

# TNC Drivers' Advisory Committee

Owen Christofferson, Chair  
415-755-8202  
owenchristofferson@gmail.com

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Chris Warner, Director  
Portland Bureau of Transportation  
The Portland Building  
1120 SW 5th Avenue  
Portland, OR 97204

Dear Mr. Warner,

Please see the below text for a response to the draft administrative rule on compensation transparency. The current administrative rule on compensation transparency does not do enough to protect drivers from unfair business practices of the TNC companies. We feel the recommendations below are necessary protections for TNC drivers in the Portland area.

Sincerely,

Owen Christofferson  
Chair, TNC Drivers' Advisory Committee

To be added to section 16.40.030, "Definitions"

"TNC Driver Terms of Service" TNC Driver Terms of Service shall be defined as the agreement with the TNC that outlines the terms and conditions by which the TNC Driver must agree to in order to provide TNC services. This includes local addenda to the Terms of Service.

"Minimum Financial Compensation" Minimum Financial Compensation shall be defined as the minimum per-minute, per-mile, or flat rate that a driver receives for providing TNC services. Minimum Financial Compensation shall not include surge pricing or other financial incentives or concessions.

“Mandatory Binding Arbitration” A clause or section in the TNC Driver Terms of Service whereby the TNC driver agrees to the process of binding arbitration to resolve any disputes, in lieu of the court system with a right to a trial by judge or jury.

1. TNCs shall make Minimum Financial Compensation rates and TNC Driver Terms of Service available to drivers in a clear and transparent manner. Current Minimum Financial Compensation rates and TNC Driver Terms of Service shall be accessible by every permitted/certified driver, through the TNC application and must display:
  - a. Current minimum rate of financial compensation per mile;
  - b. Current minimum rate of financial compensation per minute; and
  - c. Current minimum flat rate per ride when applicable.
  - d. Current TNC Driver Terms of Service
2. When adjusting Minimum Financial Compensation, TNCs must inform the driver a minimum of 30 days prior to the rate adjustment. The notification shall include:
  - a. The current minimum rate and the new proposed minimum rate per mile;
  - b. The current minimum rate and the new proposed minimum rate per minute;
  - c. The current minimum flat rate and the new minimum flat rate per ride when applicable; and
  - d. The effective date of the minimum rate changes.
3. When adjusting TNC Driver Terms of Service, TNCs must inform the driver a minimum of 30 days prior to the adjustment. The notification shall include
  - a. The Current TNC Driver Terms of Service and the proposed TNC Driver Terms of Service with differences between the current and proposed versions summarized and highlighted
4. If the adjusted TNC Driver Terms of Service requires the TNC Driver to opt out of mandatory binding arbitration
  - a. TNCs must inform the driver through a TNC application notification
  - b. TNCs must provide detailed instructions on how to opt out of mandatory binding arbitration
  - c. TNCs must allow drivers to opt out of mandatory binding arbitration up to 30 days after the day they agree to a revised TNC Driver Terms of Service