M. Smith: The process is that Jamie Lynne Souza sends the members the necessary paperwork and gets their resignations. Once we've received their resignations, then the positions are officially open.
- Patricia B: In February, someone complained about her, while she wasn't even working. And while she was in the hospital, Lyft called to tell her she can't drive. Are they allowed to deactivate someone for something someone said while they weren't working?

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

- Duane Hanson: These are the issues discussed at these meetings. If you'd like to discuss this at a future meeting please fill out a Topic Submission form on the PBOT site.
- Tracy M. Smith: We do not have a meeting date set for January 2021, but when a date is determined it will be posted on PBOT's website.

PBOT PROGRAM UPDATES: MARK WILLIAMS, PBOT

- Benefits and Compensation Survey
 - PBOT received under 500 responses to the survey. The next step is for DHM Research to analyze the results. The Benefit and Compensation Subcommittee will meet to go over those results before presenting them to the rest of the Committee. Will follow up with John Horvick and then schedule a time.
- Driver Decals - Drivers remind riders to wear a mask
 - PBOT distributed mask decals to all TNC and Taxi companies for drivers to place on windows to remind passengers that a mask is required. Uber and Lyft have them at their hubs, so please pick one up and place it in your windows.
- FARE and Fees Compensation Subcommittee
 - If the Committee moves forward with agenda items 9. Compensation for Period 2- Exhibit C and 10. FARE Compensation- Exhibit D, then Mark Williams would like to formally ask the Chair to establish a subcommittee that will discuss fares and minimum fare requirements. The PFHTAC has a similar topic and since they overlap in the industry, PBOT felt it was best for both committees to have this conversation at the same time. Therefore, creating a joint committee to discuss the topics of minimum fare requirements and compensation for Period 2, which are about the same. Mark would formally request to establish a subcommittee to be a part of the joint committee. The PFHTAC established a three-person subcommittee including one non-committee member, representing the general public, or a non-committee driver. The members of the subcommittee will attend at least two one-hour meetings to discuss minimum fees for the passenger industry.
 - Duane Hanson: Jeremiah Renfrow, Alma Raya, and Chad Derrington have volunteered to form a subcommittee and be a part of the joint committee with the PFHT Subcommittee.
- Additional Comments
 - Duane Hanson: How is the virtual inspection software going?
 - Mark Williams: Not as well as we'd hope, so PBOT will revisit how to engage with drivers on the app. Drivers are not checking their emails to understand it's required to take this virtual inspection. No one wants to start penalizing drivers or suspending accounts, so PBOT is looking at different ideas to change our approach to make this work going forward.
 - Duane Hanson: Is this in addition to undercover inspectors or lieu of them?
 - Mark Williams: This is instead of while maintaining social distancing, to provide those audits that are important to the safety of the public. This tool looked promising. However, we need drivers

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

to respond to those requests and then go through the virtual inspection process. Drivers are either ignoring emails or they're not getting them and that's what we're working through. PBOT has also been working with TNC companies.

- Patricia B: What virtual inspection?
 - o Mark Williams: It's a virtual inspection software that requires the driver to take photos based on what the app is asking that was discussed at the last meeting. All the collected information is then provided to PBOT. Typically, when PBOT does a field audit, the driver is asked to present their credentials such as their driver's license, vehicle registration, and permit. The inspector also inspects the vehicle making sure there are no cracked taillights or any obvious cracks in the window, etc. This software allows PBOT to get all this information virtually. The selection is random, so not everyone will get inspected.
- Chad Derrington: This doesn't replace the annual inspection for seat belts and vehicle safety, but it's an audit to make sure we have our fire extinguishers and driver's license, right?
 - o Mark Williams: Correct.
 - o Jeremiah Renfrow: PBOT wants to confirm driver's documentation is good all year long because a driver could have an inspection and a week later blow out both taillights and no one would know for another year.

DISCUSSION ITEM: OMBUDSPERSON QUARTERLY REPORT: SALLY LAJOIE, OMBUDSPERSON

- Looking at the whole year, we were able to provide visual graphics and present more data in this report. The general numbers stayed consistent throughout the year, with about the same number of complaints filed each quarter during the peak of COVID-19 and in May 2020, through June 2020 (with more complaints related to PPE). There was a minor spike with fraud complaints, the summer of 2020, where drivers were receiving calls that linked to their accounts, and money was being taken out of their EasyPay accounts. Generally, it stayed consistent with deactivations and rider complaints. We also received a few complaints about downgrades from a CDL and have worked with PBOT in these cases. As we look at the year, we resolved 32% favorably (both company and drivers being satisfied), which was more than we realized. Unresolved/closed complaints were at 21% where drivers were either sent to small claims court or arbitration. However, some things within that category wouldn't normally be sent to arbitration because it was a generalized complaint. For example, a driver thinking it's unfair how there's a different pay structure for drivers that have been driving longer. Our team has also noticed the spike of complaints when the City sends a notice; five new complaints were submitted once the City sent the notice of today's meeting, which includes a link to file a complaint. If drivers see the link, they tend to respond more. It's in the works to have notice sent routinely each month, but she'll check in with Mark Williams to confirm this timeline.

Generally, the five new complaints since the report was filed include a deactivation for a traffic accident, unpaid compensation which is currently being worked on, compensation that's been resolved, a vehicle over 10 years old that cannot be driven under City code, but may have exemptions, and lastly, another

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

deactivation too early in our process to determine the status. Also, there were a few more in the report that the City was looking into to either resolve or will follow-up on.

- Alma Raya: What does a compensation claim look like?
- Sally LaJoie: It can be something like be a driver that didn't receive a full promotion, but said they completed it.
- Sally LaJoie: This quarter, 21 complaints were filed, with deactivations being the highest and compensation right behind it. The five open complaints from the last report have all been resolved. This quarter, we had four complaints satisfactorily resolved for the driver and TNC. One complaint involved a driver for UberEats, which isn't within the scope of our Ombuds program. Two complaints were sent to a different forum because we couldn't resolve them, which are typically deactivations. There were 11 complaints open and pending but some included the PBOT issues mentioned earlier that have been resolved. Another deactivation involved a driver that couldn't renew their license due to DMV closures. Eventually, the driver was put back on Uber's platform and we're in negotiation with the driver wanting to be compensated for the time lost.

On page two of the Ombuds report, it displays the total categories of complaints in the last year with 26% for compensation and 48% for deactivations, which includes all deactivations (a catch-all). The other complaints included one for insurance, a few for fraudulent activity, a few over PPE, and personal vehicle damages, which are straightforward complaints and generally we can work through. It's usually not sensitive information at issue. It is more likely to be rider complaints that trigger concerns about sensitive information, we're still working this out with the companies.

On page three, of the total resolutions, 26 complaints were satisfactorily resolved to the driver and TNC, 12 complaints are open/pending and 10 were general recommendations, where a driver didn't want any payout but to complain about the payment structure being unfair, unclear, or that the process should've been different. These complaints are more for all drivers to be aware of as a whole. There were nine complaints with non-responsive drivers or withdrawn because sometimes drivers are frustrated but not willing to give information to pursue it. Sometimes we don't contact the company if there's not enough information from the drivers.

On page four, deactivations and suspensions are by category on why they were deactivated. Most concerning or interesting complaints are usually rider complaints where the rider and driver have different accounts of the same incident. In this report, a driver complained about being heckled by the riders and the riders filed a complaint about safety violations, which were completely different versions of the night and the ride. It's a breakdown with the highest category being eight rider complaints about inappropriate behavior. A few complaints regarding service animals, five complaints about PBOT regulations, which is drivers not meeting the requirements, and several for fraud, where the driver was accused of altering insurance information or uploading things incorrectly. However, sometimes it is driver error and other times it appears they weren't following the service agreement and meeting the company's requirements.

Page five shows what the resolutions were from all of the deactivations. There were 17 complaints not

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

resolved, so again sent to small claims court or arbitration, 10 were satisfactory to the driver and company, and 8 complaints were open/pending. About deactivations from rider complaints, there was one resolved in favor of the driver, one remains open, and the rest were sent to arbitration or small claims court. From the driver's perspective, those were the people we had to advise that we can't help them any further and had 13 that we referred. The Ombuds program doesn't represent or help drivers through that process other than giving the Oregon State Bar information and saying they have a right to pursue it. However, we have contacted those drivers to see if they have filed and none have responded, but we may have more information by the next report in 2021.

Page seven shows the breakdown of the compensation complaints with cancellation fees, decreasing income as a generalized complaint, and bonus promotion or unpaid surge, which is the complaint we see the most often. Typically the driver sends evidence such as a screenshot that they met the bonus. For example, a driver thought they met the requirements of a bonus and found out they were driving outside of the geographical location, but it wasn't made known to them. Our office contacted the company, and the TNC ended up paying the driver as a courtesy. Our team sees a lot of those complaints and they're not typically large, but it's unsatisfying to the drivers and goes a long way to have them resolved by the company and builds some goodwill between everybody. Lastly, page nine shows everything since the last report; if there are any questions let me know.

- Chuck Coleman: Regarding the driver that complained about an accident, was it that they were in too many accidents?
 - Sally LaJoie: Yes, an Uber driver had one driving infraction and one accident. They were notified by Uber that they were deactivated. We contacted the City who stated under City code they shouldn't have been necessarily deactivated because it was within two years of each other. This is a new complaint, so that response was just received, and we will now be in contact with the company.
- Sally LaJoie: Our team is processing things faster as we get better at this and we're starting to work better with the companies in getting information quicker. We're starting to see more resolutions, but nonetheless even without a resolution for the driver it is overall satisfying for drivers to have this opportunity to present their concerns, have someone listen, and to bring those concerns forward. This process has been helpful for people and our team has enjoyed working with the drivers.
 - Leah Bazzani: Leah agrees, and it's been helpful for the drivers to have a medium to contact other than customer service.

Sally LaJoie: Feel free to contact me if there are any further questions.

UPDATE ITEM: DEACTIVATED OR LOST ACCESS TO DRIVERS- OMBUDS AND TNC INVESTIGATE PROCESS:

HANK KAPLAN, OMBUDSPERSON

- The goal is to find a balance between the Ombuds Office getting the information they need, yet still satisfying the TNC company's privacy concerns. The TNCs are concerned with retaliation of drivers against passengers due to things like a bad rating, where the driver knows who the passengers are and therefore not an issue of privacy or confidentiality can be addressed. Their general concern is to anticipate more opportunities in retaliation. From last month's meeting, we didn't conclude how much

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

information the TNC companies provide to the Ombuds office would become public information. Hank Kaplan met with Ken McGair, from the City's Attorney Office, and researched an Oregon Supreme Court Case, MARKS, et al v. The MCKENZIE HIGH SCHOOL FACT- FINDING TEAM, 319 Or. 451 (1994). This case set the standard for whether something is a public entity subject to public record laws. We recognized that information received by our office and when it is not passed along to a City Official is not a public record. Therefore, it is not subject to public information requests. So, informed of that legal standard, we modified the proposal. We are not a public entity, so it requires the TNCs to share all the information they have to mediate and hopefully resolve each disagreement. Our team will work with the TNCs to determine if any information needs to be shared with the drivers and still get a meaningful response for the driver. For most situations, a driver will know who's complaining and the incident, but it's typical cases where the driver doesn't remember and may need more information to jog their memory. But to do so under the condition the driver cannot retaliate against the person or risk deactivation. Every case is different and will be on a case-by-case basis, so there's no virtue in putting all the different possible scenarios into the City ordinance. The draft ordinance provides that the TNC companies will provide all the information they relied upon and the standards for making the decision. The Ombuds team will not provide the driver with information if able to do the investigation without any additional information from the driver or giving the driver redacted information we feel is necessary for a complete evaluation. That is the underlying rationale of our approach in redrafting the ordinance.

- Mark Williams: This will be an action item at the next meeting. The Bureau Director will review it for approval or not. If approved, we will bring it to Council for the next code revision shortly.
- Duane Hanson: Do we need to make a motion?
 - Mark Williams: Since this has been in discussion and the language has changed quite a bit, this is up for Committee consideration. Hank Kaplan did a great job explaining the approach and examples of what this looks like. So, the next step for the Committee is to approve to move it forward for consideration and take action at the next meeting.
- Jeremiah Renfrow: Has there been discussion about de-incentivizing the company's reaction to believe the client and deactivate people? On paper, it seems they have every incentive to do that, while there are more drivers than customers and of course, customers pay them, so is that something we would need to think about?
 - Hank Kaplan: This doesn't address that issue, but he believes Jeremiah is saying the companies employ a presumption in favoring what the passengers tell them. Which may or may not be true because companies have incentives to not deactivate drivers since drivers are TNCs revenue source. The Ombuds team's goal is not to have a presumption either way. When a complaint comes in, we don't assume the passenger, or the driver is telling us the truth. We weigh out all the information we have, which is why it's important to get as much information as possible. And try to make an assessment and then work with the company to resolve a complaint. That is our process. However, Hank cannot speak to that and is irrelevant to this ordinance. Although, we will ask the companies whether there are standards or not. For example, he would like to know whether the company gives more deference to a driver with no complaints, five-star rating, and 5,000 trips versus a driver with a couple of complaints and 1,000 trips.

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

- Jeremiah Renfrow: They're tiering system to the behavior based on the driver, themselves, and their background, etc.
- Hank Kaplan: It wouldn't be irrational for a company to have a tiering system, yet we just don't know if they do or what it is. And if there are standards, we'd like to understand how they are applied and if there are no standards, then that's important to know too.
- Jeremiah Renfrow: I believe transparency being the issue and getting as much information as possible, we'd have to assume everybody's being a good-faith actor.
- Hank Kaplan: Yes, that's our assumption.
- Mark Williams: Mark wants the Committee to know this is a great service for TNC drivers and is nowhere else in the industry or anywhere in the country. It's great for the driver to get a second look of reconsideration and in some cases, get resolved and put back on the platform. It's not only deactivations but also compensation and other issues the Ombuds Team has been able to resolve. TNC Drivers aren't the only industry with problems like being deactivated for complaint issues because Taxi and NEMT companies deal with this all the time. And those companies consider the risk of allowing those drivers to continue driving and in many cases, they choose the road of very little risk. With the TNC companies' policies, it's important to know that this happens across the industry, not just for TNC drivers. Therefore, if the Committee approves to consider this revised language, action will be taken at the next meeting and sent to the Bureau Director. If the Bureau Director approves it, the language will find an appropriate place in the Portland City Code sometime in the future.
- Duane Hanson: Alma, is it a good idea to include it in the January meeting?
 - Alma Raya: That sounds great. Can we add an area on the PBOT website for comments, concerns, or questions on this to spread the word? So, at the next meeting, when we're considering this, we can refer to those comments and driver's experiences. It would be good to do in the time from now until the next meeting to gather information.
- Jeremiah Renfrow: Anything that can help pass on information that this exists to drivers and that the companies are here to help is only beneficial.
- Mark Williams: The Bureau, along working with Uber and Lyft, will be launching a learning management system. This educational platform would allow PBOT to push education material and training out to the entire industry. It would also track and update PBOT with drivers who are following the rules, who are taking the tests, and who has not. Drivers may be doing certain actions that passengers find offensive and if we can identify those actions, then PBOT could get input in our education material to drivers, so drivers wouldn't be in those situations in the first place. For example, it could be discussing politics or inappropriate conversations and drivers need to remember to remain neutral because you never know how the passenger will take what is said. If we can help educate drivers and if this Committee, Uber, and Lyft can help PBOT understand what the issues are, then it can be built-in this learning system and pushed out to drivers as required training.
 - Duane Hanson: Motion to move forward to discuss at the next meeting.
 - Jeremiah Seconds. All in favor. APPROVED.

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

ACTION ITEM: REVISED SERVICE AGREEMENT LEADING TO DIMINISHED COMPENSATION: DUANE HANSON, CHAIR

- Mark Williams: This revised language would require TNC companies to give at least 30 days' notice when compensations are going to be effective, as well as any changes in the compensation that the driver receives.
 - Duane Hanson: Did this also include notice to the passengers? He believes it was written in a way that passengers and drivers were given notice for rate changes.
 - Mark Williams: No, this is specific for drivers.
- Chad Derrington: It'd have to be pushed back if the language of regulation was changed to include the passengers. I think that's a great idea, but it should first get out the door to be approved and then make changes after the fact.
 - Duane Hanson: He believes the original language included passengers and has been carved down to make it easier to digest for the TNCs.
 - Mark Williams: Mark doesn't remember if passengers were included in the original and would have to look at the original proposal, but if that language is to be included it will be a separate Topic Submission, that we can do separately.
 - Duane Hanson: No, he thinks this Committee needs to stick by and worry about the drivers' end of this. Narrowing the focus is always going to be better for a group like this. So basically, it says, the proposed language below may appear in the section of code if recommended by the Committee and that's what we want to get. And we'll have to wait until the next meeting to vote?
 - Mark Williams: No, this is an action item, and can vote today to make a recommendation to the Bureau Director.
- Duane Hanson: Motion to send to Bureau Director.
- Jeremiah seconds. All in favor. APPROVED.

CONSIDERATION ITEM: COMPENSATION FOR PERIOD 2: DUANE HANSON, CHAIR

- Mark Williams: He believes the submitter is referring to Period 2 where during this pandemic there are minimal drivers on the road meaning there's a further distance to pick up passengers. The second part is for safety reasons and texting the rider when parked, but I thought communicating with the driver was already an option. Therefore, their proposed solution was some sort of compensation in Period 2.
 - Duane Hanson: Period 1 is when the driver is waiting to get a call and Period 2 is when the driver has accepted a ride and headed to pick up.
 - Jeremiah Renfrow: Wouldn't that need to be in Period 1 before you accept the ride to know? This bothered him when accepting a ride to then find out it was 40 minutes away and made only \$6 because the passenger was going a mile away from the pickup. The app doesn't tell a driver how far away the pick-up is until after accepting the ride.

TNC DRIVERS ADVISORY COMMITTEE

FINAL DRAFT MEETING SUMMARY

November 30, 2020 • 3:30 PM – 5:00 PM

Via Zoom Call

- Chad Derrington: Being a “good driver” gives the driver the benefit of knowing where it goes. However, Chad understands the point of being paid from the time a driver accepts a ride to the pickup location. And agrees, a driver going from Sandy to Safeway may be a \$3.75 ride, and the driver may be an hour away in Beaverton. The driver would be paid, less with the passenger per mile per minute rate, from the time they accept to the pickup. However, there are problems of fraud where the drivers almost there and cancels the ride. Does that driver think they’re going to get paid driving from Beaverton to Sandy? And the same side, if the passenger cancels before the driver arrives, does the driver still get paid for the time traveled from Beaverton to Sandy? Will the TNC company then be responsible to pay the driver for that?
 - Jeremiah Renfrow: His understanding is those last two already exist and appears to be based on the amount of time lapsed from the pickup. In his experience, being five minutes out heading to a pickup and when the passenger cancels, is then eligible for a cancellation fee. However, if it was only a minute or two from the request, he would not be eligible for a cancellation fee due to not being able to cover much distance. Regarding fraud, that’s a good point and why the location needs to be determined before the pick-up and the destination rather than this take it or leave it idea.
- Chuck Coleman: The app has a pop up that says extended pickup possible, which is vague. However, if the pick-up is in Gresham and the app says 20 miles east, then you have a good idea you’re going to Sandy. So, they do give some clues.
- Mario Salazar: Sometimes Uber would pay if the driver traveled 15 minutes and was near the pick-up when the passenger cancels, but Lyft does not. With Lyft, when the driver arrives at a pick-up with a no-show passenger and the driver tries to cancel, the app will say the passenger qualifies for a no charge for the no show. Mario has tried to get reimbursed for rides he’s shown up to and waited five minutes, but Lyft responds with this is how it is. Both companies are supposed to be the same, but they aren’t. It would be nice to get paid driving from point A to point B to pick-up the passengers.
 - Mark Williams: He wants the Committee to know one of the reasons it’s nice not having the pick-up location on the app is because it leads to areas being underserved. Drivers could start not wanting to pick up in certain neighborhoods and canceling the ride. This has happened in other cities, but don’t believe any have been reported here. However, we don’t want that to happen here, so think this through as part of the recommendation in the future if approved.
- Tracy M. Smith: She confirmed that agenda items 9 and 10 will be on the next meeting’s agenda.
 - Duane Hanson: Motion to table this discussion to the next meeting.
- Anna Richter Taylor: Is there anything you want Uber to bring back to further the conversations?
 - Tracy M. Smith: If there are specific questions or comments you can send them to Tracy M. Smith, and she can forward those comments to Mark Williams.
- Duane Hanson: I’m excited about the Ombuds Program, which is a key component, and want to thank Sally LaJoie and the Ombuds Team for their great work. Also, excited about the driver’s survey and collecting under 500 surveys, which is a great start for 2021. This is a great jumping-off point for me and has discussed with Alma Raya to take lead as the Chair in January 2021. It has been a pleasure serving with you all and wishes you the best moving forward. Happy Holidays, Good Luck, and Goodbye.

TNC DRIVERS ADVISORY COMMITTEE
FINAL DRAFT MEETING SUMMARY
November 30, 2020 • 3:30 PM – 5:00 PM
Via Zoom Call

CHAIR ADJOURNED THE BUSINESS MEETING AT 5:05 PM.

NEXT MEETING: Mark Williams will let everyone know the date and location of the next meeting.

Submitted by, Jamie Lynne K. Souza, Recorder