

**Transportation Network Company (“TNC”)
Drivers Advisory Committee (“DAC”), City of Portland, Oregon
12th Quarterly Ombudsperson Report
Prepared on September 29, 2022
TNC Drivers Advisory Committee Meeting October 10, 2022**

Executive Summary

Four New Complaints Filed by Three Drivers and Two Prior Complaints Reopened.

Status of New Complaints. Out of the four new complaints received this quarter, two have been resolved. Two complaints (by one driver) were resolved satisfactorily and two complaints are open and pending. In addition, two complaints that were previously closed have been reopened.

No Prior Open and Pending Complaints Resolved. All complaints received prior to Quarter 12 are still open and in various stages of the investigation process

Recommendations. The Ombuds has no recommendations this Quarter.

Introduction

Between the 11th and 12th Quarters, four new complaints were filed due to deactivation/suspension and two prior complaints related to deactivation were reopened.

Status of all complaints in current reporting period (Q-12):

- Complaints resolved as driver requested / in favor of driver & TNC: 2
- Complaints open / pending: 14
- Complaints unresolved / neutral / closed: 0
- Complaints referred to outside source¹: 0

Status of New Complaints: 4 New + 2 Reopened²

- **Two complaints were filed by drivers deactivated due to rider complaints:**
 - 19113-00. Lyft. Driver was deactivated after a rider report of allegedly refusing to accommodate a service animal or showing hostility toward a rider with a service animal. Driver reports they are familiar with the ADA’s two legally allowed questions and asked rider

¹ Outside sources include the American Arbitration Association, Oregon State Bar Lawyer Referral Service, and Multnomah County small claims court.

² In some cases, the driver’s report/complaint has not been validated by documentation, or the TNC, and some statements by complainants in this report are disputed by the TNC.

if the animal was required for a disability and what tasks the animal was trained to perform. Rider refused to answer the questions and driver canceled the ride. Driver does have a dashcam but all interaction with the rider took place near the rear of the car and no audio was captured. This complaint is still open and pending Lyft's investigation.

- 19114-00. Lyft. Driver was permanently deactivated based on alleged discriminatory comments made to a rider. Lyft informed driver their decision was also based on two prior incidents. The first incident involved a complaint from a hostile rider in 2021; driver had reported the rider to Lyft's Safety Team as the incident was occurring and rider filed a complaint four months after the incident occurred. Lyft followed up with driver for dashcam footage in response to rider's complaint, but driver had deleted the file. The second incident was due to driver canceling several rides in a row as they were routing to an area in Portland where recent homicides had occurred and driver reported they felt unsafe. Driver was ultimately deactivated after canceling a 90-minute round-trip ride due to lack of time. The rider filed a complaint with Lyft. Complaint is open and pending additional information.
- **Two complaints were filed by one driver deactivated due to background report:**
 - 19112-00. Lyft. Driver's Lyft account was suspended in 2020 after a background check indicated three recent traffic violations. PBOT verified driver was eligible to drive based on review of his current DMV record. Per Ombuds' request, Lyft confirmed driver was eligible to drive for the TNC and needed to consent to an in-app background check and have a new vehicle inspection. Driver's account was reactivated and complaint was closed.
 - 19112-01. Uber. Driver's Uber account was suspended in August 2021 after a background check indicated three traffic violations which occurred in 2020. PBOT verified driver was eligible to drive based on review of his current DMV record. Per Ombuds' request, Uber reviewed driver's account and confirmed driver was eligible to drive for the TNC after consenting to and passing an updated background check. Driver's account was reactivated and complaint was closed.

○ **Two prior driver deactivation complaints reopened:**

- 19062-00 / 19062-01. Lyft and Uber. Driver originally filed his complaint with the Ombuds Program in October 2020 after being deactivated from both TNCs due to a 2019 criminal charge. Although the criminal case was dismissed by the court, driver was still unable to reactivate his accounts and was told to contact Multnomah County. Driver did not respond to additional communications from the Ombuds and the complaint was closed in January 2021. Driver reinitiated contact with the Ombuds' team in August 2022. Complaints are currently open and pending investigation.

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Appendix 1

Ombuds Recommendations by Quarter

Quarter 1: January 13, 2019 Recommendations

Recommendation 1:

Timeline for Compensation Review by TNCs

Recommendation 2:

Uber Compensation made by TNC in Responses to Complaint treated as Settled

Recommendation 3:

Procedural Due Process in Suspension and Deactivation of Drivers

Quarter 2: June 30, 2020 Recommendations

Recommendation 1:

Procedural Due Process in Suspension and Deactivation of Drivers

Recommendation 2:

Service Animal Policy Protections for Drivers and Riders Under the ADA

Quarter 3: September 14, 2020 Recommendations

Recommendation 1:

Procedural Due Process in Suspension and Deactivation of Drivers

Recommendation 2:

Transparency of Lyft Platform and Service Fees

Recommendation 3:

Dash Cameras Available to Drivers at Reduced or No-Cost

Recommendation 4:

24 Hour TNC Customer Service Line for Drivers Experiencing Fraud and Other Urgent Matters

Quarter 4: November 30, 2020 Recommendations

Recommendations were the same as prior months.

Quarter 5: February 8, 2021 Recommendations

No additional recommendations.

Quarter 6: June 14, 2021 Recommendations

No additional recommendations.

Quarter 7: October 11, 2021 Recommendations

No additional recommendations.

Quarter 8: February 14, 2022 Recommendations

No additional recommendations.

Quarter 9: April 11, 2022 Recommendations

No additional recommendations.

Quarter 10: June 13, 2022 Recommendations

No additional recommendations.

Quarter 11: August 8, 2022 Recommendations

No additional recommendations.

Quarter 12: October 10, 2022 Recommendations

No additional recommendations.