

ROSEBURG CITY COUNCIL AGENDA – MARCH 26, 2018
City Council Chambers, City Hall
900 S. E. Douglas Avenue, Roseburg, OR 97470



7:00 p.m. - Regular Meeting

- 1. Call to Order – Mayor Larry Rich**
- 2. Pledge of Allegiance**
- 3. Roll Call**

Alison Eggers	Linda Fisher-Fowler	Ashley Hicks	Steve Kaser
John McDonald	Brian Prawitz	Tom Ryan	Andrea Zielinski
- 4. Mayor Reports**
 - A. Human Trafficking Awareness and Prevention Month Proclamation (Sue Hyers)
- 5. Commission Reports/Council Ward Reports**
- 6. Audience Participation – See Information on the Reverse**
- 7. Consent Agenda**
 - A. Minutes of Special Work Session of March 12, 2018
 - B. Minutes of Regular Meeting of March 12, 2018
- 8. Resolutions**
 - A. Resolution No. 2018-07 – American with Disabilities (ADA) Transition Plan for Public Right-of-Way Facilities
- 9. Department Items**
 - A. Bid Award – Water Treatment Plant Variable Frequency Drive (VFD) Retrofit
 - B. 2018-2023 Capital Improvement Plan (CIP)
 - C. Phase 2 – Water System SCADA Improvements – Construction Services Task Order Authorization
 - D. Phase 3 – Water System SCADA Improvements – Engineering Design Task Order Authorization
 - E. Proposed Repeal of RMC 3.18 – Private Vehicle Towing Regulations
- 10. Informational**
 - A. Transportation Network Company Update – Sample Ordinances
 - B. Activity Report
- 11. Items from Mayor, City Council or City Manager**
- 12. Adjournment**
- 13. Executive Session ORS 192.660(2)**

***** AMERICANS WITH DISABILITIES ACT NOTICE *****

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470-3397 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

Persons addressing the Council must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and shall not have been previously presented to Council.

CITIZEN PARTICIPATION – AGENDA ITEMS

Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item. If you wish to address an item on the Consent Agenda, please do so under "Audience Participation. For other items on the agenda, discussion typically begins with a staff report, followed by questions from Council. If you would like to comment on a particular item, please raise your hand after the Council question period on that item.

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

We also allow the opportunity for citizens to speak to the Council on matters not on this evening's agenda on items of a brief nature. A total of 30 minutes shall be allocated for this portion of the meeting.

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to "Items From Mayor, Councilors or City Manager" after completion of the Council's business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.

Thank you for attending our meeting – Please come again.

The City Council meetings are aired live on Charter Communications Cable Channel 191 and rebroadcast on the following Tuesday evening at 7:00 p.m. Video replays and the full agenda packet are also available on the City's website: www.cityofroseburg.org.

PROCLAMATION

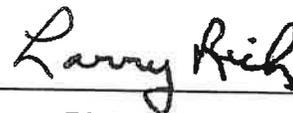
CITY OF ROSEBURG, OREGON

HUMAN TRAFFICKING AWARENESS AND PREVENTION MONTH

- WHEREAS:** Human trafficking affects every person in Roseburg, Oregon either as a victim/survivor of human trafficking or as family member, significant other, friend, neighbor or co-worker; and
- WHEREAS:** Human trafficking exists in Douglas County and includes persons being traded for drugs; teens lured to parties, drugged and forced to have sex; vulnerable citizens lured away from family and friends by online promises; and
- WHEREAS:** The Douglas County Human Trafficking Task Force in conjunction with the US Department of Homeland Security's Blue Campaign and other professionals and organizations have joined together to provide training allowing individuals to recognize the signs of victims and to provide various risk factor trainings; and
- WHEREAS:** During the month of April, Douglas County Human Trafficking Task Force, working with Umpqua Valley Republican Women, will be intensifying efforts to promote public understanding of human trafficking and increase sensitivity to victims emphasizing the need for citizen involvement in efforts to reduce human trafficking through public education and changing public attitudes; and
- WHEREAS:** The Roseburg Human Trafficking Community Awareness Meeting will be held Thursday, April 5, 2018 from 6:00 p.m. to 8:00 p.m.; and
- NOW, THEREFORE,** I, Larry Rich, Mayor of the City of Roseburg, do hereby proclaim April 2018 as

"HUMAN TRAFFICKING AWARENESS AND PREVENTION MONTH"

DATED this 26th Day of March, 2018.



Larry Rich, Mayor

**MINUTES OF THE SPECIAL WORK SESSION MEETING
OF THE ROSEBURG CITY COUNCIL
MARCH 12, 2018**

Mayor Larry Rich called the special work session meeting of the Roseburg City Council to order at 6:12 p.m. on March 12, 2018 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Councilors Alison Eggers, Ashley Hicks, Steve Kaser, John McDonald, Brian Prawitz, Tom Ryan and Andrea Zielinski.

Absent: Councilor Linda Fisher-Fowler

Others Present: City Manager Lance Colley, City Recorder Sheila Cox, Human Resources Director John VanWinkle, Assistant Fire Chief Gary Garrisi, Police Chief Jim Burge, Community Development Director Stuart Cowie, Public Works Director Nikki Messenger, Management Assistant Koree Tate, Police Sergeant Gary Klopfenstein, Police Community Services Sergeant Dennis Chrisenbery, Police Sergeant Jeff Eichenbusch, Gabby Urenda of KPIC, Kyle Bailey of KQEN Radio and John Dickey of the News Review.

REVIEW OF GOAL ACTION ITEMS

Colley presented an update related to the action items approved in conjunction with the goals adopted by Council. Each goal and related actions were then reviewed.

GOAL: Support and adopt policy development and implementation to enhance housing and community development.

Colley reported \$25,000 was secured from the Ford Family Foundation to provide research on the impacts of unhoused or homeless in the community and \$35,000 from United Way for a needs analysis. He explained there were many levels of housing needs. Staff had discussed annexation, but found there would be challenges to provide quality service. They will continue looking for new areas that would best fit the parameters of the City. The City annexed one parcel on Troost that will provide approximately 26 single family residential lots and is moving forward on an annexation near Lookingglass and Military, which combined with the Troost property, will provide a total of 60 lots. Staff had been meeting with representatives from Douglas County and Umpqua Basin regarding urban services and a potential Urban Growth Boundary land swap.

Changes to the Municipal Code were recently adopted to allow a more effective process for compliance issues relating to dangerous and derelict buildings. Colley reported the City worked with NeighborWorks Umpqua on two infill projects and will be considering density standards, on and off street parking and possible incentives. The City currently has four approved façade grants and staff has included improvement funding and beautification in the basic elements of the East Urban Renewal plan area.

GOAL: Develop and implement transportation funding policies to meet identified community needs.

Colley explained the updated Transportation System Plan should be completed by the end of the year. A local gas tax poll was completed. Most information was positive until it came to a new tax. Without an approved tax, he feared the City would not be able to meet the local needs for pavement management. The ADA Plan draft went to the Public Works

Commission and will soon go to Council for approval. Staff held an open house, but didn't receive any public input. The ADA Plan is federally mandated.

The ODOT interchange area management plan has been put on hold until it can be coordinated with the I-5 capacity analysis. Colley added there were a number of improvements to coordinate from exit 119 to 127. Staff recently held an open house and two committee meetings regarding the East Roseburg Urban Renewal Plan on Diamond Lake Boulevard. Colley anticipates adoption of the plan prior to June 30, 2018.

The Community Development Department has been working with a consultant on the Pine Alley TGM project located off of Spruce Street and immediately west of the railroad. They're working with property owners to address concerns, barriers to development and infrastructure needs. Public Works has continued to pursue state and local resources to enhance the multi-modal transportation system. Blue Zones Umpqua and the Bicycle Friendly Community (BFC) groups are continuing to look at ways to support a higher level of BFC ranking. Staff's focus is on the planning and construction of \$14 million of projects included in the five-year Capital Improvement Plan.

GOAL: Take a proactive role in community economic development and revitalization.

Colley reported an expansion of the enterprise and e-commerce zone supported the relocation of FCR to Harvard Avenue. City property was sold to Convey Keystone who plans to add more offices in an attempt to expand their footprint. Community Development has requested an update on the downtown grocery store study done many years ago. Colley explained the Roseburg Chamber and Visitor Center contract will expire this year which could open the door to explore other options for those services. Colley continues to sit on the Partnership Board with Council President Ryan and attends most meetings for the Douglas County Industrial Development Board and Umpqua Business Center.

Community Development Staff had participated in the BATS and CATS programs and the Economic Development Commission provided matching funds for both, including support for a RARE position to help with those programs. Community Development also worked hard to remove two homes on Ella and Pine Street due to public hazard. The goal was to change behavior that produced vacant and derelict homes. Colley then discussed support efforts by Umpqua Community College to create primary interest in public safety programs that directly impact rural communities. The Partnership has been working with local businesses in the community to identify which jobs they determined difficult to fill. Colley added there was a large need in the community and Staff would continue to work with the college for training and educational programs for targeted workforce needs.

GOAL: Develop programs and policies to enhance community livability and public safety.

In the past year a policing position was added to increase patrol in the downtown area. The patrolled area also included along the river and parks where the highest petty criminal activity took place. Next, the position will work with neighborhood watch groups. Staff continues to evaluate the cost and benefit of strategic deployment of security cameras in areas that experience higher levels of disruption.

Colley and Police Chief Burge work with the County-wide Public Safety Coordinating Council to identify community needs related to law enforcement, incarceration and post incarceration issues. Many people in the county jail were unhoused and would go back to the same situation which created a higher level of recidivism. Colley added he was also part of local

subcommittees including NeighborWorks Umpqua, LPSSC and Battered Persons Advocacy that continue to work on housing needs. Colley shared the short legislative session did not allow much input into any of the legislation relating to local control over alcohol related licensing. He hoped having Kaser on the LOC Board would help give Roseburg a voice.

McDonald thanked Colley for the report. In response to Hicks, Colley stated the money allocated for the CIP was for projects that were updated every two years and an update would be included in a future Council Meeting. Hicks wanted to know if video cameras in the downtown area would include south Jackson Street. Colley said Eagles Park was one area considered along with the intersection near the Grand Hotel. In response to Rich, Colley explained the Police Department needed to fill three more positions to be at full staff.

ADJOURN

The meeting adjourned at 7:01 p.m.

Koree Tate

Koree Tate
Management Assistant

**MINUTES OF THE REGULAR MEETING
OF THE ROSEBURG CITY COUNCIL
MARCH 12, 2018**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:05 p.m. on March 12, 2018 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Eggers led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Alison Eggers, Ashley Hicks, Steve Kaser, John McDonald, Brian Prawitz, Tom Ryan and Andrea Zielinski.

Absent: Councilor Linda Fisher-Fowler

Others Present: City Manager Lance Colley, City Recorder Sheila Cox, City Attorney Bruce Coalwell, Human Resources Director John VanWinkle, Assistant Fire Chief Gary Garrisi, Community Development Director Stuart Cowie, Public Works Director Nikki Messenger, Management Assistant Koree Tate, Police Sergeant Jeff Eichenbusch, Police Sergeant Gary Klopfenstein, Police Community Services Sergeant Dennis Chrisenbery, Gabby Urenda of KPIC, Kyle Bailey of KQEN Radio and John Dickey of the News Review.

MAYOR REPORT

Rich appointed Prawitz as the Library Commission Chair.

COMMISSION REPORTS/COUNCIL REPORTS

Eggers reported the Parks Commission discussed the Oregon Parks and Recreation Grant, drafts of the Capital Improvement Plan (CIP), new restrooms at Fir Grove Park, SplashPad progress, UCC memorial options and volunteer recognition in April. Kaser shared the Public Works Commission reviewed the ADA Plan and CIP. He learned Roseburg was awarded the best tasting water in Southwestern Oregon by the American Water Works Association. Hicks stated she attended an informative local Waterfront Development meeting.

PUBLIC WORKS COMMISSION APPOINTMENT

Kaser moved to appoint Mr. Roger Whitcomb to the Public Works Commission. Motion seconded by Ryan and carried unanimously. Kaser responded to Hicks that Mr. Whitcomb was the only applicant.

BLUE ZONES UMPQUA

Jessica Hand, Blue Zones Umpqua Community Program Manager, provided an overview of the program and future goals. She explained their three pillars were people, places and policies. With a core of over 200 volunteers, they had donated over 1,200 hours of time providing classes, programs and events to help improve public health. Over 1,000 people have engaged with Blue Zones Umpqua since August 2017. Their goal is to reach 6,300 people by April 2020 to show their positive impact with the community.

CONSENT AGENDA

Ryan moved to approve the following Consent Agenda items:

- A. Minutes of Regular Meeting of February 26, 2018.
- B. OLCC New Outlet – North Forty Beer Company, LLC, 435 SE Jackson Street.
- C. Intergovernmental agreement with ODOT for All Roads Transportation Safety (ARTS)

Seconded by McDonald and carried unanimously.

ORDINANCE NO 3497 - LAND USE DEVELOPMENT REGULATIONS - CODIFICATION

Cox read Ordinance No. 3497, entitled: "An Ordinance Repealing Chapter 11.04 of the Roseburg Municipal Code in its Entirety and Replacing It With New Title 12, Entitled "Land Use and Development Regulations", Effective May 1, 2018," for the second time. Roll call vote was taken and motion carried unanimously. Rich declared the adoption of Ordinance No. 3497.

ORDINANCE NO. 3498 – TELECOMMUNICATION FRANCHISE TO MITEL CLOUD SERVICES, INC., FIRST AND SECOND READING

Cox shared the telecommunication provider from Mesa, Arizona had been sending payments to the Finance Department for nearly two years. She responded to Prawitz that Mitel was a small company; and she had sent the standard enforcement letter letting them know they were in violation of the Municipal Code and needed to obtain a franchise. Cox read Ordinance No. 3498, entitled: "An Ordinance Granting A Telecommunication Franchise To Mitel Cloud Services, Inc. Effective Retroactively To November 1, 2016" for the first time. Ryan moved to suspend the rules and proceed with a second reading of Ordinance No. 3498, granting a telecommunication franchise to Mitel Cloud Services, Inc., retroactively to November 1, 2016. Motion seconded by McDonald and carried to proceed with a second reading.

Cox read Ordinance No. 3498, entitled: "An Ordinance Granting A Telecommunication Franchise to Mitel Cloud Services, Inc. Effective Retroactively To November 1, 2016" for the second time. Roll call vote was taken and motion carried unanimously. In response to Hicks, Cox explained the telecommunication franchise fee was five percent of gross income and paid on a quarterly basis. Rich declared the adoption of Ordinance No. 3498.

RESOLUTION NO. 2018-06 – OREGON PARKS AND RECREATION DEPARTMENT (OPRD) LOCAL GOVERNMENT GRANT

Messenger explained at 6.85 acres, Beulah Park was the largest neighborhood park in Roseburg and in need of improvements. Play equipment was outdated and had been removed over the years, with the basketball court as the only remaining amenity. Plan recommendations included new play equipment, site furnishings, park accessibility, trail system improvements and viewpoint development. In response to Hicks, Messenger explained Beulah Park was part of the Comprehensive Parks Master Plan. Hicks wanted to see citizen involvement for park development ideas. Eggers explained several committees were involved in the process. Messenger added a forty percent match was required to participate in the Oregon Parks and Recreation Department's (OPRD) Local Government Grant program. Eggers moved to adopt Resolution No. 2018-06 authorizing a grant application for the OPRD Local Government Grant Program. Motion seconded by Zielinski and carried unanimously.

ROSEBURG VISITORS CENTER ANNUAL REPORT - CHAMBER OF COMMERCE CONTRACT REVIEW

Cowie reported the personal services contract with the Roseburg Area Chamber of Commerce to promote tourism for the community would expire June 30, 2018. Rachael Miller, Destination Marketing and Branding Manager, provided the Roseburg Visitor's Center annual report. She explained they had been in business over twenty years and continued to market their brand, "The Land of Umpqua" to promote Roseburg. Although Roseburg was

not seen as a travel destination, she felt there was a lot to do in the area and highlighted some of their accomplishments and promotions. Miller shared the addition of a new advertising market which included yearbooks for the Seattle Seahawks, Seattle Mariners and Portland Trailblazers. Future marketing would include new creative advertising designs, relaunching the Roseburg Blast video tour, website content additions and developing new digital marketing content for online media outlets. In response to Eggers, Miller stated there were over 32 wineries in the area. Ryan suggested a work study session to determine if the City should renew its contract or review other options to best utilize funds provided for advertising. Rich wanted to know the number one reason visitors came to Roseburg and what advertising brought them here. Miller explained they did not track specific demographics, but the Alaska Airlines advertisement brought in the most website visitors. Hicks asked which day seemed the busiest for the Center. Miller responded statistics were not broken down by day, but the Visitor Center was open seven days a week from Memorial Day to October and closed on weekends during the winter. Kaser mentioned tax revenue had increased and wanted to know if they worked with Travel Oregon. Miller confirmed revenue had increased and that the Center does work with Travel Oregon for tours. Upon questioning from Rich, Miller explained the tourism committee helps her determine trends, subjects or places to promote. Ryan requested a work study session to discuss the program further. Staff will schedule a work study session next month.

DIRECTIONAL/WAYFINDING SIGNAGE DESIGN AND IMPLEMENTATION

Cowie reported the City had applied for a \$25,000 grant from Travel Oregon in an effort to develop the placement of wayfinding signs throughout the City. He explained wayfinding was a term used to refer to signs that guided people through town or to enhance their understanding and experience of the community. They are used to provide better orientation, simplify navigations and welcome people. Cowie reported this was an opportunity for the City to brand itself by sharing commonalities and reflecting natural or urban features. He presented samples from other cities showing how they included features and themes pertinent to their community. Although the Travel Oregon grant was not awarded, the Economic Development Commission (EDC) recommended Council approve spending \$20,000 in hotel/motel tax funds to hire a consultant for the design. Allowing a consultant to evaluate Roseburg would help determine the number of signs needed, best locations, size and scope, common theme, construction cost estimates and public feedback.

McDonald asked why the EDC vote was not unanimous to hire a consultant. Ryan explained there was not full support because some thought local sign companies could help determine available options at a lower cost. In response to Rich, Cowie explained how a theme was important and how welcome signs gave a first impression of the City. He would reapply for a Travel Oregon grant to help cover construction once cost was determined. Cowie hoped to finish the project within a year. McDonald moved to authorize the use of \$20,000 in order to move forward with the wayfinding sign project and determine the size and scope of each sign, a common theme and/or architectural feature and cost estimates. Motion was seconded by Hicks. Motion carried six to one with Ryan voting no.

PHASE 2 – WATER SYSTEM SCADA IMPROVEMENTS

Messenger advised the water system was controlled and monitored by a Supervisory Control and Data Acquisition (SCADA) system that was installed in 1992 and maintained by S&B of Bellevue, Washington. She explained the system was old and they were running out of ways to obtain parts. Over time, the system expanded as growth in the City's water system occurred. This second phase of the project would include the control system installation and

integration at seventeen water system facilities. Messenger explained that task order five was for engineering services and task order six was for purchasing system software. Kaser moved to award the Phase 2 – Water System SCADA Improvements to the lowest responsible bidder, Northeast Electric, LLC, for \$596,400. Motion was seconded by Ryan and approved unanimously.

TRANSPORTATION NETWORK COMPANY UPDATE

Due to the number public comments Council received on the subject at their last meeting, Cox provided information regarding ride sharing. She explained most states regulate transportation network companies (TNC) statutorily. In 2017, Oregon's legislative bill to take away local authority for regulating TNC companies failed. She and Colley spoke with Uber who confirmed they were not operating in Roseburg, but hoped Council would repeal current taxi regulations to allow them to operate. Cox provided information, comparisons and a copy of current taxi and business regulations. Business registrations require a background check that looks at a full criminal history while Uber only reviews the last seven years.

Ryan wanted to establish rules and was interested in reviewing Medford's ordinance. He also wanted to amend the business registration process to change the section regarding felons. Cox explained Uber strongly discouraged making drivers apply for a business registration, but that requirement was not a deal breaker for them. Kaser was concerned with how the City would be alerted of drivers and how they could track them. He had used Uber services in the past and knew Portland received 50 cents per ride. Hicks stated she wanted to allow Uber services and expressed frustration for citizens who missed medical appointments due to lack of available services. She felt that citizens looked at Council to make decisions and reminded everyone one of their goals was to address transportation needs. Council directed Staff to continue researching the subject and schedule a special meeting to continue considerations on the subject as soon as possible.

ITEMS FROM MAYOR, CITY COUNCIL OR CITY MANAGER

Hicks expressed concern regarding the chain link fence and surrounding grounds of the Willis House. Colley explained the property was sold to NeighborWorks Umpqua and they had plans to begin renovations in the spring. Hicks alerted Staff there was a missing portion of sidewalk on Fullerton that needed addressed.

ADJOURN

The meeting adjourned at 9:14 p.m.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

RESOLUTIONS A
03/26/2018

etc
3/20/18



American with Disabilities (ADA) Transition Plan for Public Right-of-Way Facilities

Meeting Date: March 26, 2018

Department: Public Works

www.cityofroseburg.org

Agenda Section: Resolutions

Staff Contact: Nikki Messenger

Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Staff has been working with a consultant to develop an ADA Transition Plan for public right-of-way facilities. The issue for Council is whether to adopt the attached resolution adopting the ADA Transition Plan.

BACKGROUND

A. Council Action History. On September 26, 2016, the Council awarded an engineering contract to Century West Engineers for development of the transition plan.

B. Analysis. The ADA Transition Plan is a federally required document that prioritizes and guides local efforts to complete accessibility upgrades and charts a course for the City to achieve compliance with current ADA standards. As part of this project, the consultant assessed 1,626 sidewalk access ramps, sixteen transit stops and 115 pedestrian push buttons as part of the plan. A small percentage of the facilities assessed were fully compliant with current ADA standards. As such, the plan attempts to prioritize and phase required improvements to match available resources for making improvements.

The City already incorporates ramp and signal upgrades into existing pavement management and other improvement projects as required. Replacement of many of the substandard ramps will be accomplished in conjunction with a pavement management project or other planned improvement.

The draft plan can be downloaded at the following web address:

http://www.cityofroseburg.org/files/6915/2001/0326/DRAFT-Roseburg_ADA_Transition_Plan_-_03-02-2018.pdf

C. Financial and/or Resource Considerations. The plan identifies over \$9.5 million in needed improvements over thirty years. The primary sources for funding these improvements will be via the Sidewalk/Streetlight/Signal Fund, Transportation Fund and Urban Renewal Fund.

The following chart breaks the identified costs down based on the priorities outlined in the draft document.

Type of Facility	Estimated Cost			Total
	0-6 Years	6-27 Years	27-30 Years	
Curb Ramps	\$1,425,000	\$6,957,500	\$301,000	\$8,683,500
<i>Avg. Cost per Year</i>	<i>\$237,500</i>	<i>\$331,310</i>	<i>\$100,333</i>	
	0-6 Years	6-10 Years		
Pedestrian Signals	\$135,000	\$697,500		\$832,500
<i>Avg. Cost per Year</i>	<i>\$22,500</i>	<i>\$174,375</i>		
	0-6 Years	6-20 Years		
Transit Stops	\$6,000	\$30,000		\$36,000
<i>Avg. Cost per Year</i>	<i>\$1,000</i>	<i>\$2,143</i>		
Total	\$1,566,000	\$7,685,000	\$301,000	\$9,552,000
<i>Avg. Cost per Year</i>	<i>\$261,000</i>	<i>\$507,828/\$333,453</i>	<i>\$100,333</i>	

D. Timing Issues. On February 1, 2018 the draft Transition Plan was made available to the public for review and comment. The public comment period ended February 27, 2018 with a public open house from 6-8 pm at the Roseburg Public Safety Center Umpqua Room. The open house was for the general public, especially community members with disabilities and limited mobility, to attend the meeting and share feedback. No comments were received during the comment period or at the open house.

COUNCIL OPTIONS

The Council has the following options:

1. Adopt the attached resolution adopting the ADA Transition Plan for Public Right-of-Way Facilities; or
2. Request additional information; or
3. Recommend changes to the plan prior to adoption.

STAFF RECOMMENDATION

The Public Works discussed this transition plan at their February 8th and March 8th meetings. The Commission recommended that the Council adopt the plan.

SUGGESTED MOTION

I move to adopt Resolution No. 2018-07, a resolution adopting the City of Roseburg ADA Transition Plan for Public Right-of-Way Facilities.

ATTACHMENTS

None

RESOLUTION NO. 2018 - 07
A RESOLUTION ADOPTING THE CITY OF ROSEBURG'S ADA TRANSITION PLAN FOR
PUBLIC RIGHT-OF-WAY FACILITIES

WHEREAS, the City of Roseburg has an obligation under Title II of the Americans with Disabilities Act (ADA) to provide equal access to all City programs and activities, including facilities within the public rights-of-way; and

WHEREAS, the City has developed an ADA Transition Plan for Public Right-of-Way Facilities; and

WHEREAS, the ADA Transition Plan for Public Right-of-Way Facilities contains a system of prioritization for planning construction or reconstruction of ADA compliant facilities within the public rights-of-way; and

WHEREAS, the draft ADA Transition Plan was made available for public review and comment through multiple means (hard copy, website, public meeting); and

WHEREAS, such public participation period has passed and no comments were received;

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG AS FOLLOWS:

The City of Roseburg ADA Transition Plan for Public Right-of-Way Facilities is hereby adopted.

ADOPTED BY THIS ROSEBURG CITY COUNCIL ON THE 26TH DAY OF MARCH, 2018.

SHEILA R. COX, CITY RECORDER

RESOLUTION NO. 2018 - 07

*File
3/26/18*



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

Water Treatment Plant – Variable Frequency Drives (VFD) Retrofit Project 18WA13, Construction Bids

Meeting Date: March 26, 2018
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Nikki Messenger
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City received bids for the Water Treatment Plant VFD Retrofit project. The issue for the Council is whether to award the construction contract.

BACKGROUND

A. Council Action History. None

B. Analysis. The project consists of the retrofit of two 300 horsepower variable frequency drives (VFDs) at the City’s Water Treatment Plant discharge pump station and the retrofit of one 75 horsepower, one 100 horsepower VFD and the replacement of one 75 horsepower VFD in the intake pump station.

The current process to control the flow of water from the pump stations to the City’s distribution network is by opening and closing inline valves on the discharge piping. This is an inefficient method to control the flow of water. The pump motors operate at full speed without the ability to control the amount of water being pumped. The VFD’s will allow the motor speed to be varied which will provide flexibility in the amount of water pumped.

The project was advertised on February 7th and bids were opened on March 7th. Six bids were received and are summarized below.

#	Bidder	Base Bid	Additive Alternate 1	Additive Alternate 2	Total Bid Base + Add #1 + ADD #2
1	Tice Electric Company	\$220,477.00	\$4,876.00	Not Provided	Not Responsive
2	EC Electric	\$185,823.00	\$3,173.00	\$71,480.00	\$260,476.00
3	Pacific Electrical	\$128,577.00	\$2,021.00	\$53,455.00	\$184,053.00
4	US West Electric	\$132,898.00	\$2,833.00	\$57,323.00	\$193,054.00
5	Davis Electric	\$124,936.00	\$2,165.00	\$47,500.00	\$174,601.00
6	Northeast Electric, LLC	\$155,000.00	\$10,000.00	\$67,000.00	\$232,000.00
	Engineer’s Estimate	\$110,620.47	\$ 4,520.00	\$35,637.29	\$150,777.76

C. Financial and/or Resource Considerations. The FY 2017-18 Water budget includes \$100,000 for this project. An engineering contract has been executed with Systems West Engineers in the amount of \$18,760 for the design, bidding and construction administration of the project.

Staff applied for and received an incentive offer from Energy Trust of Oregon in the amount of \$31,748 for one 300 horsepower VFD for the discharge pump station and two 75 horsepower VFDs in the intake pump station.

The total Water Capital Fund budget for FY 2017-18 is \$2,207,500. At this point, staff is projecting actual spending to be closer to \$1.5 million. As such, there are additional resources that could be applied to this project to award the base bid plus both additive alternates.

D. Timing Issues. If awarded, the Notice to Proceed would be issued in April after execution of the construction contract. The contractor is allowed 120 calendar days to complete the project.

COUNCIL OPTIONS

The Council has the following options:

1. Award the entire project to the lowest responsible bidder, Davis Electric for \$174,601;
or
2. Award only the Base Bid to the lowest responsible bidder, Davis Electric for \$124,936;
or
3. Request additional information; or
4. Reject all bids.

STAFF RECOMMENDATION

Money is available to construct the entire project. If only a portion of the project were awarded at this time, staff would propose to re-package and rebid the remaining portions of the project in the next fiscal year. The sooner the improvements can be made, the sooner the City can realize energy savings and reduced costs. For all of those reasons, the Public Works Commission recommended awarding the entire project (base bid plus additive alternates 1 and 2) to the lowest responsive bidder, Davis Electric at their March 8th meeting. Staff concurs with this recommendation.

SUGGESTED MOTION

I move to award the Water Treatment Plant VFD Retrofit project to the lowest responsive bidder, Davis Electric, including the base bid and additive alternates 1 and 2, for \$174,601.

ATTACHMENTS

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

DEPARTMENT ITEMS B
03/26/2018

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3/20/18



2018-2023 Capital Improvement Plan

Meeting Date: March 26, 2018
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Nikki Messenger
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The timing and scope of some of the airport projects listed in the City's Five Year Capital Improvement Plan (CIP) have changed. The issue for Council is whether to update the Airport Fund component of the CIP to reflect these changes.

BACKGROUND

A. Council Action History. The Council last adopted a Five Year Capital Improvement Plan (CIP) on March 14, 2016. The Council adopted updated versions of the Airport and Storm Drainage Fund CIPs on February 13, 2017 and the Urban Renewal Fund on September 25, 2017.

B. Analysis. Staff has been working on updating the Five Year Capital Improvement Plan (CIP). The plan is typically updated every two years and presented to the Airport, Planning, Parks and Public Works Commissions prior to adoption by Council. The updated draft CIP is a sizable document that can be found at:

http://www.cityofroseburg.org/files/6015/2088/7560/2018-23_Draft_CIP.pdf

In preparing an update to the plan, staff reviews the existing master plans and various other studies previously prepared to better define future projects. "Other" plans include documents such as storm drainage studies, traffic corridor studies and Interchange Area Management Plans (IAMPS). Consideration is given to existing problem areas, as well as the ability to tie projects together to better facilitate improvements.

The CIP is separated into several different funds including the following:

- IT/General Fund
- Bike Trail Fund
- Sidewalk/Streetlight Fund
- Transportation
- Park Improvement/Stewart Trust
- Equipment Replacement
- Urban Renewal
- Facilities Replacement
- Airport
- Water
- Storm Drainage

Also included within the plan is information concerning revenue projections, beginning fund balances, costs for materials and services (M&S), capital costs, and ending fund balances.

Materials and services generally include the City's overhead costs associated with staffing, supplies, maintenance and fees.

Staff will provide a brief PowerPoint presentation outlining the plan at the Council meeting.

C. Financial and/or Resource Considerations. The following table outlines the projected expenditures over the next five years by fund. The current Urban Renewal Area expires in September of 2019, so all of the remaining projects are shown programmed in FY 2018-19. There are additional needs within the Facilities Fund, but limited resources are available and future projects are not currently funded beyond FY 2018-19.

Fund	5 Year Total	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	\$159,000	\$75,000	\$39,000	\$27,000	\$9,000	\$9,000
Bike Trail	\$800,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000
Sidewalk/Streetlight/Traffic Signals	\$1,600,000	\$310,000	\$310,000	\$335,000	\$385,000	\$260,000
Transportation	\$4,799,520	\$475,000	\$525,000	\$1,235,000	\$1,947,520	\$617,000
Park Improvement/Stewart Trust	\$1,040,000	\$400,000	\$165,000	\$175,000	\$150,000	\$150,000
Equipment Replacement	\$3,675,500	\$933,500	\$520,000	\$1,079,000	\$368,000	\$775,000
Urban Renewal	\$4,325,000	\$4,325,000				
Facilities	\$3,021,000	\$3,021,000				
Airport	\$2,383,667	\$200,000	\$766,667	\$20,000	\$85,000	\$1,312,000
Water	\$13,690,500	\$2,460,000	\$4,335,000	\$2,861,500	\$1,867,000	\$2,167,000
Storm Drainage	\$7,350,000	\$1,210,000	\$1,290,000	\$1,200,000	\$1,475,000	\$2,175,000
Total All Funds	\$42,844,187	\$13,569,500	\$8,110,667	\$7,092,500	\$6,446,520	\$7,625,000

D. Timing Issues. Staff is currently working on the budget for FY 2018-19. It is timely to update the CIP as part of that budget process.

COUNCIL OPTIONS

Council has the following options:

1. Adopt the 2018-23 Capital Improvement Plan; or
2. Recommend changes to the plan and adopt with changes; or
3. Recommend changes to the plan and direct staff to bring back an updated draft.

STAFF RECOMMENDATION

The draft plan has been presented to each of the responsible Commissions for consideration. The following Commissions have forwarded recommendations to adopt the 2018-2023 Capital Improvement Plan:

- Airport Commission – February 15th
- Parks Commission – March 7th
- Public Works Commission – March 8th
- Planning Commission – March 19th

Staff concurs with their recommendations to adopt the plan.

SUGGESTED MOTION

I move to adopt the 2018-2023 Capital Improvement Plan for the City of Roseburg as presented.

ATTACHMENTS

None

C. Financial and/or Resource Considerations. The proposed cost of the task order is \$171,171. Money is available in the current year budget to proceed with this task order.

D. Timing Issues. The construction contract for the Phase 2 improvements was awarded at the March 12th City Council meeting. Construction of that phase of work is expected to begin in April. Submittal review is one of the early steps in the construction process. RH2 will be performing submittal review on behalf of the City under the proposed task order, so it is important to authorize the task order as soon as practical.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize a task order with RH2 Engineering, Inc. for an amount not to exceed \$171,171; or
2. Request additional information; or
3. Not authorize the task order and direct staff to not move forward with the project at this time.

STAFF RECOMMENDATION

Money has been budgeted and is available to complete this work. The construction contract has previously been awarded and will be moving forward shortly. Staff recommends that the Council authorize a task order with RH2 Engineering, Inc. for an amount not to exceed \$171,171. The Public Works Commission will discuss this project at their March 22nd meeting. Staff will report on the results of that discussion at the Council meeting.

SUGGESTED MOTION

I move to authorize a task order with RH2 Engineering, Inc. for construction services for Phase 2 of the Water System SCADA Improvements for an amount not to exceed \$171,171.

ATTACHMENTS

None

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3/20/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Phase 3 - Water System SCADA Improvements Engineering Design Task Order Authorization

Meeting Date: March 26, 2018
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Nikki Messenger
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City has a master contract with RH2 Engineering, Inc. for engineering services related to the SCADA project. The issue for the Council is whether to authorize a task order for engineering design services for Phase 3 of the project.

BACKGROUND

A. Council Action History. On December 14, 2015 City Council awarded the master design contract for the water system telemetry improvements to RH2 Engineering. On December 12, 2016 the Council awarded a contract to construct the first phase of this multi-phase project. On August 28, 2017 City Council authorized a design task order for the second phase of the construction project. On March 12, 2018 City Council awarded a construction contract for the Phase 2 – Water System SCADA Improvements project.

B. Analysis. The water system, including the water treatment plant, is controlled and monitored by a Supervisory Control and Data Acquisition (SCADA) system. The City is in the process of updating the SCADA system which was originally designed and installed in 1992.

The construction contract for phase 2 of the improvements has been awarded and construction is expected to begin in April. Phase 2 includes the control system installation and integration at seventeen water system facilities.

The proposed task order (Task Order No. 8) is for Phase 3 design and bidding services. It includes design of the control system integration at the City's Winchester Water Treatment Plant including the following:

- Upgrading the telemetry and control panel equipment at the Water Treatment Plant
- Installing telemetry equipment and software at the Joanne Pump Station
- Installing telemetry equipment and software at the Boyer Reservoir
- Preparing bid ready electrical installation plans and specifications
- Services during bidding

C. Financial and/or Resource Considerations. The proposed cost of the task order is \$59,351. Money is available in the current year budget to proceed with design of the project.

D. Timing Issues. None

COUNCIL OPTIONS

The Council has the following options:

1. Authorize a task order with RH2 Engineering, Inc. for an amount not to exceed \$59,351; or
2. Request additional information; or
3. Not authorize the task order and direct staff to not move forward with the project at this time.

STAFF RECOMMENDATION

Money has been budgeted and is available to complete this design. Staff recommends that the Council authorize a task order with RH2 Engineering, Inc. for an amount not to exceed \$59,351. The Public Works Commission will discuss this task order at their March 22nd meeting. Staff will report on the results of that discussion at the Council meeting.

SUGGESTED MOTION

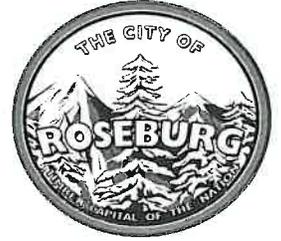
I move to authorize a task order with RH2 Engineering, Inc. for engineering design services for Phase 3 of the Water System SCADA Improvements for an amount not to exceed \$59,351.

ATTACHMENTS

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

3/19/18



PROPOSED REPEAL OF RMC 3.18 – PRIVATE VEHICLE TOWING REGULATIONS

Meeting Date: March 26, 2018

Agenda Section: Items from Departments

Department: Administration

Staff Contact: Sheila R. Cox, City Recorder *src*

www.cityofroseburg.org

Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

Staff would like to address Council regarding the proposed repeal of RMC 3.18 – Private Vehicle Towing Regulations.

BACKGROUND

A. Council Action History. Council has not dealt with this subject matter for a number of years.

B. Analysis. Roseburg Municipal Code 3.18 has not been amended in well over 20 years and outlines a process that the City no longer follows. It essentially requires the City Manager to maintain a list of towing operators qualified to provide towing services to private citizens on a “rotation basis”. It also sets forth certain qualifications towing companies must meet in order to be placed on the City’s rotation list. The City has been entering into a contract with local towing companies to provide private towing services by the “Request for Proposals” process for many years. If RMC 3.18 is repealed, it will give the City more flexibility in designing the RFP to best fit the needs of citizens requiring the service while eliminating an unnecessary and outdated Chapter of the Code.

C. Financial/Resource Considerations. There are no financial considerations related to this matter as the owner of the vehicle being towed pays for the services, not the City.

D. Timing Issues. The current contract for these services will expire December 31, 2018.

COUNCIL OPTIONS Council has the following options:

1. Direct staff to prepare an ordinance repealing RMC 3.18;
2. Request further information relating to the matter; or
3. Vote to *not* consider repeal of RMC 3.18.

STAFF RECOMMENDATION Staff recommends Council direct that an ordinance repealing RMC 3.18 be presented at the next Council meeting.

SUGGESTED MOTION *“I MOVE TO DIRECT STAFF TO PREPARE AN ORDINANCE REPEALING RMC 3.18 TO BE PRESENTED AT THE NEXT COUNCIL MEETING.”*

ATTACHMENTS: RMC 3.18

Chapter 3.18 PRIVATE VEHICLE TOWING POLICY

Sections:

- 3.18.005 Definitions.
- 3.18.010 List maintenance.
- 3.18.020 Qualifications for list placement.
- 3.18.030 Suspension or removal from list.

3.18.005 Definitions.

As used in this Chapter, the following words and phrases shall mean:

- A. "Towing Service Operator" means a firm or individual qualified to provide towing services.
- B. "Non-preference tow" refers to towing services for private citizens who do not choose a specific business to tow a privately owned vehicle.

(Ord. 2916 § 1 (part), 1995)

3.18.010 List maintenance.

The City Manager shall maintain, or cause to be maintained by contract, a list of all towing service operators which are now or will be qualified to tow privately owned vehicles at the request of the City, and to offer the work, or cause by contract to have the work be offered, to those towing service operators in rotation, one tow per towing service operator. A towing service operator that refuses the offer or does not comply with its terms shall lose this place on the rotation and may be suspended or removed from the listing, as further provided in this Chapter.

(Ord. 2916 § 1 (part), 1995)

3.18.020 Qualifications for list placement.

To be qualified to respond to the City's request for towing of privately owned vehicles and be placed on the City's non-preference tow list, a towing service operator must meet the following minimum qualifications:

- A. The towing service operator office and storage yard shall be located within the City limits, and reasonably secure against loss by theft or casualty. The office and yard each shall be physically distinct from any other towing service operator office and storage yard, that is, shall be located not less than three hundred feet from any other office, or yard, and shall not share the same tax lot with another towing service operator (as shown on the records of the Douglas County Assessor), and shall employ no person (other than the owner, partner or a director) employed by any other towing service operator in Douglas County.

B. The towing service operator at all times shall possess a current, valid State of Oregon permit for towing and recovery. The towing service operator shall be registered to do business inside the limits of the City of Roseburg in accordance with Chapter 9.02. The towing service operator shall carry Workers' Compensation Insurance in the form required by the State of Oregon. The towing service operator shall carry liability insurance in amounts pursuant to applicable statutory tort limits. A firm doing business as a towing service operator under an assumed business name or as a partnership or corporation shall furnish the City evidence of registration of the business with the Oregon Corporation Commissioner and the name of the agent for service of legal process for the business.

C. The towing service operator shall be on call twenty-four hours a day, three hundred sixty-five days per year for City-ordered tows. The towing service operator's storage yard shall be open for retrieval of vehicles at those same times, provided that the towing service operator may impose a surcharge for retrieval of vehicles after regular business hours. The towing service operator shall respond to the location of the work in not more than twenty minutes from the time of call by City to any locations within the City.

D. All vehicles used by the towing service operator shall be registered to the towing service operator or its owner and shall not be used by any other person or towing service operator. Each vehicle shall be prominently and permanently marked with the name, address and phone number of the towing service operator. If a person owns more than one towing service operation, only one of the towing service operations will be considered qualified for placement on the City's non-preference tow list.

(Ord. 2916 § 1 (part), 1995)

3.18.030 Suspension or removal from list.

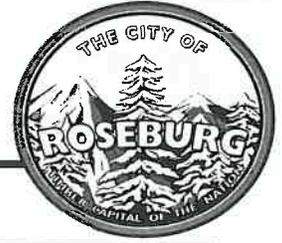
If at any time, a towing service operator fails to meet the minimum qualifications of this Chapter or fails to comply with any requirement of this Chapter or with any general ordinance of the City applicable to the towing service operator, such towing service operator shall be considered disqualified, and the City Manager may suspend or remove such towing service operator from the non-preference tow list.

In the event of such suspension or removal, the towing service operator shall be served with a written order stating the reasons therefor and the effective date thereof. A suspension or removal shall become effective immediately if personally served or forty-eight hours after it has been deposited with the United States Postal Service for delivery by mail.

(Ord. 2916 § 1 (part), 1995)

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3/20/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



TRANSPORTATION NETWORK COMPANY UPDATE SAMPLE ORDINANCES

Meeting Date: March 26, 2018
Department: Administration
www.cityofroseburg.org

Agenda Section: *Informational Only*
Staff Contact: Sheila R. Cox, City Recorder *src*
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY As requested at the March 12, 2018 Council meeting, Staff has compared ordinances governing the ride sharing business from multiple cities across the state where the service is allowed. The following is being provided for your review and consideration:

1. A summary of the comparison made between the related ordinances adopted by Medford, Salem, Corvallis, Redmond and Portland.
2. A copy of Medford's ordinance – effective December 1, 2017.
3. A copy of Redmond' ordinance – effective April 1, 2017.
4. A copy of Portland's ordinance – most recently amended effective July 21, 2017.
5. A recap of the conference call with Uber officials.

After you've had time to review the materials, please contact us to let us know if:

1. You would like to schedule a workstudy session on the subject (if so, do you want to invite Uber officials to attend?);
2. You are ready to direct Staff to draft a proposed ordinance – similar to the one adopted by Medford (or another city) – to allow ride sharing service in Roseburg; or
3. You would like to discuss an ordinance allowing ride sharing based on regulations somewhat different from those adopted by other cities.

When we've heard how a majority of Council would like to proceed, we'll advise everyone and move forward in that direction.

cc: Uber, Inc.-1455 Market St. 4th Floor-San Francisco, CA 94103
Sunshine Taxi-1276 Cleveland Rapids Rd.-Roseburg, OR 97471
Elite Taxi-864 SE Stephens St.-Roseburg, OR 97470
Chrono File

TNC/TAXI ORDINANCE COMPARISON

MEDFORD: (Copy attached) Covers both TNCs & taxi = “vehicle for hire”:

Operator: *a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally*

Taxi Company: *any person operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.*

Vehicle for Hire: *a motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network vehicles. (Exceptions – ambulances, courtesy vehicles, shuttles, etc.)*

Vehicle for Hire Agency: *a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.*

Business License: Required annually for operators and drivers; City may include conditions related to routes, times of operation, etc.

Drivers must be 21 w/valid driver’s license, vehicle registration & proof of insurance

Operators must maintain record of all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing company’s digital network

Operator, or through third party, to do annual background checks of no less than seven years – must be local, state and national criminal history databases & sex offender registries. Driver cannot be on a sex offender registry nor have a felony conviction within previous 7 years including crimes involving driving under the influence of alcohol or controlled substances, sexual offenses or crimes involving physical harm or attempted physical harm to a person.

General Insurance: City as additional insured, subject to statutory changes to maximum municipal liability limits – general liability not less than \$1 million per occurrence, \$2 million aggregate for claim of bodily injury and property damage in course of operations

Taxi Insurance: commercial auto liability, combined single limit of not less than \$1 million per occurrence for bodily injury or property damage during operations

TNC Insurance:

- **Period 1:** when driver has logged into App, but has no passenger (waiting)
- **Period 2:** when driver has accepted passenger match & is on the way to pick up passenger
- **Period 3:** when the passenger is in the vehicle.

- *Period 1* requires primary coverage = minimum liability of \$50,000 per person for death & injury; \$100,000 per incident for death & injury and \$25,000 for property damage;
- *Period 2 & 3* requires primary coverage with minimum liability of \$1 million in combined single limit for death, personal injury and property damage per incident; \$1 million combined single limit under/uninsured motorist for death, personal injury and property damage per incident

*Auto liability insurance must specifically recognize the driver's provision of TNC and vehicle for hire services & comply with all state and local laws

*TNC drivers are responsible for maintaining all personal auto liability insurance as required by state law

Operation Regulations: City may require a TNC to enter a data sharing agreement in order to receive a license & maintain specific trip records; Vehicles must be clearly marked with company name/logo – taxi vehicles to have phone number & Vehicle ID #; TNC vehicles clearly marked as operating for a TNC; TNC drivers may not accept hails and may only accept rides arranged through the TNC's digital network; zero tolerance for drugs & alcohol; use of direct route required; taxi meters inspected every 6 months

Audit: City may audit 2 times per year for compliance

Charges: all charges for vehicle for hire services must be calculated and displayed by a taximeter or digital dispatch system continuously operated during time passenger is being transported

****Fees:** based on number of drivers operating for the Operator at the time of application: TNCs - \$1,000; Taxis - \$100; Drivers - \$60

SALEM: Regulations almost word for word as Medford

****Fees:** Taxi & TNC Companies - \$82.50/yr

Driver - \$82.50/yr Application fee based on number of drivers/time of application

CORVALLIS: Regulations almost word for word as Medford & Salem

****Fees:** Application both taxi & TNC = \$100 based on number of drivers at the time of application; Annual renewal = \$50 for taxi & \$100 for TNC

REDMOND: (Copy enclosed) Includes definition for TNC – a company or other entity that uses an Internet-enabled technology application service, website or system to connect passengers to TNC affiliated drivers who provide prearranged rides in TNC vehicles for hire. Also requires workers compensation where required by state law. Disqualifies any person who is a sex offender or who has been convicted of a sexual offense, violent felony, act of terror, or used a vehicle to commit a felony *at any time*, or within the past seven years, convicted of crimes involving driving under the influence of alcohol or controlled substances, non-violent felonies, fraud, resisting/evading arrest or reckless driving to be a TNC driver & requires company to revoke driver's authority if person fails to meet standards in the ordinance. Also requires vehicle for hire companies to maintain a registered agent for service of process in Oregon, and to allow City audits up to three times per year. Rest the language is basically same.

****Fees:** Based on # of drivers: 1-2 \$75; 3-5 \$125; 6-15 \$250; 16-50 \$500; 51+ \$1,000

PORTLAND: (Copy enclosed) Much more extensive regulations – not summarized

****Fees:** Taxi or TNC Initial Application Fee - \$250
License rate of \$0.50 per ride paid quarterly

VEHICLE FOR HIRE

8.320 Title, Intent, and Purpose of Sections 8.325 to 8.380.

This ordinance shall be known and may be cited as the “Vehicle for Hire Ordinance of the City of Medford.” The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by regulating vehicle for hire operators and their drivers within the City of Medford, as authorized by ORS 221.485 and 221.495. Nothing contained in this ordinance is intended or shall be construed to create any liability on the part of the City, its officers or employees for any injury or damage related to any provision of this ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this ordinance on the part of the City, its officers, or employees.

[Added Sec. 18, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.325 Definitions.

Words and phrases used in this ordinance shall have the following meanings ascribed to them:

- (1) “Digital dispatch system” means an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.
- (2) “Driver” means any individual person who operates a vehicle for hire within the City.
- (3) “Limousine” means a luxury motor vehicle for hire whose chassis and wheelbase have been lengthened beyond the original manufacturer’s specifications, whether at the time of production or after.
- (4) “Limousine Company” means any person operating one or more limousines for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the limousines so operated are owned by the company, leased, or owned by individual members of an entity.
- (5) ~~“Operator” means a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally.~~
- (6) “Taxi” means a motor vehicle for hire, other than a limousine or transportation network vehicle.
- (7) “Taxi Company” means any person operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.
- (8) “Transportation Network” means one or more drivers working as independent contractors and utilizing a digital dispatch system, and using personal motor vehicles in the provision of transportation services.
- (9) “Transportation Network Company or TNC” means a person that operates or facilitates a transportation network.
- (10) “Transportation Network Vehicle or TNV” means a personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.
- (11) “Vehicle for Hire” means a motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network

vehicles. The following vehicles shall not be considered vehicles for hire for the purposes of this ordinance, and are forbidden from operating as a taxi, limousine, or transportation network vehicle: (a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation; (b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business; (c) Non-motorized vehicles such as horse-drawn vehicles; (d) Property delivery vehicles used for delivering property exclusive of passenger transportation; (e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and (f) Volunteer-driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary, or other compensation.

(12) "Vehicle for hire agency" means a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.

(13) "Vehicle for hire driver" means a person who carries on the vocation of driving a vehicle for hire.

[Added Sec. 19, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.330 Business License Required for Operators and Drivers; Regulatory License Fees.

(1) No Operator shall conduct business in the City without obtaining the applicable regulatory license set out in subsection (2).

(2) The City may issue a License to an Operator if the company certifies on a form acceptable to the City that it is in compliance with all requirements of this chapter, including but not limited to driver and insurance requirements, operating standards, and any other code requirements, and actually meets all applicable standards and requirements.

(3) The City may include conditions, restrictions, or special provisions in the License, including but not limited to conditions related to routes, times of operation, lighting, alternative requirements or means of meeting requirements, or other conditions, if, in the sole discretion of the City, the applicant's vehicles or operations warrant conditions, restrictions, or special provisions.

(4) The License issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the Operator to continue providing vehicle for hire services within the City.

(5) The application fee shall be based on the number of drivers operating for the Operator at the time of the application, and shall be intended to account for the City's costs in administering this code and for the City's costs in operating and maintaining streets within the City. The fee shall be \$1,000 for Transportation Network Companies, \$100 for Taxi Companies, and \$60 for Drivers.

(6) The application fee shall be paid to the City at the time of submitting both initial and renewal License applications.

(7) No Operator or Driver shall conduct business in the City without a valid business license.

[Added Sec. 20, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.335 Driver requirements.

- (1) Drivers shall be at least 21 years of age and shall possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.
- (2) Every Operator shall maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing the company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. Operators shall provide a person in compliance with this section written notice of compliance, who shall then submit the notice to the City as part of the business license application required by section 8.330(3).
- (3) Prior to permitting a person to operate as a Driver, and annually thereafter, the Operator shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry, or any person that has a record of a felony conviction within the previous seven years may not act as a driver. A record of a conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings.
- (4) An Operator must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The Operator shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

[Added Sec. 21, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.340 Insurance Requirements.

- (1) For all required insurance, Operators shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage.
- (2) Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
- (3) The insurance limits for Operators are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, or other statutory changes.
- (4) The adequacy of insurance coverage is subject to the review and approval of the City.
- (5) Every Operator shall maintain continuous, uninterrupted coverage for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this chapter.
- (6) Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.
- (7) Taxi Companies operating any motor vehicles shall secure and maintain commercial

automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(8) TNC Service Periods Defined:

(a) Period 1: The TNC Driver has logged into the App or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the App is open and the driver is waiting for a match.

(b) Period 2: A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).

(c) Period 3: The passenger is in the vehicle.

(9) Upon City request or as part of an application, TNCs shall provide proof of current valid insurance for City approval covering all affiliated TNC Drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2, and 3.

(10) All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

(a) Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.

(b) Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.

(c) The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

(11) TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.

[Added Sec. 22, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.345 Operational Requirements.

(1) TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a License.

(2) All vehicles operating for a TNC or Taxi Company shall be clearly marked with the company name or logo. Vehicles operating for a Taxi Company shall include the company name or logo, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall be clearly marked as operating for the TNC, although any vehicle marking requirements imposed by a TNC may apply. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.

(3) TNC drivers may not accept street hails, and may only accept rides arranged through a TNC's digital network.

(4) Operators shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while

providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.

(5) Operators must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.

[Added Sec. 23, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.350 Audit.

The City may audit Operators up to twice per calendar year to review compliance with this ordinance. Upon request, an Operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the Operator that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an Operator to produce records related to an investigation of a specific allegation of a violation of this ordinance or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.

[Added Sec. 24, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.355 Revocation, Suspension.

In addition to the remedies provided for in section 8.900 and ORS 30.315, the City may suspend, revoke, or refuse to issue a license if an Operator or Driver has violated or not met any of the provisions of sections 8.330 through 8.380. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in sections 8.330 through 8.380, including the procedures and requirements for obtaining and maintaining a business license, the making of any material misrepresentation, or if an Operator or Driver is otherwise engaged in unlawful activity.

[Added Sec. 25, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.360 License Effective Date.

Any Vehicle for Hire Agency License that is current as of the effective date of this ordinance, shall remain valid, until June 30, 2018, unless the License holder wishes to apply for a new license under this chapter.

[Added Sec. 26, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.365 Charges for Vehicle for Hire Services.

(1) Calculation and Display of Charges. All charges for vehicle for hire services shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernible to passengers.

(2) Charges to be Registered Only When Vehicle for Hire is Engaged. No taximeter or digital dispatch system shall be operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

(3) Taximeter or Digital Dispatch System to be in Continuous Operation. No passenger shall be

carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

(4) Specialized charges. A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

[Added Sec. 27, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.370 Use of Direct Route Required.

A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

[Added Sec. 28, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.375 Smoking Prohibited.

(1) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.

(2) Notwithstanding subsection (1) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.

(3) A violation of this section constitutes a violation.

[Added Sec. 29, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.380 Taximeter Inspection.

Every taximeter shall be inspected and tested for accuracy by the vehicle for hire agency at least once every six months.

[Added Sec. 30, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

Vehicles For Hire

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7.650 Purpose. The purpose of this chapter is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the City of Redmond, as authorized by ORS 221.485 and ORS 221.495. Nothing contained in this chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage resulting from any failure to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees.

7.652 Definitions. For purposes of Sections 7.650 to 7.668, the following mean:

1. **City.** Means the City of Redmond, Oregon.
2. **License.** Means the license issued by the City to a Vehicle For Hire Company authorizing the company to engage in vehicle for hire services within the City.
3. **Driver.** Means any individual natural person who operates a vehicle for hire within the City.
4. **Person.** Means and includes any individual natural person, partnership, corporation, unincorporated association, or other entity.
5. **Vehicle For Hire.** Means any vehicle used for the ground transportation of passengers for compensation (including pick-up or drop-off) within the City, including but not limited to taxis, limos, town cars, and Transportation Network Company (“TNC”) vehicles, as well as animal-drawn vehicles and vehicles powered by humans, including but not limited to vehicles such as pedi-cabs. The following motor vehicles are excluded from the definition of vehicle for hire and are exempt from this chapter:
 - A. School buses operating exclusively under a contract to a private or public school/school district;
 - B. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons;
 - C. Vehicles used to provide courtesy transportation at no charge to and from parking lots, transient lodging operators, rental offices, retirement homes, and the like;
 - D. Vehicles used to provide ambulance service.
 - E. Motor busses with passenger capacity of over 30 passengers and passenger vehicles subject to regulation by the Public Utility Commission of Oregon.

6. **Vehicle For Hire Company or Company.** Means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the vehicles so operated are owned by the company, or leased, or owned by individual members or contractors of the company. Vehicle For Hire Companies operate Vehicles for Hire.
7. **Taxi Company.** Means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, or leased, or owned by individual members or contractors of the company. Taxi Companies do not include TNCs.
8. **Transportation Network Company or TNC.** Means a company or other entity that uses an Internet-enabled technology application service, website, or system to connect passengers to TNC affiliated drivers who provide prearranged rides in TNC vehicles for hire.

7.654 License, Application, and Fees

1. The City may issue a License to a Vehicle For Hire Company if the company meets and certifies that it is in compliance with all requirements of this Chapter, including but not limited to driver and insurance requirements, and operating standards. Outstanding or unresolved violations or deficiencies shall be a basis for denying a license.
2. The License issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the Vehicle For Hire Company to continue providing vehicle for hire services within the City.
3. The application fee shall be based on the number of drivers operating for the Vehicle For Hire Company at the time of the application. Fee amounts are set based on the City Fee Schedule.
4. The application fee shall be paid to the City at the time of submitting the application.
5. All Vehicle For Hire Companies must comply with the City's business registration requirements.

7.656 Driver Requirements

1. All drivers shall be at least 21 years of age and shall possess a valid driver's license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.
2. Every Vehicle For Hire Company shall maintain accurate, current records for all drivers employed by, contracting with, or affiliated with the company, including all drivers authorized to access a company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. These records shall be made available in accordance with chapter 7.35.070.
3. Prior to permitting a person to operate as a driver, and annually thereafter, the Vehicle For Hire Company shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of database history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and the U.S. Department of Justice National

Sex Offender Public Website (NSOPW). Any person who is a sex offender on the NSOPW or who has been convicted of a sexual offense, violent felony, act of terror, or used a vehicle to commit a felony at any time, or, within the past seven years, convicted of crimes involving driving under the influence of alcohol or controlled substances, non-violent felonies, fraud, resisting/evading arrest, or reckless driving shall not be permitted to act as a driver. The Company or its agent shall maintain records of all criminal background checks for a period of at least two years. For purposes of this chapter, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings. A Company must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this chapter are no longer being met by the driver. The Company shall only reinstate a driver upon a finding by the Company that all standards are again being met by the driver.

7.658 Insurance Requirements

1. In order to provide protection to the public, the vehicle for-hire company shall provide levels of insurance in accordance with all requirements of this chapter. Proof of current, valid insurance shall be provided upon City request or as part of an application for all affiliated drivers and vehicles for hire operating for such company.
2. *Additional Insured and Notification of Policy Changes.* For all required insurance, Vehicle for-hire companies shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance and worker's compensation insurance (as required by state law).
3. *Insurance Requirements.* Insurance requirements of this chapter shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
4. *Insurance Limits Subject to Statutory Changes.* The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, other statutory changes, or other changes deemed necessary by the City.
5. *Subject to Approval.* The adequacy of insurance coverage is subject to the review and approval of the City.
6. *Continuous and Uninterrupted Coverage.* Insurance coverage must be continuous and uninterrupted for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this Chapter.
7. *Commercial General Liability.* Vehicle For Hire Companies shall secure and maintain, at their expense, commercial general liability insurance with the following coverage:
 - A. *Motorized Ground Transportation Vehicles.* Limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage in the course of operating in the City. Motorized ground transportation vehicles include, but are not limited to, taxis, TNC vehicles, limos, and towncars.
 - B. *Vehicles Powered by Animals.* Limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not

- limited to, bodily injury and property damage in the course of operating in the City.
- C. Vehicles Powered by Humans. Limits of not less than \$500,000 per occurrence and \$1 million aggregate for claims arising out of, but not limited to, bodily injury and property damage in the course of operating in the City.
8. Automobile Liability Insurance. Vehicle For Hire Companies shall secure and maintain, at their expense, commercial automobile liability insurance with the following coverage:
- A. Motorized Ground Transportation Vehicles Excluding TNCs. A combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.
- B. TNC Service Periods. In order to provide protection to the public, the TNC shall provide levels of insurance in accordance pursuant to all requirements of this Chapter. TNC service is defined by three distinct periods:
1. Period 1: The TNC Driver has logged into the digital network and is available to receive transportation requests but has not yet accepted a request to provide transportation.
 2. Period 2: A passenger match has been accepted through the digital network and the TNC Driver is in route to pick up the passenger(s), but has not yet picked-up the passenger(s).
 3. Period 3: The passenger(s) is in the vehicle and ends when the last passenger exits the TNC Driver's vehicle.
- C. TNC Insurance. All TNC drivers or the TNC on the driver's behalf shall maintain the following automobile liability coverages:
1. Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and bodily injury, \$100,000 per incident for death and bodily injury, and \$25,000 for property damage, in addition to any other state compulsory coverage.
 2. Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, bodily injury and property damage per incident; and under/uninsured motorist coverage for death, bodily injury and property damage per incident, as required by law.
 3. The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.
9. Worker's Compensation Insurance. The company permit holder must secure and maintain a Workers Compensation policy where required by state law.
10. Independent Contractors/Owner-Operators. Independent drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.
11. Insurance Alternatives or Modifications. Insurance alternatives, such as self-insurance, or modifications in coverage may occur only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City before such alternative insurance may become effective.

7.660 Operational Requirements

1. TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a trip request. The City may require a TNC to enter a data sharing agreement in order to receive a license.
2. All vehicles for hire operating for Taxi Companies shall be clearly marked as such and shall include the Taxi Company name, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall have a consistent and distinctive emblem or signage visible in the front window of the vehicle at all times while the driver is active on the TNC dispatch system. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.
3. TNC affiliated drivers may only accept rides prearranged through a TNC's digital network.
4. Vehicle For Hire Companies and courtesy transportation vehicles are prohibited from operating at the Redmond Municipal Airport without an operating agreement approved by the Airport Director.
5. Vehicle For Hire Companies shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy and shall conduct an investigation into the incident. The suspension shall last for the duration of the investigation of the complaint.
6. Vehicle For Hire Companies must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, with the goal of accessible rides being met with wait times that are equivalent to those of other rides.

7.662 Registered Agent Required: Vehicle For Hire Companies shall maintain a registered agent for service of process in the State of Oregon. The name, telephone number, and physical address of the registered agent shall be provided as part of the license application. The company shall promptly notify the City in writing of any changes regarding its registered agent.

7.664 Audit: For the sole purpose of reviewing compliance with this Chapter, the City may audit Vehicle For Hire Company records no more than three times per calendar year. The City shall have the right to audit a sample of records for up to thirty (30) drivers chosen at random from an anonymized list of the drivers affiliated with the TNC that have operated in the City in the thirty (30) days preceding the audit. The audit shall occur at a location designated by the City. Notwithstanding the foregoing, the City may require a Company to produce records related to an investigation of a specific allegation of a violation of this Code or other applicable law. Production of records for an

investigation does not count toward the auditing limit. Any records inspected or required under this Chapter are designated confidential, are not subject to disclosure to a third party by the City, or any other party authorized to view such records under this Chapter, without prior written consent of the Company, and are exempt from disclosure under chapter 192 of the Oregon Revised Statutes.

7.666 Revocation, Suspension and Penalties:

1. In addition to any other enforcement options provided by the Code, the City Manager or designee may suspend, revoke or refuse to issue a License if the Vehicle For Hire Company has violated any of the provisions of this Chapter. A violation includes any failure to meet or maintain any of the requirements or qualifications for Vehicle For Hire Companies as set forth in this Chapter, including the procedures and requirements for obtaining and maintaining a License, as well as the making of any materially false statement or representation. The decision to suspend, revoke or refuse to issue a License may be appealed to the City Council, which will conduct a hearing where the company and the City may present evidence and argument. The company shall have the burden of proving it has complied with all requirements of this Chapter necessary to obtain or maintain the License. The appeal must be filed within 10 days of the City Manager's decision. The decision of the City Council is final.
2. A violation of this chapter is a Class A civil infraction.

7.668 Enforcement: The City has the administrative authority to implement and enforce this chapter, including adoption of rules, regulations, or policies. This provision shall not be construed to abrogate or limit the jurisdiction or authority of the Redmond Police Department or any law enforcement agency.

PORTLAND

Chapter 16.40 Private For-Hire Transportation Regulations.

- Note

(Chapter replaced by Ordinance No. 188483, effective July 21, 2017.)

16.40.010 PFHT Program Purpose and Provisions.

To ensure the safety and reliability of Private for-Hire Transportation (PFHT) services as a matter of public concern, the City of Portland has the authority, delegated by ORS 221.495, to license, control, and regulate privately owned vehicles for hire operating within the City of Portland. The purpose of Chapter 16.40 is to provide for the safe, fair, and efficient operation of PFHT services.

The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation to:

- A. Promote innovation in the PFHT industry to meet evolving consumer demand; and
- B. Allow fair competition, so long as public safety and the public interests are served.

16.40.020 Chapter Applies to All Companies, Drivers, and Vehicles.

- A. It is not a defense to any regulatory action, including penalties and fines, to assert that the City cannot act because a PFHT service operator does not possess a valid City-issued permit, certification, decal, or taxiplate.
- B. The requirements of Chapter 16.40, along with any penalties that may be assessed for violations of Chapter 16.40, apply to all PFHT service operators, whether or not legally and validly permitted.

16.40.030 Definitions.

- A. “Approved Blue Seal Shop” means an automotive repair and service shop recognized officially by the National Institute of Automotive Service Excellence (ASE) as being an ASE Blue Seal Automotive Shop.
- B. “Approved Mechanic” means a mechanic who meets all the following criteria:
 1. Does not own, lease, or drive a vehicle for-hire;
 2. Has no financial interest in any PFHT company operating within the state of Oregon or Washington;
 3. Has received and maintains a current, valid ASE Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8; and
 4. Is not employed by any PFHT company.

- C. “Branded Vehicle” (a.k.a. “Reconstructed Vehicle”) means any vehicle that has been declared a total loss and has a branded or reconstructed notation on the vehicle title.
- D. “Bureau” means the Portland Bureau of Transportation (PBOT) of the City of Portland.
- E. “Carriage” means any vehicle or conveyance that is drawn, pulled, or propelled by a horse or other animal(s).
- F. “Certificate of Safety” means a document completed by an approved mechanic certifying that a vehicle meets all requirements set forth in this Chapter and/or administrative rules.
- G. “Certification List” means a list of drivers and vehicles submitted by a PFHT company for approval as permitted if certified by the Director as meeting all requirements set forth in this Chapter and/or administrative rules.
- H. “Committee” means the PFHT Advisory Committee.
- I. “Company Permit” means the permit issued to a PFHT company under the terms of this Chapter and/or administrative rules.
- J. “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted PFHT or company for the use of the driver’s or company’s for-hire transportation services. PFHT providers that accept only gratuities, tips, etc., are considered to be providing “for-hire” transportation services.
- K. “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising for services that originate in the City of Portland.
- L. “Customer” means a person who purchases PFHT service from a PFHT service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.
- M. “Day” means a business day and not a calendar day unless specifically stated otherwise.
- N. “Decal” means the numbered identification sticker issued by the City and affixed to a Limited Passenger Transportation (LPT) vehicle.
- O. “Director” means the Director of PBOT or the Director’s designee.
- P. “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- Q. “Driver Permit” means the document or certification issued by the Director affirming the driver is approved and certified as a PFHT driver under the terms of this Chapter.
- R. “Driver” means a PFHT driver, including taxi drivers, NEMT drivers, TNC drivers, shuttle drivers, executive town car drivers, LPT drivers, pedicab drivers, Quadricycle drivers, and horse-drawn carriage drivers.
- S. “Dynamic Pricing” means the pricing as impacted by market demand, which can be an upward or downward deviation from the fare rates established by the PFHT companies and reported to the Director.

- T.** “Executive Town Car Company” means any entity operating Executive Town Car Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- U.** “Executive Town Car Company Driver” means any person operating an Executive Town Car Vehicle as a driver for any Executive Town Car Company.
- V.** “Executive Town Car Company Vehicle” must conform to the Administrative Rule for Executive Sedan.
- W.** “Executive Town Car Company Services” means private for-hire transportation offered or provided for compensation to passengers by an Executive Town Car Driver and Executive Town Car Driver Vehicle on behalf of or by an affiliated Executive Town Car Driver Company.
- X.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled, or powered, in whole or in part, by a horse, mule, or other animal(s).
- Y.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- Z.** “Limousine” means a vehicle whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer’s original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a “limousine.”
- AA.** “Limousine, Party Bus, Charter Bus, Tour Bus, or custom Multi-passenger vehicle (LPT) Company” means any entity operating LPT Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- BB.** “LPT Driver” means any person operating a party bus, charter bus, tour bus, or custom multi-passenger vehicle as a permitted driver for any LPT Company.
- CC.** “LPT Services” means PFHT or provided for compensation to passengers by an LPT Driver and LPT Vehicle on behalf of or by a certified and affiliated LPT Company.
- DD.** “Non-Emergency Medical Transportation (NEMT) Company” means any entity that offers and/or provides PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- EE.** “Non-Emergency Medical Transportation (NEMT) Driver” means any person operating a vehicle for compensation to offer and/or provide NEMT services.
- FF.** “Non-Emergency Medical Transportation (NEMT) Services” means any PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- GG.** “Non-Emergency Medical Transportation (NEMT) Vehicle” means any vehicle driven to offer and/or provide NEMT services.
- HH.** “Operate” means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.
- II.** “Party Bus” means a van or luxury bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes.
- JJ.** “Passenger” means a person traveling in a PFHT vehicle that is not the operator of that vehicle.
- KK.** “Pedicab and Quadricycle”

1. A pedicab means a tricycle that:
 - a. Transports or is capable of transporting passengers on seats attached to the tricycle;
 - b. Is powered by a human; and
 - c. Is used for private for-hire service.

2. A Quadricycle means a four-wheel peddle powered unit that:

- a. Transports or is capable of transporting four or more passengers on seats attached to the Quadricycle;
- b. Is powered by human power or an electric motor assist; and
- c. Is used as a PFHT service.

LL. “Pedicab and Quadricycle Driver Permit” means the permit issued to a pedicab or Quadricycle driver under the terms of this Chapter.

MM. “Permittee” means a person or business entity that has been issued a driver certification or company permit under the terms of this Chapter.

NN. “Permitted” means that a PFHT company, driver, or vehicle carries or displays a valid City-issued permit, decal, taxiplate, or certification.

OO. “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.

PP. “Plate” means the numbered identification plate issued by the City and affixed to a taxi vehicle, horse-drawn carriage, pedicab or Quadricycle.

QQ. “Prearranged” means that the customer, passenger, or passenger’s agent has personally asked the driver and/or a permitted for-hire vehicle or a permitted PFHT company for transportation services, regardless of the communication format used. The Director may establish the amount of time between asking and receiving transportation services to allow a presumption that the services were “prearranged.”

RR. “Private for-Hire Transportation (PFHT)” means providing vehicular, horse-drawn carriage pedicab or Quadricycle transportation for compensation of any kind within Portland City limits. However, it does not include transportation provided by a public or governmental entity, including transportation that is regulated entirely by the State of Oregon or the federal government.

SS. “Private for-Hire Vehicle” means a motorized or non-motorized vehicle used to transport persons for-hire or other consideration and is not exclusively regulated by the State. This includes limousines, taxis, TNC vehicles, executive sedans, shuttles, NEMTs, pedicabs, Quadricycles, and horse-drawn carriages but does not include school buses, charter buses, or ambulances.

TT. “Revocation” means that a permit, certification, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director.

UU. “Shuttle Transportation” means:

1. Fixed Route (Airporter) Service. A service that begins or/ends at the Portland International Airport and provides scheduled service to approved locations, except when transporting large groups (e.g., convention groups) or when operating hotel or parking courtesy shuttles, hereinafter defined as “Airporter Shuttle.”

a. Standard Airporter Shuttle. Vehicle with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage.

b. Large Airporter Shuttle. Vehicle with a minimum capacity of 15 adult passengers (no maximum capacity), and with the capacity to accommodate equivalent baggage.

2. On Demand/Reservation Service. A service provided by a van with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage. Consists of door-to-door and reserved service to any part of the City where primary destination is to and from the Portland International Airport, train station, or bus station.

VV. "Suspension" means that a permit, taxiplate, certification, or decal is temporarily invalid and that the holder of that permit, taxiplate, certification, or decal may not engage in any PFHT activity under the authority granted to that suspended permit, taxiplate, certification, or decal. A suspension may also apply to a PFHT driver.

WW. "Tour Bus Vehicle" means any van or bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes and driven by a tour bus driver to offer and/or provide tour bus services.

XX. "Taxi Company" means any entity operating taxi vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

YY. "Taxi Driver" means any person operating a taxi vehicle as a driver for any taxi company.

ZZ. "Taxi Vehicle" means any vehicle driven by a taxi driver to offer and/or provide taxi services.

AAA. "Taxi Services" means PFHT offered or provided for compensation to passengers by a taxi driver and taxi vehicle on behalf of or by an affiliated taxi company.

BBB. "Taximeter" means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.

CCC. "Taxiplate" means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.

DDD. "Transportation Network Company" (TNC) means any entity or organization, whether a corporation, partnership, or sole proprietor, that connects passengers with affiliated TNC drivers and TNC vehicles through an Internet-based digital or software platform/application operated by the TNC.

EEE. "Transportation Network Company (TNC) Driver" means any individual operating a PFHT vehicle who connects with passengers through an Internet-based digital or software platform/application operated by an affiliated TNC.

FFF. "Transportation Network Company (TNC) Services" means any PFHT offered or provided to passengers for compensation by a TNC driver and TNC vehicle on behalf of or by an affiliated TNC.

GGG. "Transportation Network Company (TNC) Vehicle" means any vehicle driven by a TNC driver to offer and/or provide TNC services.

HHH. "Week" means the 7-day period from Monday through Sunday.

III. "Wheelchair-Accessible Vehicle (WAV)" means that a PFHT vehicle is equipped with a hydraulic or electric lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically disabled persons that use mobility devices.

16.40.100 Taxi Services Permits Required.

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The operation of a Taxi Company is a privilege and not a right. For taxi services to be provided in the City of Portland, the Taxi Company shall be required to obtain a permit. The City of Portland shall certify that all affiliated Taxi Company Vehicles and Taxi Company Drivers have met all certification and operating requirements.

- A. Taxi Company Permit Requirements.** No person or entity shall conduct business as a Taxi Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.
- B. Taxi Driver Certification Requirements.** No person or entity shall conduct business as a Taxi Driver in the City of Portland without certification by the Director prior to being authorized to provide taxi services on behalf of an affiliated Taxi Company. Drivers not meeting all required conditions will not be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.
- C. Taxi Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being certified to provide Taxi services by an affiliated Taxi Company. Vehicles not meeting all required conditions will not be certified as Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A. Application.** An applicant for a Taxi Company permit shall submit to the Director:
1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with 10 percent or more stock ownership, if the company issues stock certificates;
 5. If the applicant Taxi Company is individually owned, the name, business address (or home address), telephone number, and date of birth of the owner;
 6. If the applicant Taxi Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland (“Authorized Representative”) or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant Taxi Company’s zero-tolerance drug and non-discrimination policy;
 8. The applicant Taxi Company’s user terms of service, if applicable;

9. The applicant Taxi Company's dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and, if applicable, Taxi Dispatch App general use information;
 10. Contact information of the Taxi Company's agent of service and customer service support;
 11. A description and photo or rendering of the branding and exterior color scheme that the applicant Taxi Company proposes to use for its fleet of affiliated taxi vehicles and consistent with the Administrative Rule;
 12. Company-proposed fare rates, and;
 13. A non-refundable application fee.
 14. All fines and penalties must be paid prior to issuing or reissuing a taxi company permit.
- B. Compliance with Secretary of State's Rules.** No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.
- C. Insurance.** All Taxi Company permit holders shall comply with taxi insurance requirements pursuant to Section 16.40.130. All taxi companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.
- D. Director Review Process.** After receiving a completed Taxi Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- E. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may issue a Company permit.
- F. Application Denial.** The Application shall be denied for any of the following reasons:
1. The Taxi Company applicant fails to submit all required information and documentation, including valid proof of insurance;
 2. The Taxi Company applicant provides dispatch services to anyone other than affiliated taxi drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
 3. The Taxi Company applicant leases, permits, or otherwise allows other entities not affiliated with the Taxi Company and certified by the Director to operate Taxi services;
 4. The Taxi Company applicant affiliates with and provides dispatch services to drivers operating vehicles without Taxi Vehicle certification by the Director.
 5. The application has a material misstatement or omission, and;
 6. The Taxi Company application is incomplete.
- G. Denial Appeal.** If the application is denied, the applicant Taxi Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- H. Providing Taxi Services.** Taxi services shall be provided only by a permitted Taxi Company.
- I. Certification of Taxi Drivers.** The Taxi Company shall provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that the drivers meet requirements in Section 16.40.170, on a form approved by the Director, upon request as drivers are newly affiliated, or as driver certification status changes. Drivers shall be certified and permitted by the Director prior to providing Taxi services on behalf of the

affiliated Taxi Company and Taxi Drivers not meeting all required conditions will not be certified as a permitted Taxi Driver and will not be allowed to operate as a Taxi Driver. The requirements include:

1. Criminal and driver background checks;
2. A valid driver's license;
3. Taxi Driver business license number (unless the driver operates the vehicle as an employee of the company); and
4. Bureau-approved driver training within 30 calendar days of a PFHT driver's certification by the Director.

J. Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

K. Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to this Chapter. Drivers not meeting all conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.

L. Certification of Taxi Vehicles. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to providing Taxi services. Vehicles not meeting all required conditions will not be certified as a permitted Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Such requirements include:

1. Vehicle ASE mechanic safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition; and
4. Commercial automobile liability insurance.

M. Term of Certification of Taxi Vehicles. Certifications for Taxi Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

N. Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director at least 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to this Chapter for re-certification. Vehicles not meeting all the conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

O. Denial Appeal. If a Taxi Driver or Taxi Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

P. Right to a Permit. The Taxi Company's ability to satisfy the criteria for a Taxi Company permit does not create a right to a Taxi Company permit.

Q. Transferring Permits. Permits are non-transferrable. The Company must notify the City within 5 business days in the event of any changes in business ownership.

R. Removal of Taxi Drivers and Vehicles from Affiliated Taxi Company. Taxi companies shall notify the Director within 1 business day when an affiliated Taxi Driver has been prohibited from providing Taxi services by the Taxi Company and/or Taxi Vehicles have been removed from the fleet of the affiliated Taxi Company.

S. Operating at the Port of Portland. Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

T. Failure to comply with any provision in Section 16.40.110 is a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.

A. Permit Fees. Taxi Companies shall pay City fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

B. Permit Issuance. No Taxi Company permit shall be issued until all surcharges, fees, and civil penalty fines have been paid.

16.40.130 Taxi Company Insurance Requirements.

A. In order to provide protection to the public, the Taxi Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

B. Providing Taxi Services. The Taxi Vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the Taxi Company, the Taxi Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Taxi Company receiving a Taxi Company permit.

C. Additional Insured and Notification of Policy Changes. The Taxi Company shall provide certificates of insurance naming the City of Portland and its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation, and employer's liability insurance (as required by state law).

D. Ensuring Driver and Vehicle Insurance. Taxi Companies shall be responsible for ensuring the Taxi Driver and Taxi Vehicle have appropriate insurance coverage as required by state law.

E. Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

F. Commercial Business Insurance. Taxi Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT Taxi permit.

G. Automobile Insurance. All Taxi Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

1. Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

H. Certification of Auto Insurance. Taxi Companies shall provide proof of current, valid insurance for Director certification that all affiliated Taxi Vehicles operating for such company and satisfying the minimum requirements.

I. Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.

J. Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

K. Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty.

L. Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in the Administrative Rule.

M. Additional Policy Conditions. Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for, or comply with the following:

1. **Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder, and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D. – H. The same certificate of liability and additional insured endorsement requirements will apply.

2. **Alternatives to insurance,** such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being are not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

N. Failure to comply with any provision in Section 16.40.130 is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.140 Taxi Company Operating Responsibilities and Prohibitions.

A. Minimum Standards of Service. A permitted Taxi Company shall comply with the following minimum standards:

1. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
2. Acceptance of any request for Taxi service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.190. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
3. Service citywide, 24 hours a day, 7 days a week.
4. A minimum fleet of 15 Taxi Vehicles.

B. Drug, Alcohol, and Discrimination Policy.

- 1. Zero Tolerance for Drug and Alcohol Use and Discrimination.** All permitted companies shall employ at all times a zero-tolerance policy for intoxicants.
 - 2. Zero Tolerance for Discrimination.** All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a Taxi Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Taxi Company shall be governed by Oregon tort law in effect at the time of the claim.
- D. Fare Rate Transparency.** All Taxi fare rates shall be established by the Taxi Company, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for wheelchair-accessible vehicle (WAV) service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted Taxi Company and reported to the Director prior to implementation.
- E. Receipts.** All Taxi passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.140 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of Taxi Company, name of Taxi Driver, Taxi Company customer service support contact information, and the City of Portland's PFHT complaint phone number.
- F. Limitation or Prohibition on Dynamic Pricing.** The Director may limit or prohibit dynamic pricing by any Taxi Company or Taxi Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040. Dynamic pricing is prohibited at all times for WAV service.
- G. Agent of Service Requirements.** Taxi Companies will maintain, during all times when the Taxi Company permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- H. Customer Service Support Requirements.** Taxi Companies will maintain, during all times when the Taxi Company permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I. Reporting Requirements.** Each Taxi Company shall regularly report the following to the Director:
- 1.** The name of the driver, the date and time and location of any crash, and its claim status (open or closed) required to be reported to the State of Oregon;
 - 2.** The number and type of crimes against drivers to the extent known;
 - 3.** The arrest or conviction for any criminal offense of any affiliated Taxi Driver;
 - 4.** The filing of any lawsuit against or on behalf of the Taxi Company related to the operation of the company and its services in the City of Portland;
 - 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 - 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Taxi Company.

J. Data Requirements.

1. Any permitted Taxi Company shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month. Examples of relevant data may include, but are not limited to, the following:

- a. Unique transaction ID number that corresponds with the passenger's receipt;
- b. Number, date, and time of fulfilled trips;
- c. Trip wait time;
- d. Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
- e. Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
- f. Number of canceled rides (rides canceled by the customer);

2. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City, and not disclosed to third parties, in accordance with any applicable data-sharing agreement.

3. In the event that disclosure of such data is required by law, the City will provide taxi companies notice prior to any disclosure of such data.

4. Upon request, the Taxi Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

K. Digital Record Requirements. Digital records shall provide a verifiable way to identify drivers and riders for investigation purposes. A permitted Taxi Vehicle must maintain either secure, digital records with contact information from Taxi Drivers and Taxi passengers or a digital security camera system in accordance with the following requirements:

1. Digital security cameras are required in every permitted taxicab, or secure digital records with contact information from the passenger must be maintained by the Taxi Company. Taxi Companies own the cameras or secure digital records and are responsible for their maintenance and the records produced by them.

2. Taxi Companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements, and schedule.

3. No Taxi Driver may tamper with, damage, disturb, remove, or disable a digital security camera system in a taxicab or any digital records maintained by the Taxi Company.

4. Taxi Drivers must utilize the digital security camera and immediately notify the Taxi Company if a digital security camera system is or appears to be damaged, stolen, or inoperable. When a digital security camera is utilized, signage must be visible to passengers within the Taxi Vehicle that states the following: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

5. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following the appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request.

6. No Taxi Company or Driver may allow any person to intentionally access any records produced by the digital security camera or record systems.

7. The Taxi Company shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

L. Taxi Company Records Management and Mandatory Compliance.

1. Taxi Companies will be required to keep documentation of all certified Taxi Drivers and Taxi Vehicles. Such records shall be kept on file during the term of the Taxi Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Taxi Company records shall be provided to the Director and/or law enforcement officers.

2. Taxi Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

M. Failure to comply with any provision in Section 16.40.140 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.150 Taxicab Vehicle Certification Requirements.

A. Taxi Vehicle Certification. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to being used to provide taxi service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Vehicle.

B. Term of Certified Taxi Vehicle. Certifications for Taxi Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Taxi Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

C. Application Process. Applications for Taxi Vehicle certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a Taxi Driver and vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Taxi Vehicle on a form approved by the Director.

D. Vehicle Registration, Licensing, and Insurance. All Taxi Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

E. Vehicle Age Requirements. No vehicle will be allowed to operate as a Taxi Vehicle following 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Taxi Vehicle.

F. Vehicle Safety Inspections. Each Taxi Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the "check engine" light illuminated, regardless of model year or mileage.

G. Taxi Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Taxi Driver applicant a safety certificate stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

H. Vehicle Condition. Each Taxi Vehicle shall meet the following requirements:

1. Be kept in safe condition and good;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

I. Taxi Vehicle Re-certification. The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

J. Unless otherwise noted, failure to comply with any provision in Section 16.40.150 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions.

A. No vehicle shall operate as a Taxi Vehicle unless it has been certified by the Director and is affiliated with a permitted Taxi Company and properly displays a valid City of Portland taxiplate.

B. Vehicle Registration, Insurance, and Business License. A non-digital copy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires that proof of a Taxi Driver's business license, as required by Chapter 7.02, be kept in every Taxi Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Identification of Taxi Vehicles. Every Taxi Vehicle shall meet the following identification requirements to operate as a Taxi Vehicle:

1. Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words "taxi," "cab," or "taxicab" anywhere on the vehicle.
2. Every Taxi Vehicle affiliated with a Taxi Company must have a design scheme with the unique symbol or logo of that affiliated Taxi Company in a manner that clearly identifies the Taxi Company, as approved by the Director and consistent with the Administrative Rule.
3. Every Taxi Vehicle must prominently display on both sides of the vehicle the following information:

- a. The full name of the Taxi Company;

- b. The company-assigned Taxi Vehicle number;
- c. The telephone number of the Taxi Company where services can be requested; and
- d. Word “taxi,” “cab,” or “taxicab.”

D. Every Taxi Vehicle must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger. Taximeters shall meet the following requirements:

1. Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab and must include the following:
 - a. The identifying number of the taximeter;
 - b. The make, model, and license number of the Taxi Vehicle in which the taximeter is installed;
 - c. The name of the taxicab company;
 - d. The date of inspection, and;
 - e. A statement that the taximeter has been inspected and approved as operating within the acceptable limits and rates as specified by the Director and on file with the company.
2. Taxi Companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.
3. Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.
4. All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a Certificate of Conformance issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.
5. Certificates of inspection may be examined or a taximeter re-inspected by the Director or law enforcement officers at any time during normal business hours.

E. Vehicle Operating Conditions. In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, which includes the following:

1. All Taxi Vehicle equipment and devices shall be properly equipped and maintained in good working order.
2. At all times, Taxi Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers; windshield washers; interior/dome lights; taximeter; top light; heating/air conditioning systems; odometer; speedometer; and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.
3. The Taxi Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light, and reflectors.
4. Taxi Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle’s paint, upholstery, windows, floorboard, and integrated parts of the vehicle’s body.

5. The Taxi Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods provided by Oregon law.

6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

F. Mandatory Compliance. Taxi Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

G. The taximeter, traditional or computer application-based, must be used to calculate all fees for time and distance traveled and must be programmed with all fares, including flat rates or fees previously reported to the Director, pursuant to Subsection 16.40.140 D.

H. Unless otherwise noted, failure to comply with any provision in Section 16.40.160 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.170 Taxi Driver Certification Requirements.

A. Taxi Driver Certification. The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified and permitted by the Director and affiliated with a permitted Taxi Company prior to operating a Taxi Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Driver. Taxi Companies shall regularly provide a current list of affiliated Taxi Drivers and Taxi Vehicles.

B. Term of Certified Taxi Driver. Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

C. Application Process. Applications for Taxi Driver certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a list of Taxi Drivers, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a Taxi Vehicle on a form approved by the Director.

D. Taxi Driver Criminal and Driving Background Checks. A local, national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
3. The National Sex Offender Public Registry.

E. Taxi Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Taxi Driver and cannot provide Taxi services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.

ANY FELONY PAST 10YRS.

- 2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
- 3. The applicant is a match in the National Sex Offender Public Registry.

ANY FELONY FOR PHYSICAL HARM OR ATTEMPT

4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:

5yrs

- a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons, or
- b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.

5+ traffic citations w/ past 3 yrs.

5. Based on the conviction date during a 3-year period, the applicant had more than five traffic violations convictions as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violation or motor vehicle accidents as provided above.

6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any government jurisdiction as a result of a driving-related incident.

7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.

10. The applicant is less than 21 years old.

11. The applicant is unable to obtain car insurance for any reason.

F. All Taxi Driver criminal and driving histories are subject to review by the Director.

G. Taxi Driver Training. The affiliated company must ensure that all Taxi Drivers successfully complete Director-approved trainings within 30 days of Taxi Driver certification by the Director in each of the following subject areas:

- 1. Relevant City Code provisions and Administrative Rules;
- 2. Vision Zero principles of traffic safety;
- 3. Portland-area attractions; and
- 4. Customer service.

H. Business License Requirements. All Taxi Drivers operating as independent contractors affiliated with a Taxi Company shall comply with the provisions of the Business License Law, Chapter 7.02, prior to operating a Taxi Vehicle. Any Taxi Driver operating as an independent contractor without a valid City of Portland business license cannot be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver until such business license is obtained.

I. Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.170. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi services.

J. Suspension or Revocation of Certified Taxi Drivers. If a Taxi Driver certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified and the driver shall be removed as soon as notified by the City. Taxi Drivers and Taxi Vehicles without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

K. Failure to comply with any provisions in Section 16.40.170 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.180 Taxi Driver Conduct, Requirements and Prohibitions.

A. Transferring Credentials. Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

B. Taxi Drivers at all times shall carry the following while operating as a Taxi Driver and provide the following upon request of a law enforcement officer or Director:

1. A non-digital copy of the Taxi Company insurance pursuant to ORS 806.011 and a copy of the vehicle registration;
 2. A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02.;
 3. A valid state-issued driver's license; and
 4. A valid, original, City of Portland driver permit.
5. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Driver Conduct. No Taxi Driver shall:

1. Allow another person to use their Taxi Driver certification;
2. Drive or allow another person to drive a Taxi Vehicle without a valid driver's license, driver permit, and company certification when the vehicle is being used to provide taxi services;
3. Operate any Taxi Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;

7. Consume any intoxicant, smoke any substance or use any device that produces a smoke-like vapor while operating a Taxi Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any substance or use any device that produces a smoke-like vapor inside a Taxi Vehicle;
9. Defraud a passenger in any way;
10. Be discourteous to a passenger;
11. Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
12. Drive passengers to their destination by any route other than the safest and efficient route, unless requested to do so by the passenger;
13. Operate any Taxi Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.500;
14. Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted by the Taxi dispatch or Taxi Driver; and
15. Provide PFHT services without a valid City of Portland permit or certification.

D. Maximum Hours of Driving. A person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

E. Street-Hails.

1. A Taxi Driver may accept street-hails in all locations including the following locations: taxi stands, hotel zones, and loading/unloading zones.
2. Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance with Section 16.40.140 and available for review by the Director or law enforcement officer.
3. Failure to comply with this subsection E. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.940.

F. Mandatory Compliance. Taxi Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

G. Driver Reporting. Every Taxi Driver shall report any of the following events to the Director and to all affiliated Taxi Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drug possession, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as PFHT by the driver; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

H. Unless otherwise noted, failure to comply with any provision in Section 16.40.180 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.190 Taxi Company Accessible Service Requirements.

- A.** Taxi Companies shall provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.
- B.** Requests for service from a passenger accompanied by a service animal may not be refused.
- C.** Regarding accommodations to passengers with hearing and visual impairments:
- 1.** Taxi Companies shall maintain at all times dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
 - 2.** Taxi Companies shall maintain customer service support services pursuant to Subsection 16.40.140 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
- D.** Regarding accommodations to passengers with mobility devices:
- 1.** Taxi Companies shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible Taxi Vehicle.
 - 2.** Taxi Companies are required to provide wheelchair-accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible (WAV) Taxi Vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
 - 3.** Fare rates for WAVs shall not exceed fare rates for comparable non-wheelchair-accessible Taxi Vehicles, and shall not be subject to dynamic pricing.
 - 4.** WAV services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include technical services pertaining to the following:
 - a.** Vehicle specification;
 - b.** Wheelchair loading and securement;
 - c.** Customer service and communication with customers;
 - d.** Driver training; and
 - e.** Estimated wait time.
 - 5.** Any permitted Taxi Company shall enter into an agreement with the City to regularly provide aggregated and anonymized data related to WAV service. Examples of relevant data may include, but not be limited to, the following:
 - a.** Number, date, and time of fulfilled WAV trips;
 - b.** WAV trip wait time;

16.40.200 Transportation Network Company Services Permits Required.

The operation of a Transportation Network Company (TNC) is a privilege and not a right. For transportation network services to be provided in the City of Portland, the TNC shall be required to obtain a permit. The City shall certify that all affiliated TNC vehicles and TNC drivers have met all certification and operating requirements.

- A. **TNC Permit Requirements.** No person or entity shall conduct business as a TNC in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- B. **Transportation Network Driver Certification Requirements.** No person or entity shall conduct business as a Transportation Network Driver in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions will not be certified as a TNC Driver and will not be allowed to operate as a TNC Driver.
- C. **Transportation Network Company Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as a Transportation Network Company Vehicle in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions will not be certified as TNC vehicle and will not be allowed to operate as a TNC Vehicle.
- D. Unless otherwise noted, failure to comply with Section 16.40.200 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.210 TNC Company Permit Application Standards for Approval and/or Denial and Certification Requirements.

- A. **Application.** An applicant for a TNC permit shall submit to the Director:
1. A completed application on a form supplied by the Director;
 2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
 3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
 5. If the applicant TNC is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
 6. If the applicant TNC is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
 7. The applicant TNC's zero-tolerance drug and non-discrimination policy;
 8. The applicant TNC's user terms of service;
 9. TNC app description with general use information and customer instructions for requesting a wheelchair-accessible vehicle;
 10. Contact information of the TNC's agent of service and customer service support;
 11. The trade dress the applicant TNC proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application; and
 12. A non-refundable application fee.
 13. All fines and penalties must be paid prior to PBOT issuing or reissuing a TNC permit.

B. Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

C. Insurance. All TNC permit holders shall comply with TNC insurance requirements pursuant to Section 16.40.230. All TNCs shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

D. Director Review Process. After receiving a completed TNC company application form and upon successful completion of all the requirements pursuant to Section 16.40.210, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

E. Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a TNC Company permit.

F. Application Denial. The application shall be denied for any of the following reasons:

1. The TNC applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The TNC applicant provides TNC app services to anyone other than TNC Drivers meeting the requirements set forth in Chapter 16.40;
3. The TNC applicant leases, permits, or otherwise allows other entities not affiliated with the TNC and certified by the Director to operate TNC services;
4. The TNC applicant affiliates with and provides a TNC App to drivers operating vehicles without a TNC Vehicle certification;
5. The application has a material misstatement or omission; and
6. The TNC application is incomplete.

G. Denial Appeal. If the application is denied, the applicant TNC may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

H. Providing Transportation Network Company Services. TNC services shall be provided only by a permitted TNC.

I. Certification of TNC Drivers. The TNC shall provide a daily list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in Section 16.40.270, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director prior to being activated on the affiliated TNC platform, and drivers not meeting all required conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver. Such requirements include:

1. Criminal and driver background checks;
2. Personal automobile liability insurance for independent contractors;
3. A valid driver's license;
4. TNC driver business license number; and
5. Successful completion of the City-prescribed driver training and testing prior to providing TNC Service.

J. Term of Certification of TNC Driver. Certifications for TNC Drivers provided by the Director shall be valid for a term of 1 year from date of Director certification.

K. TNC Driver Re-certification. The TNC shall daily provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

L. **Certification of TNC Vehicles.** The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.250, on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC. Vehicles not meeting all required conditions will not be certified as a permitted TNC vehicle and will not be allowed to operate as a TNC vehicle on a TNC platform. Such requirements include:

1. Vehicle ASE safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition;
4. Commercial automobile liability insurance; and
5. Personal automobile liability insurance, as required by state law.

M. **Term of Certification of TNC Vehicles.** Certifications for TNC Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

N. **TNC Vehicle Re-certification.** The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

O. **Denial Appeal.** If a TNC Driver or TNC Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

P. **Right to a Permit.** The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.

Q. **Transferring Permits.** Transferring permits shall be prohibited.

R. **Removal of TNC Drivers and TNC Vehicles from Affiliated TNC Platform.** A TNC shall daily provide to the Director notification of affiliated TNC Drivers and TNC Vehicles that have been permanently deactivated from the TNC platform or prohibited from providing TNC services by the affiliated TNC.

S. **Operating at the Port of Portland.** TNCs, TNC Drivers, and TNC Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

T. Failure to comply with any provision in Section 16.40.210 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.220 TNC Services Permit Fees and Civil Penalty Fines.

A. **Permit Fees.** TNC Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

B. **Permit Issuance.** No TNC Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

16.40.230 TNC Insurance Requirements.

A. **TNC Service Periods Defined.** In order to provide protection to the public, the TNC shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. Transportation Network Company service is defined by three distinct periods:

1. Period 1: The TNC Driver has logged into the app. The app is open and the driver is waiting for a match.

2. Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e., the driver is on their way to pick up the passenger).

3. Period 3: The passenger is in the vehicle and until the passenger exits the vehicle at the destination.

B. Providing TNC Services. All periods of TNC service shall be covered by a general commercial liability and primary automobile insurance policy provided by the TNC, the TNC Driver, or a combination of both. Evidence of TNC insurance requirements shall be received and approved by the City prior to a TNC receiving a TNC permit.

C. Additional Insured and Notification of Policy Changes. The TNC shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

D. Ensuring Driver and Vehicle Insurance. TNC Drivers shall be responsible for ensuring appropriate personal motor vehicle liability insurance required by state law.

E. Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

F. Commercial Business Insurance. TNC permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT TNC permit.

G. Automobile Insurance. All TNC permit holders shall provide the City with proof of the following coverages:

1. Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC.

2. Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury, and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury, and property damage per incident. Coverage is to be maintained by the TNC.

3. The required automobile liability policy shall specifically recognize the driver's provision of TNC services or other for hire transportation and shall comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.

H. Certification of Auto Insurance. TNCs shall provide proof of current, valid insurance for Director certification covering all affiliated TNC Drivers and Vehicles operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

I. Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.

J. Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

K. Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

L. Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in an Administrative Rule.

M. Additional Policy Conditions: Policies required under Section 16.40.230 must also contain, include, provide for or comply with the following:

1. A TNC shall not require or encourage a TNC Driver to secure a primary personal automobile insurance policy providing coverage for TNC activities as a condition to becoming affiliated on the TNC's digital network, nor shall a TNC provide any incentive to any TNC Driver who secures a primary personal automobile insurance policy providing coverage for TNC activities in periods as defined in Subsection 16.40.230 G.

2. A TNC shall disclose in writing to affiliated TNC Drivers that drivers are not required to purchase or maintain an insurance policy that provides coverage for TNC activities in any periods as defined in Subsection 16.40.230 G. as a condition of providing TNC Services on behalf of an affiliated TNC. Additionally, a TNC shall disclose in writing to affiliated TNC Drivers that securing such a policy will not result in any material benefit or incentive of any kind provided by the affiliated TNC to the TNC Driver. A TNC shall disclose in writing to affiliated TNC Drivers that insurance maintained by the TNC pursuant to Section 16.40.230 does not include collision coverage for affiliated TNC Drivers, unless the policy secured and maintained by the TNC expressly states otherwise.

3. A TNC shall disclose in writing to affiliated TNC Drivers the insurance coverage, including the types of coverage and limits for each coverage that the TNC provides while the affiliated TNC Driver uses an affiliated TNC Vehicle to provide TNC services. The TNC shall also advise affiliated TNC Drivers in writing that the driver's personal automobile insurance policies may be subject to cancellation in accordance to ORS 742.562 or might not provide coverage because the driver uses a vehicle in connection with an affiliated TNC, as specified by the terms of the policy. A TNC shall provide written disclosure to the affiliated TNC Driver that coverage required pursuant to Subsection 16.40.230 G. shall be provided by the affiliated TNC on a primary basis from the first dollar of every claim, unless a policy secured and maintained by a TNC Driver expressly states otherwise.

4. A TNC Driver is not prohibited from voluntarily securing a primary automobile insurance policy covering the TNC Vehicle and providing coverage in any period as defined in Subsection 16.40.230 G. A TNC Driver's or the TNC Vehicle owner's personal automobile insurance policy may only provide coverage during periods as defined by Section 16.40.230 to the driver, vehicle owner, or any third party, if the policy expressly provides coverage for TNC activities during periods defined by Section 16.40.230 as specified by the terms of the policy.

N. Failure to comply with any provision in Section 16.40.230 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.240 TNC Company Operating Responsibilities and Prohibitions.

A. Minimum Standards of Service. A permitted TNC shall comply with the following minimum standards:

1. A TNC app in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
2. Acceptance of any request for TNC service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.290.
3. The TNC app used to connect drivers to riders shall display an accurate picture of the TNC Driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.

B. Drug, Alcohol and Discrimination Policy.

1. Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero tolerance policy for intoxicants.
2. Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

C. **User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a TNC's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.

D. **Fare Rate Transparency.** All TNC fare rates shall be made available in a clear and transparent way to the TNC passenger on the TNC app prior to the TNC passenger accepting a ride.

E. **Receipts.** All TNC passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.240 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC, name of TNC Driver, TNC customer service support contact information, and the City of Portland's PFHT complaint phone number.

F. **Limitation or Prohibition on Dynamic Pricing.** The Bureau Director may limit or prohibit dynamic pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.

G. **Agent of Service Requirements.** TNCs will maintain, during all times when the TNC permit is valid, a locally based agent of service, with regular hours of business during weekdays.

H. **Customer Service Support Requirements.** TNCs will maintain, during all times when the TNC permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

I. **Reporting Requirements.** Each TNC shall regularly report the following to the Director:

1. Any crash and its claim status that arise out of operating as a TNC (open or closed) on a form approved by the Director;
2. The number and type of crimes committed against drivers to the extent known;
3. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution; and any restriction, suspension or revocation of the driver's motor vehicle driver's license arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the TNC related to the TNC services of the affiliated TNC, TNC Driver, or TNC Vehicle in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.

J. **Data Requirements.**

1. TNCs shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month pursuant to applicable data sharing agreement. Examples of relevant data may include, but are not limited to, the following:
 - a. Unique transaction ID number that corresponds with the passenger's receipt;
 - b. Number, date, and time of fulfilled trips;
 - c. Trip wait time;
 - d. Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
 - e. Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
 - f. Number of canceled rides (rides canceled by the customer);
 - g. Trip origin Zip code; and

h. Trip destination Zip code.

2. TNCs shall submit data, pursuant to a data sharing agreement with the City and permitted companies.
3. The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
4. In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.
5. Upon request, the TNC shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

K. Digital Record Requirements. Secure, digital records with contact information from TNC Drivers and TNC passengers shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders for investigatory purposes. Secure digital records must be maintained in accordance with the following requirements:

1. Secure digital records with contact information from the TNC Driver and passenger must be maintained by the TNC. TNCs own the secure digital records and are responsible for their maintenance and the records produced by them;
2. If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the TNC shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request;
3. No TNC Company or Driver may allow any unauthorized person to intentionally access any records produced by the digital record systems; and
4. The TNC shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

L. TNC Records Management and Mandatory Compliance.

1. TNCs will be required to keep documentation of all certified TNC Drivers and TNC Vehicles. Such records shall be kept on file during the term of the TNC permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, TNC records shall be provided to the Bureau Director and/or law enforcement officers.
2. TNCs shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

M. Failure to comply with any provision in Section 16.40.240 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.250 TNC Vehicle Certification Requirements.

A. The TNC may not "on-board" a vehicle unless the designated trade dress includes a visible Portland business license identification number specific to each TNC Driver. No vehicle may display the words "taxi," "taxi cab," or "cab," or attempt to appear as a taxi, unless that vehicle has been permitted/certified by a taxi company to the City.

B. TNC Vehicle Certification. The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC vehicle.

C. Term of Certified TNC Vehicle. Certifications for TNC Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within 1 month of the expiration date.

D. Application Process. Applications for TNC Vehicle certification shall be made directly to an affiliated TNC. The TNC shall regularly provide to the Director a TNC Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a TNC Vehicle on a form approved by the Director.

E. Vehicle Registration, Licensing, and Insurance. All TNC Vehicles will maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

F. Vehicle Age Requirements. No vehicle older than 10 years will be allowed to operate as a TNC Vehicle following 10 years after the vehicle manufactured date regardless of when the vehicle was purchased or put into service as a TNC Vehicle.

G. Vehicle Safety Inspections. Each TNC Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the "check engine" light illuminated, regardless of model year or mileage.

H. TNC Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the TNC Driver applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

I. Vehicle Condition. Each TNC Vehicle shall meet the following requirements:

1. Each TNC Vehicle shall:
 - a. Be kept in safe condition and condition;
 - b. Be kept clean and in good appearance;
 - c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
 - d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
 - e. Failure to comply with any provision in this Subsection I. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

J. TNC Vehicle Re-certification. The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

K. Unless otherwise noted, failure to comply with any provision in Section 16.40.250 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.260 TNC Vehicle Operating Requirements and Prohibitions.

A. No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC Company and properly displays a trade dress approved by the Director.

B. Vehicle Registration, Insurance, and Business License. A non-digital copy of the vehicle's registration and proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires proof of TNC insurance

and proof of a TNC driver's business license be kept in every TNC Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Trade Dress Signage. Trade dress signage is required for each TNC Vehicle in operation at all times. The trade dress signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of the vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or the view of any mirrors, and it cannot exceed four square feet.

D. Vehicle Operating Conditions. In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:

1. All TNC Vehicle equipment and devices shall be properly equipped and maintained in good working order;
2. At all times, TNC Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
3. The TNC Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors;
4. The TNC Vehicle shall be free of dirt, grease, grime, glue, rips, stains, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
5. The TNC Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods allowed by Oregon Law; and
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

E. Mandatory Compliance. The TNC Vehicle shall be made available to compliance audits and enforcement actions upon request by the Director, authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

F. Unless otherwise noted, failure to comply with any provision in Section 16.40.260 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.270 TNC Driver Certification Requirements.

A. Driver Certification. The TNC shall provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director and affiliated with a certified TNC Vehicle prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Driver.

B. Term of Certified TNC Driver. Certifications for TNC Drivers provided by a TNC to the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director within 1 month prior to the certification expiration.

C. Application Process. Applications for TNC Driver certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director TNC Driver and Vehicle certification lists, pursuant to certification requirements, that the driver meets all requirements prior to the driver operating the vehicle, on a form approved by the Director.

D. TNC Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually, based on the driver's anniversary date, on behalf of the affiliated TNC by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);

2. All motor vehicle records associated with the applicant driver available pursuant to record laws of each state, and
3. The National Sex Offender Public Registry.

E. TNC Driver Criminal and Driving History Disqualifications. A TNC Driver will not be certified and cannot provide transportation network company services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
3. The applicant is a match in the National Sex Offender Public Registry.
4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
5. Based on the conviction date during a 3-year period, the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
6. Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
7. Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
8. Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
9. The applicant does not have at least 1 year's worth of uninterrupted driving experience with a valid driver's license in a United States jurisdiction, immediately preceding the certification.
10. The applicant is less than 21 years old.
11. The applicant is unable to obtain car insurance for any reason.

F. All TNC Driver criminal and driving histories are subject to review by the Director.

G. TNC Driver Training. The affiliated company must ensure that all TNC Drivers successfully complete Director-approved trainings within 30 days of TNC Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety;
3. Portland-area attractions; and
4. Customer service.

H. Insurance Requirements. All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets State of Oregon requirements.

I. Business License Requirements. All TNC Drivers affiliated with a TNC shall comply with all provisions of the Business License Law, Chapter 7.02, prior to being activated on the TNC app. Any TNC Driver without a valid City of Portland business license cannot be certified as a TNC Driver and will not be allowed to operate as a TNC Driver until such business license is obtained.

J. TNC Driver Re-certification. The TNC shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

K. Suspension or Revocation of Certified TNC Drivers. If a TNC Driver or TNC Vehicle certification is suspended or revoked by the Director, the affiliated TNC shall be notified and the driver shall be removed as soon as notified by the City. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC services.

L. Failure to comply with any provision in Section 16.40.270 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.280 TNC Driver Conduct Requirements and Prohibitions.

A. Transferring Credentials. Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited. All TNC Drivers are required to meet all driver certification requirements within this chapter at all time times while providing private for-hire service. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

B. TNC Drivers shall carry:

1. A non-digital copy of TNC insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.
2. A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02 always while operating as a TNC Driver.
3. A valid state issued driver's license while operating as a TNC Driver.
4. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

C. Driver Conduct. No TNC Driver shall:

1. Allow another person to use their TNC Driver certification;
2. Drive or allow another person to drive a TNC Vehicle without completing the certification process through the affiliated TNC company;
3. Operate any TNC Vehicle while consuming or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a TNC Vehicle;

8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor, inside a TNC Vehicle;
9. Defraud a passenger in any way;
10. Be discourteous to a passenger;
11. Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger;
12. Operate any TNC Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
13. Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted on the TNC app, and;
14. Provide PFHT services without a valid City of Portland permit or certification.

D. Maximum hours of driving. **No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.**

E. Street-Hails, Taxi Stands, and Hotel Zones.

1. A TNC Driver shall accept rides only booked through an affiliated TNC app and shall not solicit or accept street-hails or stop in any City-approved taxi zones, and;

2. A TNC Driver may not park a TNC Vehicle in a taxi zone or loading/unloading zone.

F. Mandatory Compliance. TNC Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

G. Driver Reporting. Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crash required to be reported to the State of Oregon involving any vehicle operated as PFHT; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

H. Unless otherwise noted, failure to comply with any provision in Section 16.40.280 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

16.40.290 TNC Company Accessible Service Requirements.

TNCs shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.

A. Accommodations to passengers accompanied by a service animal.

1. Requests for service from a passenger accompanied by a service animal may not be refused.

B. Accommodations to passengers with hearing and visual impairments.

1. TNCs shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

2. TNCs shall maintain customer service support services pursuant to Subsection 16.40.240 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

C. Accommodations to passengers with mobility devices.

1. TNCs shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible TNC Vehicle.

2. TNCs shall maintain at all times mobile apps or online dispatch services available to customers that request a wheelchair-accessible vehicle (WAV).

3. TNC Vehicles are required to provide WAV service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible TNC vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles, or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

4. Fare rates for WAVs shall not exceed fare rates for comparable non-WAV TNC Vehicles, be reported to the Director, and shall not be subject to dynamic pricing.

5. WAV services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:

- a. Vehicle specifications;
- b. Wheelchair loading and securement;
- c. Customer service and communication with customers;
- d. Driver training; and
- e. Estimated wait times.

6. Any permitted TNC shall enter into any applicable agreement with the City to regularly provide anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date, and time of fulfilled WAV trips;
- b. WAV trip wait time;
- c. Number, date, and time of WAV trips declined by the driver or the company;
- d. WAV trip origin Zip code; and
- e. WAV trip destination Zip code.

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting the objectives established in Administrative Rule for Accessible Service.

a. The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.

b. The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

D. Failure to comply with any provision in Section 16.40.290 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

Charter, Code and Policies

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16.40.920 Paid Passenger Referrals and Willful Deception Prohibited.

A. All PFHT drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.920 A. are Class A violations.

B. It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association, or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Director when requested. The penalties for violation of Subsection 16.40.920 B. are Class A violations.

C. It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle, or driver permit, except as authorized in this chapter, in return for any dispatch call, assignment, vehicle, or shift. The penalties for violation of Subsection 16.40.920 C. are Class A violations.

D. If a Limousine, Executive Town Car, Taxi Cab, Shuttle, or other for-hire vehicle is in a marked hotel zone, it is a rebuttable presumption that it is parked there to provide PFHT services pursuant to Subsections 16.40.180 E., 16.40.280 E., 16.40.380 F., 16.40.480 F., 16.40.680 F., and 16.40.740 E. Taxis, Shuttles, Executive Town Cars, and Limousines parked in a hotel zone must provide properly documented logbook entry when requested by the Director. The penalties for violation of Subsection 16.40.920 D. are Class B violations.

E. For-hire vehicles, other than Taxi Vehicles, shall not park in taxi zones and may not park in hotel zones without a reservation or request for service. The penalties for violation of Subsection 16.40.920 E. are Class B violations.

F. Taxi Vehicles may not park in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.920 F. are Class B violations.

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7.02.500 Tax Rate.

(Amended by Ordinance Nos. 187743 and 188129, effective January 6, 2017.)

A. The tax established by the Business License Law is 2.2 percent of adjusted net income, except as provided in Subsections B., C., D. and E. of this Section.

B. Surcharges applicable to Tax Years 2002 through 2005. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland.

1. For the tax year beginning on or after January 1, 2002, a surcharge is imposed in the amount of 1 percent.
2. For tax year beginning on or after January 1, 2003, a surcharge is imposed in the amount of 0.4 percent.
3. For tax year beginning on or after January 1, 2004, a surcharge is imposed in the amount of 0.4 percent.

C. Surcharge applicable to Tax Years 2006 through 2007. The following surcharges are imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of the surcharges are dedicated to supplementing the funding provided by the State to the public schools within the City, and allocated to all of the public school districts within the City of Portland. The proceeds of the surcharges must be used by the school districts only for programs and activities on which the City is authorized to expend funds pursuant to its charter and state law.

1. For the tax year beginning on or after January 1, 2006, a surcharge is imposed in the amount of 0.14 percent.
2. No penalties or interest for failure to make quarterly estimated payments in the amount of the surcharge will be charged or imposed for the 2006 tax year.
3. For the tax year beginning on or after January 1, 2007, a surcharge is imposed in the amount of .07 percent.
4. If the surcharges raise more than \$9 million plus City costs but less than \$9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over \$9 million, less City costs, will be dedicated to public schools within the City as provided in Subsection C. of this Section. If the surcharges raise more than \$9.5 million plus City costs for the 2006 and 2007 tax years combined, the excess over \$9 million, less City costs, will be retained as a credit for taxes due in a later tax year. The Director will apply the credit to taxes due no later than the 2010 tax year. The Director has the sole discretion to determine the method of calculating and distributing credits.

D. Heavy Vehicle Use Tax applicable to Tax Years 2016 through 2019. The following tax is imposed in addition to the 2.2 percent tax established in Subsection A. above. The proceeds of this tax are dedicated to supplementing the funding of City of Portland street maintenance and safety and shall be deposited in a Street Repair and Traffic Safety Program of the Transportation Operating Fund where street repair and traffic safety expenditures are recorded.

1. For the tax years beginning on or after January 1, 2016, January 1, 2017, January 1, 2018 and January 1, 2019, a Heavy Vehicle Use Tax is imposed on taxpayers who operate one or more Heavy Vehicles on streets owned or maintained by the City of Portland. For purposes of this tax, a Heavy Vehicle is any vehicle that is subject to the Oregon Weight-Mile Tax pursuant to ORS 825.450 et seq. This tax is 2.8 percent of the total Oregon Weight-Mile Tax calculated for all periods within the tax year.

2. The minimum Heavy Vehicle Use Tax due for a tax year is \$100. The minimum tax would be in addition to the \$100 minimum tax described in Section 7.02.545, if applicable.

3. No penalties or interest for failure to make quarterly estimated payments in the amount of the Heavy Vehicle Use Tax will be charged or imposed for the 2016 tax year only. Thereafter, penalties and interest will be calculated as provided for in the Code.

4. If the Heavy Vehicle Use Tax raises more or less than \$2.5 million plus City costs in the first or second tax year of the tax, the City will adjust the Heavy Vehicle Use Tax rate for subsequent tax years of the tax to reach the four year target of \$10 million plus City costs. The Revenue Division of the Bureau of Revenue and Financial services is authorized to adopt an administrative rule to implement this change, if needed.

E. Pay ratio surtax applicable to publicly traded companies subject to U.S. Securities and Exchange Commission pay ratio reporting requirements. The following surtax is imposed in addition to the 2.2 percent tax established in Subsection A. above.

1. For tax years beginning on or after January 1, 2017, a surtax of 10 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of at least 100:1 but less than 250:1 on U.S. Securities and Exchange Commission disclosures.

2. For tax years beginning on or after January 1, 2017, a surtax of 25 percent of base tax liability is imposed if a company subject to this section reports a pay ratio of 250:1 or greater on U.S. Securities and Exchange Commission disclosures.

2/28/2018 CONFERENCE CALL WITH UBER

City Representatives: City Manager Lance Colley; City Recorder Sheila R. Cox
Uber Representatives: Jon Isaacs, Public Affairs Manager for Oregon; Andrew Freeman and David William, Oregon Compliance/Policy Operations Team

After introductions, Jon Isaacs once again confirmed that Uber was not operating in Roseburg and had not been since they received my letter. He explained that Uber drivers in Roseburg had mistakenly been operating under the regulations recently adopted by Medford ~ when they got my letter their app was turned off in Roseburg.

Isaacs explained that Oregon was one of only 5 states in the nation that do not regulate transportation network companies – in those 5 states, they are regulated by cities. In Oregon, they are now operating in Portland, Medford, Corvallis, Eugene, Bend/Redmond and Salem. Those cities *wanted* Uber to come in and they worked with the cities to “modernize their regulations”. They felt taxis still “served a purpose” because customers can “hail a cab” whereas that isn’t an option with Uber drivers.

In the Portland metro area, Portland’s regulations govern all surrounding communities/suburbs. Keizer repealed their vehicle for hire regulations and allows Uber based on Salem’s regulations. So some drivers had incorrectly assumed they could operate in Roseburg under Medford’s regulations. Isaacs said they would explain that to drivers in Roseburg. They are also currently talking to Albany, Madras, Jacksonville and Eagle Point. They have worked with all the municipalities to encourage consistent regulations. They strongly discouraged cities from requiring all the drivers to have independent business licenses. Lance asked if they were aware that only 25% of the drivers in Medford had actually obtained the required license. While they weren’t really aware, they said they’d be working with Medford to get all the drivers to comply. It was their opinion that making drivers obtain independent licenses was simply a revenue raising issue – but it was not a “deal breaker” for them if a city required it. When we asked how cities knew who was driving within their jurisdiction since Uber doesn’t provide a “list” of their drivers, they said cities had included an “ability to do up to two random audits of their books annually” and going through that process reveals who their local drivers are.

Uber is registered under Rasier, LLC with the State Corporation Division. They have no connection with LYFT – or any other TNC – nor were they aware of any other TNC operating in Roseburg.

We talked briefly about insurance and they confirmed what I’d read in Medford’s ordinance – Uber’s umbrella policy (through James River Insurance Co.) covers the driver and passengers from “app on to app off” and explained the Period 1 – 3, with coverage at \$100,000 during Periods 1 and 3, and at \$1 million during Period 2 when the passenger was in the vehicle. As their drivers are independent contractors they are not required to provide workers compensation coverage, but they do have a program available that drivers can “buy into” at their own expense. We also talked about them

not being able to guarantee that services would be available 24/7. While they agreed, they looked at that as an “enhancement” of their service. Drivers can focus on the busiest time – commute time to/from work and after the bars close, but they felt their service was typically available at all times of the day/night.

In the “big picture” what they hoped for was for the City to go with one of the two following scenarios:

1. Take the steps necessary to repeal/eliminate all taxi regulations and just let Uber drivers in Roseburg fall under Medford’s requirements; or
2. “Modernize” our regulations to allow Uber to operate in the same fashion they are currently operating in other Oregon cities – Medford, Corvallis, Eugene, Salem, Bend/Redmond.

We asked the Uber representatives if they’d be available to discuss their proposal with Council at a future meeting and they indicated they’d be willing to do so.

CYC
3/20/18

INFORMATIONAL B
03/26/2018

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ACTIVITY REPORT

Meeting Date: March 26, 2018
Department: City Manager
www.cityofroseburg.org

Agenda Section: City Manager Reports
Staff Contact: C. Lance Colley
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

At each meeting I will provide the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your March 26, 2018, meeting, I provide the following items:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages



Agenda
Department Head Meeting
March 19, 2018, 10:00 a.m.

1. Review March 26, 2018 City Council Meeting
2. Review Tentative Future Council Meeting Agendas
3. Documents/Grants Signing
 - A. Indoor Event Permit – Umpqua Valley Tennis Center
4. Department Items
 - A. Supplemental Budget - Airport
 - B. City Recorder Interviews
 - C. Website Upgrade



Agenda
Department Head Meeting
March 13, 2018, 10:00 a.m.

1. Review March 12, 2018 City Council Meeting Synopsis
2. Review March 26, 2018 City Council Meeting
3. Review Tentative Future Council Meeting Agendas
4. Documents/Grants Signing
5. Department Items
 - A. Derelict Building Standard Operating Procedures

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- Re-appropriation Resolution
- RMC 5.04 Amendment - Water Rules and Regulations
- Umpqua Basin Urban Services Agreement
- Umpqua Valley Tennis Center Fee Schedule
- Special Work Study – Transportation Network Companies (TNC) – Ridesharing Services
- Special Work Study – Visitor’s Center Contract/Tourism Promotion
- Special Work Study – City/ESD Library Lease/Operations and Funding Agreement

April 9, 2018

Mayor’s Report

- A. Volunteer Recognition Month Proclamation
- B. Arbor Day Proclamation

Consent Agenda

- A. Minutes of March 26, 2018
- B. Cancel May 28, 2018 Meeting
- C. 2018 OLCC License Renewal Endorsement

Public Hearing

- A. 3310 & 3330 W Military Annexation, Zone Change and Withdrawal from Fire District No. 2

Ordinance

- A. Ordinance No. ____ - Repeal Towing Service Regulations RMC 3.18

Resolution

- A. Resolution No. 2018-____ - Reappropriating Funds – Airport Grant, Community Development Position and, Grant Fund Corrections

Department Item

- A. Bid Award – Riverfront Multi-Use Path, Phase 2

Informational

- A. Activity Report – Budget Calendar Reminder
- B. Council Travel and Training Policy

April 23, 2018

Consent Agenda

- A. Minutes of April 9, 2018

Department Item

- A. Bid Award - Downtown Improvements, Phase 2
- B. Bid Award – Stewart Park Bank Stabilization
- C. Bid Award - Deer Creek Bank Stabilization
- D. Bid Award - Construction Manager/General Contractor for Roseburg Library Improvements Project

Informational

- A. Activity Report
- B. Municipal Court and Financial Quarterly Reports

Urban Renewal

Discussion Items

- A. Downtown Improvements, Phase 2
- B. Black Avenue Extension

- C. Garden Valley Boulevard Inlay
- D. Edenbower/Stewart Parkway Left Turn Lane
- E. East Roseburg Urban Renewal Plan Review

May 14, 2018

Consent Agenda

- A. Minutes of April 23, 2018
- B. U-TRANS Services Contract
- C. Annual Fee Adjustments
 - Resolution No. 2018-____ - General Fees
 - Resolution No. 2018-____ - Water Related Fees

Resolutions

- A. Resolution No. ____ - Recreational Trails Program (RTP)

Informational

- A. Activity Report

June 11, 2018

Mayor's Report

- A. Camp Millennium Week Proclamation

Consent Agenda

- A. Minutes of May 14, 2018

Public Hearing

- A. Resolution No. 2018-____ - 2018/19 Budget Adoption

Resolution

- A. Resolution No. 2018-____ - Re-appropriation 2017/18

Informational

- A. Activity Report

Urban Renewal Agency Board

- A. Approval of Minutes
- B. Public Hearing – 2018/19 Budget Adoption

June 25, 2018

Consent Agenda

- A. Minutes of June 11, 2018

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

July 9, 2018

Consent Agenda

- A. Minutes of June 25, 2018

Informational

- A. Activity Report

July 23, 2018

Consent Agenda

- A. Minutes of July 9, 2018

Informational

- A. Activity Report – Municipal Court and Financial Quarterly Reports

August 13, 2018

Consent Agenda

- A. Minutes of July 23, 2018

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

August 27, 2018

Consent Agenda

- A. Minutes of August 13, 2018

Informational

- A. Activity Report

September 10, 2018

Council Reports

- A. Implementation of Annual City Manager Performance Evaluation

Consent Agenda

- A. Minutes of August 27, 2018

Department Items

- A. Downtown Roseburg Association Annual Report

Informational

- A. Activity Report

September 24, 2018

Consent Agenda

- A. Minutes of September 10, 2018

Informational

- A. Activity Report

October 8, 2018

Consent Agenda

- A. Minutes of September 24, 2018

Informational

- A. Activity Report

October 22, 2018

Consent Agenda

- A. Minutes of October 8, 2018
- B. Cancel December 24, 2018 Meeting

Informational

- A. Activity Report – Municipal Court & Financial Quarterly Reports

November 12, 2018

Consent Agenda

- A. Minutes of October 27, 2018

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Performance Evaluation

November 26, 2018

Consent Agenda

- A. Minutes of November 12, 2018

Informational

- A. Activity Report

December 10, 2018

Consent Agenda

- A. Minutes of November 26, 2018

Informational

- A. Activity Report

January 14, 2019

Mayor Reports

- A. State of the City Address
- B. Commission Chair Appointments
- C. Commission Appointments

Council Reports

- A. Election of Council President
- B. Planning Commission Appointments

Consent Agenda

- A. Minutes of December 10, 2018

Informational

- A. Activity Report

January 28, 2019

Consent Agenda

- A. Minutes of January 14, 2019

Department Items

- A. The Partnership Annual Report
- B. Municipal Court Quarterly Reports

Informational

- A. Activity Report
- B. Distribution of CAFR and PAFR

February 11, 2019

Special Presentation

- A. CAFR Review – Auditor Jeff Cooley
- B. Quarterly Report – Quarter Ended December 31, 2018
- C. 2019-2020 Budget Calendar

Consent Agenda

- A. Minutes of January 28, 2019

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

February 25, 2019

Consent Agenda

- A. Minutes of February 11, 2019

Informational

- A. Activity Report

March 11, 2019

Consent Agenda

- A. Minutes of February 25, 2019

Informational

- A. Activity Report

March 25, 2019

Consent Agenda

- A. Minutes of March 11, 2019

Informational

- A. Activity Report

Friday March 16, 2018

Good Friday afternoon everyone! I know I have missed a couple Friday messages recently, so here it goes! Over the last two weeks I have continued to spend a significant amount of time and energy on Library issues. Thank you for your support in passing the code amendment to create the Library and the Commission to provide for support. We have applied or provided letters of interest now for four different funding sources totaling almost \$350,000, a portion of which is a challenge grant. I hope to get commitments in the neighborhood of \$550-\$600,000 before we start the project. I may need to ask Council to consider a one-time match for some of the grants that we are applying for, but that is not clear yet. I have attended multiple meetings with representatives of the ESD as we move forward with funding and operations agreements. The ESD is in the process of securing funding for 100% of their direct costs as well as at least half of the cost of shared space. I will keep you posted as we continue to refine the project, the costs, and each of our obligations.

I spent an hour out at Melrose Elementary School yesterday with Michael Lasher talking to a group of 4th and 5th grade students who invited us out to talk about the library. It was so refreshing to hear from the students about how thrilled they are that we are going to reopen the library and how important the “public library” is to them and their families. It was quite a humbling experience to hear how much our combined efforts mean to the kids in our community. Later yesterday evening I attended the ESD Board meeting to provide them with an update on the project and the work that Council has been doing to amend the code and move forward. The Library Director position has been advertised and closes next week and the Library Commission positions have been advertised and are open until filled. We have already received two complete applications and handed out a couple. The link to the commission opening can be found at <http://www.cityofroseburg.org/your-government/commissions/library-commission/>



Photo from Roseburg Public Schools site

On March 7th we held an open house for the East Urban Renewal plan area to gather input from the general public and those living, working or owning businesses in the plan area as well as anyone else who had an interest. Four staff, two consultants and twenty-eight members of the community attended, which is actually a pretty good turnout. The notices were directly mailed to almost 1,000 living in the area and notices were included in the News Review, on the radio and picked up by a couple of the TV stations. The majority of those attending seemed to be very positive about the potential impacts to the corridor and there were a few suggestions for additional projects. There will be one more meeting of the Urban Renewal committee prior to consideration by the Agency Board, the Planning Commission and Council. The Plan is moving forward for final adoption before June 30, 2018 so that the tax increment financing can move forward in the next fiscal year.



On May 8th the Public Works Commission met to discuss a number of issues that Council considered at your March 12th meeting or that will be considered at one of your upcoming meetings. They reviewed the ADA transition plan document and forwarded it for Council consideration. They also reviewed and recommended the Water System SCADA Improvements. There will be a second meeting this month, on March 22nd to consider the engineering work relating to the SCADA system installation and programming and a couple other projects. At their request, we will also provide them with an Urban Renewal 101 presentation.

As you heard on Monday evening, we are proceeding with all due haste on the Council Goal Action Items. As explained last week, many of the action items include additional work in Community Development. Not to exclude the hard work being done by each of the other departments, but we reduced staff dramatically in that department during the recession and have continued to evaluate the work load and impacts of new programs and projects. We believe it is now time to add back one of those positions that was reduced during that time. In an effort to meet our internally imposed time frames for project completion I would like to hire an additional Community Planner as soon as practical. This will result in a minor budget adjustment that must be approved by Council. My hope is to have that position filled in April and bring the associated budget adjustment to Council at your April 9th meeting along with a planned budget adjustment to cover an FAA Airport grant related project.

We mentioned the five-year Capital Improvement Plan update at your meeting Monday night as well. The 93 page document can be found on the City's website at:

http://www.cityofroseburg.org/files/5615/2121/3116/2018-23_Draft_CIP.pdf.

The different portions of the document have been reviewed by the Commission's responsible for the oversight and development of capital planning as outlined in the Municipal Code. The Parks Commission, Airport Commission and Public Works Commission have reviewed their respective sections and recommended approval by the Council. The CIP is scheduled to be reviewed by the Planning Commission on March 19th and is scheduled for your Council meeting of March 26th.



City of Roseburg
2018 - 2023
Capital Improvement Plan
April 2018, 2018

Staff continues to recruit and hire replacements for many positions that are open either through promotion or retirement. This week HR and Public Works were completing processes to fill a Public Works Staff Assistant and a Park Superintendent. We are currently recruiting for the Library Director, Police Records and Police Officer, and we will be interviewing next week to fill the City Recorder position.

Have a great weekend everyone. We will see you next week.