

Council Business Meeting

March 6, 2018

Title: Discussion of Vehicles for Hire Services
From: Katrina L. Brown Assistant City Attorney
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Summary:

This is a continued discussion (started at the [November 20, 2017](#), study session) of issues surrounding vehicles for hire in Ashland and a request for direction from the City Council about how it would like to address these issues. Specifically, Council is asked to decide whether the public interest is better served by the enactment of provisions regulating all types of privately-owned vehicles for hire or whether deregulation is more appropriate.

Long before Uber, Lyft, and other Transportation Network Companies (TNCs) existed, the State of Oregon determined that the safety and reliability of vehicles for hire and the economic well-being and stability of their owners and operators are matters of public concern. As a result, the state legislature specifically authorized cities and counties to regulate privately-owned vehicles for hire. (*See Oregon Revised Statutes 221.485 and 221.495*)

As currently adopted, the Ashland Municipal Code (AMC) does not address newer forms of vehicles for hire such as TNCs nor does the AMC allow such TNCs to operate under their current models.

Actions, Options, or Potential Motions:

1. Direct staff to continue discussions with the full range of interested providers of vehicles for hire to craft amendments to the AMC that meet Ashland's unique needs as a tourist destination and bring an ordinance containing such amendments back to Council for first reading.
2. Leave it to Medford's newly-enacted ordinance to regulate certain vehicles for hire, including TNCs, as some smaller cities such as Central Point have done.

Staff Recommendation:

Staff recommends Option 1 above.

Resource Requirements:

The development of amendments to Chapter 6.28 of the Ashland Municipal Code related to taxicabs will require additional staff time from the City Attorney's office and other City Departments. No direct expenditure of funds is anticipated in conducting research or in developing ordinance language.

Policies, Plans and Goals Supported:

N/A

Background and Additional Information:

City staff was initially contacted in late October of 2017 by a representative from Uber after Medford adopted its new ordinance regarding vehicles for hire. Uber's stated position was that it would like Ashland to adopt Medford's regulatory regime since the two cities are in such close proximity or deregulate vehicle for hire services altogether.

A number of cities in Oregon have chosen to adopt provisions regulating vehicles for hire. Portland, Salem, Corvallis, Bend, and Medford are examples. Eugene is currently considering such regulations. A few cities that are in close proximity to larger cities that already have provisions regulating TNCs have chosen not to adopt any provisions of their own – effectively leaving regulation of such services to the larger cities. Central Point and Keizer are two such examples. Keizer shares a common boundary with Salem, and Central Point shares a common boundary with Medford.

Ashland has unique transportation services needs for a city of its size. This is due in large part to the thousands of tourists who visit each year. According to the Oregon Shakespeare Festival's (OSF) Long Range Plan for 2016-2025, OSF draws over 400,000 visitors to Ashland every year. OSF's theatres have the capacity to seat over 2,000 patrons on most nights during the summer.

To provide direction to staff on how to proceed, Council is asked to provide provisional answers to the following questions:

1. What is the appropriate method (fingerprint-based/other) and level (how far back/types of violations) of background checks to utilize for individual vehicles for hire drivers who will be in close contact with the public? Medford and Salem have adopted ordinances which codify Uber's and Lyft's preferred method and level of backgrounds checks, while Portland has adopted more stringent standards.
2. What is the appropriate fee structure, if any, for charging vehicles for hire to use Ashland's streets for commercial purposes? Some jurisdictions impose a flat application or registration fee while others charge a per ride fee. Portland and the Port of Portland are examples of jurisdictions in Oregon imposing a per ride fee.
3. Should there be any regulation of the rates charged? Should TNCs be allowed to use "dynamic" or "surge" pricing during peak usage times, such as late evenings when OSF plays are ending? Such dynamic pricing is part of Uber's current model.
4. What are the appropriate insurance levels for TNC? Should they be required to reflect the Oregon Tort Claims Act limits for local governments (currently \$1,412,000.00)? Most jurisdictions have adopted one set limit of coverage for taxi companies and a tiered approach for TNCs.

5. Should vehicles for hire be required to use designated drop-off and pick-up sites for certain kinds of activities, such as OSF plays, which are likely to result otherwise in significant spot congestion? OSF has indicated that it is interested in establishing such designated sites to ease congestion around its facilities.
6. Should vehicles for hire agencies be required to provide wheelchair-accessible vehicles at all times? Medford has a general requirement addressing passengers with disabilities. Portland has specific requirements including a reasonable wait time for such vehicles.
7. Should there be regulatory equity among the various vehicle for hire agencies?

Attachments:

1. Mail Tribune – Not All Drivers Are Playing By the Rules article
2. New York Times – When Calling an Uber Can Pay Off for Cities and States article
3. CityLab – Who Owns Urban Mobility Data article

Additional Links:

[Council Communication from November 20, 2017](#)

Mail Tribune

Uber, Lyft: Not all drivers are playing by the rules

By Nick Morgan

Mail Tribune

Posted Feb 18, 2018 at 2:00 AM

Updated Feb 18, 2018 at 2:02 PM

Summoning Uber driver Brian Savage and his tidy Toyota Prius for a ride to the Medford airport from downtown took just two minutes.

After a few clicks, Uber's app provided Savage's photo, license plate, vehicle description and an estimated ETA with a map of his GPS coordinates updated in real time.

For Savage, the ride-sharing app gives the stay-at-home father a flexible income while still being available for his 8-, 10- and 12-year-old kids when they get home.

"When they're at school, I do this," said Savage, who has a Medford business license to drive for both Uber and Lyft.

Users seem to like the flexibility, too. Since ride-sharing was allowed Dec. 1 by the Medford City Council, Uber has facilitated more than 10,000 trips here involving 140 active drivers, according to Uber spokesman Nathan Hambley.

Its competitor, Lyft, has provided "hundreds" of rides involving "hundreds" of drivers in the Medford area, Lyft spokeswoman Darci Nenni said in an email.

But like in many other markets where Uber and Lyft have operated, not everything's been a smooth ride.

A check with the city of Medford shows a fraction of Uber and Lyft drivers are legal to operate within the city. Of Uber's 140 active drivers, only 50 have business licenses as required by law, according to Kristina Johnsen in the city manager's office.

Of Lyft's "hundreds" of drivers, only 20 have obtained licenses, city records show.

Cab companies, naturally, have fought Uber and Lyft in nearly every market they've entered, fearing loss of business and inability to compete with companies that don't have the same operation and personnel costs. The smaller taxi companies, particularly, say Uber and Lyft are costing them business.

Cab company owner-operators describe waiting hours in the taxi line at the Medford airport for a fare while watching Uber drivers picking up passengers.

Medford airport Director Jerry Brienza confirmed that an increasing number of travelers are using Uber and Lyft in fares that once would've belonged to taxi companies.

Compounding cab drivers' frustration is that individual taxicabs have to pay a minimum of \$30 a month per car to be at the airport, while Uber and Lyft drivers aren't directly charged.

Cab companies are charged \$1 per visit per car, with a minimum of \$30 a month.

"If my car goes through the airport gate it's \$30," said Craig Owen, who's been a taxi driver since 2005 and has owned Valley Cab since 2013. If another Valley Cab car comes through the gates, it's a separate \$30, he said.

Depending on the season, Owen said he pays the airport between \$200 and \$400 a month.

"It doesn't sound like much, but it adds up," Owen said. "That's out of my pocket, not the driver's."

Brienza said Uber and Lyft do get charged for visits to the airport. He didn't have specifics, but the fees were less than cab companies pay. He said the minimum \$30 monthly fees for cabs cover renovations made for taxi drivers, such as outdoor screens with real-time flight information and front-row pickup.

"They have certain amenities that Uber and Lyft drivers don't have," Brienza said. "They can even park their cars and leave them."

Some taxi companies said there are Uber drivers soliciting passengers inside the terminal, which Brienza said is against the rules.

One particularly vigilant taxi driver had a clipboard with blank Jackson County Airport Authority incident report forms, on the lookout for a specific person he described as a repeat offender, but Brienza said he hasn't heard any formal complaints.

Brienza described the problem as "more of a learning curve" issue, and airport security issues warnings rather than fines. He likened it to new hotel employees parking shuttles in the wrong spot or cab drivers parking at the wrong curb.

"If they're repeat offenders we take their privileges away," Brienza said.

Taxi companies with dedicated dispatchers, such as Valley Cab and 5-Star Taxi, are faring better because they can offer true 24-hour service and serve a wider area than ride-sharing apps can.

Alex Bargé, owner of 5-Star Taxi, said he's less concerned about ride-sharing apps than he is about the roughly 35 single-operator cab companies, which he calls "illegal cab companies" because they fail to provide 24-hour service as required under Medford's ordinance.

"Honestly that guy, he should not be working his own cab company," Bargé said of sole owner-operators. "He should be licensed to work with a legitimate cab company."

Bargé said his business still has enough work to support the four to five drivers on his fleet and a dispatcher at any given time. His numbers remain in line with the range of 3,500 to 3,800 rides monthly that preceded Dec. 1.

"I haven't really noticed anything," Bargé said. "My numbers are up."

Valley Cab, Southern Oregon's largest taxi company, still has plenty of its 12 drivers and five cars on the road at any given time, Owen said. Contract rides and cash fares haven't been affected yet. Owen, however, understands his business success is at the expense of other cab companies, not Uber's.

"We are doing as well or better than before they got here," Owen said. "That's because so many of the cab companies have gone out of business." Prior to the ordinance allowing ride sharing, Medford had roughly 50 taxi companies.

Owen anticipates that of the 130 drivers who had taxi licenses before ride-sharing services came into Medford's transportation mix, only "about 70" are on the road now.

"If we had been the only cab company here, it would've definitely affected us," Owen said.

Owen said his night drivers notice the change the most.

"Sometimes they're not seeing any other (taxi) drivers on the road except us," Owen said.

Smaller cab operators wouldn't talk publicly about their businesses, though some have griped on business Facebook pages, such as Deluxe Cab LLC owner Neil Gralnick, who posted Dec. 6:

"It's now winter time, and Uber is here. We need all of the people around the Rogue Valley to start helping the cab companies out of this mess that the Medford city council has done. It's a tough time to make a living without the competition of the unqualified drivers taking the public to where they want to go. 'Don't Take The Ride-Share' Tell all your customers. PLEASE!"

A dispatcher at 5-Star Taxi said the business got an Eagle Point airport pickup after "Uber just wouldn't accept the ride." And it wasn't the first taxi company called.

Uber and Lyft are currently only allowed to start rides in Medford. Ashland is tentatively set to discuss a proposed ordinance allowing the services during its March 6 meeting, according to City Attorney David Lohman. The meeting will continue earlier discussions from November.

Bargé described Uber coverage issues as an opportunity, fortifying his service at off hours and far-reaches, such as Willy's Tavern outside Eagle Point.

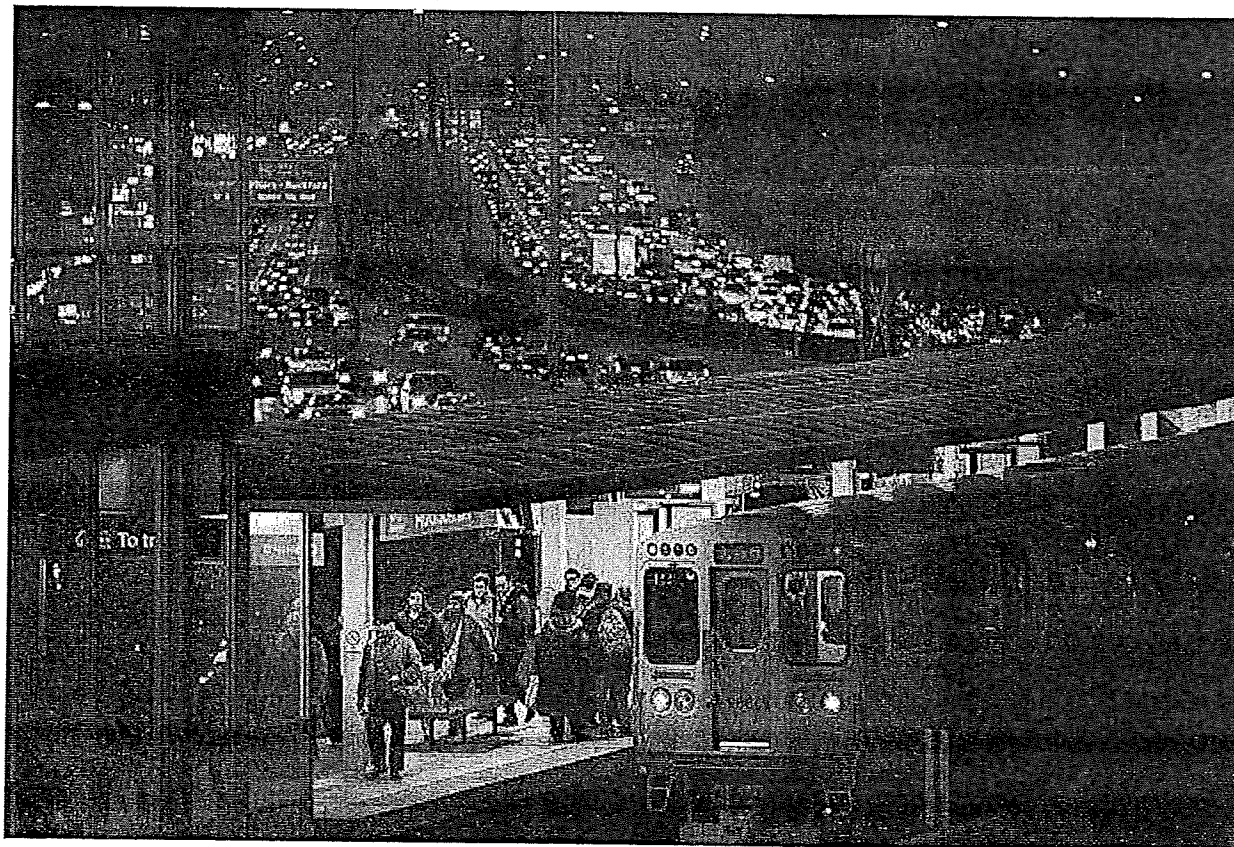
"There's plenty of business out there for everybody," Bargé said.

Owen said he's still able to serve senior riders who after a lifetime without computers and smartphones aren't ready to start learning to use them. More generally, Owen said his focus is on keeping his cabs clean and staff friendly.

When Calling an Uber Can Pay Off for Cities and States

By Winnie Hu, www.nytimes.com

February 19th, 2018



The Kennedy Expressway in Chicago, where officials have imposed fees on trips on ride-hailing apps like Uber and will use some of the money to improve its public transit system. Across the country many local governments are using similar surcharges to raise more revenue. Credit Scott Olson/Getty Images

Photo by: Scott Olson/Getty Images

In Chicago, a 15-cent fee on Uber, Lyft and other ride-hailing services is helping to pay for track, signal and electrical upgrades to make the city's trains run faster and smoother.

Ride-hailing trips in Philadelphia are expected to raise \$2.6 million this year for the city's public schools through a 1.4 percent tax that will also generate more than a million dollars for enforcement and regulation of the ride-hailing industry itself. In South Carolina, a 1 percent ride-hailing fee has yielded more than a million dollars for municipalities and counties to spend as they choose.

And Massachusetts began collecting 20 cents for every ride-hailing trip this month, earmarking the revenue to improve roads and bridges, fill a state transportation fund and even help a rival — the struggling taxi industry — adapt with new technologies and job training.

As ride-hailing services become a dominant force across the country, they have increased congestion, threatened taxi industries and posed political and legal challenges for cities and states struggling to regulate the high-tech newcomers. But they are also proving to be an unexpected boon for municipalities that are increasingly latching onto their success — and being rewarded with millions in revenue to pay not only for transportation and infrastructure needs, but also a host of programs and services that have nothing to do with the ride-hailing apps.

Now New York is seeking to join this growing wave with a new surcharge on ride-hailing and taxi trips that could become a central piece of an ambitious congestion pricing plan for Manhattan. A state task force has proposed fees of \$2 to \$5 per ride that would be among the highest in the nation — and could generate up to \$605 million a year for the city's failing subway system.

“We used to have yellow cabs, we now have yellow cabs and black cars and green cars and every color in the rainbow and they cruise downtown Manhattan to pick up fares,” Gov. Andrew M. Cuomo has said. “That is one of the first places I would look to reduce congestion and to raise money.”

Even as President Trump promotes a plan to rebuild the country's tattered infrastructure, many local governments are not waiting to see what, if any, help Washington provides and are finding novel ways to pay for transportation and other public works projects.

Across the nation, more than a dozen states and municipalities have imposed fees or taxes on ride-hailing companies or their passengers, or sometimes both, and many more are considering such measures, according to transportation and tax experts. Advocates for the charges contend that the ride-hailing cars should pay for using public streets and resources, contributing to gridlock and pollution, and siphoning passengers and fares from public transit.

"If they want to share the pie, then they have to pay the price," said Faye Khazindar, the executive director of the United Taxidriver Community Council, an advocacy group for taxi drivers in Chicago. "It's fair because we know the city is short on funds and they want to fill the hole."

But some drivers and passengers for the ride-hailing companies say they have been unfairly singled out — in many places the new fees do not apply to taxis.

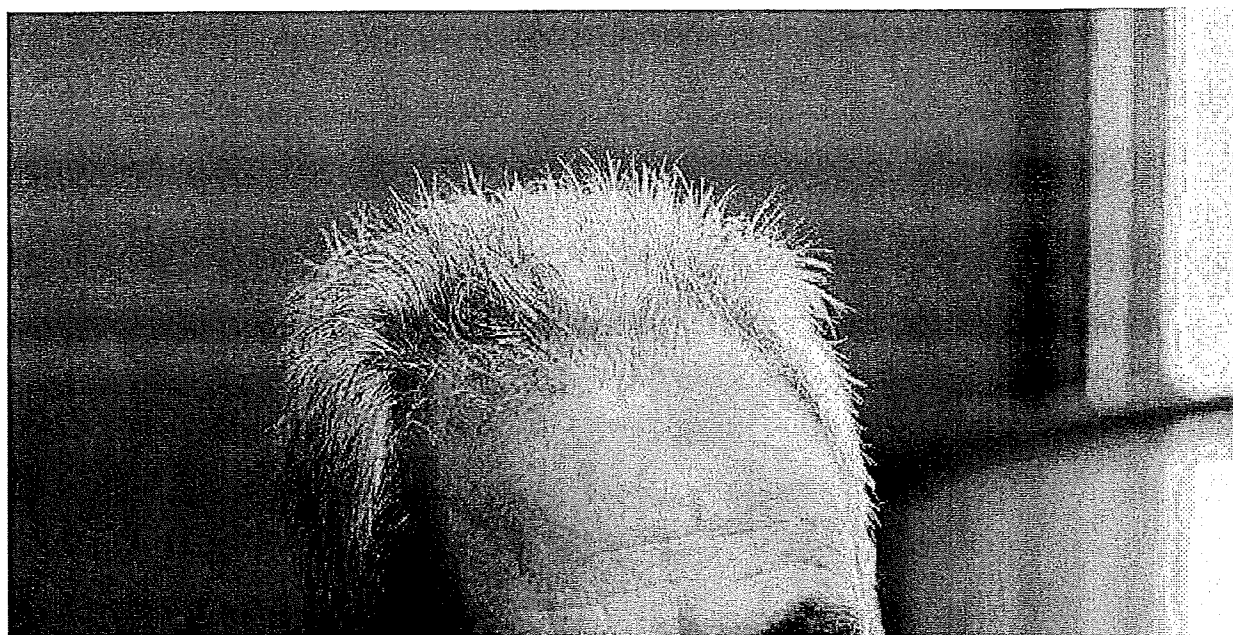
"Uber and Lyft have always been an easy target for cities looking for new streams of revenue," said Harry Campbell, a driver for Uber and Lyft in California who writes a popular blog, The Rideshare Guy.

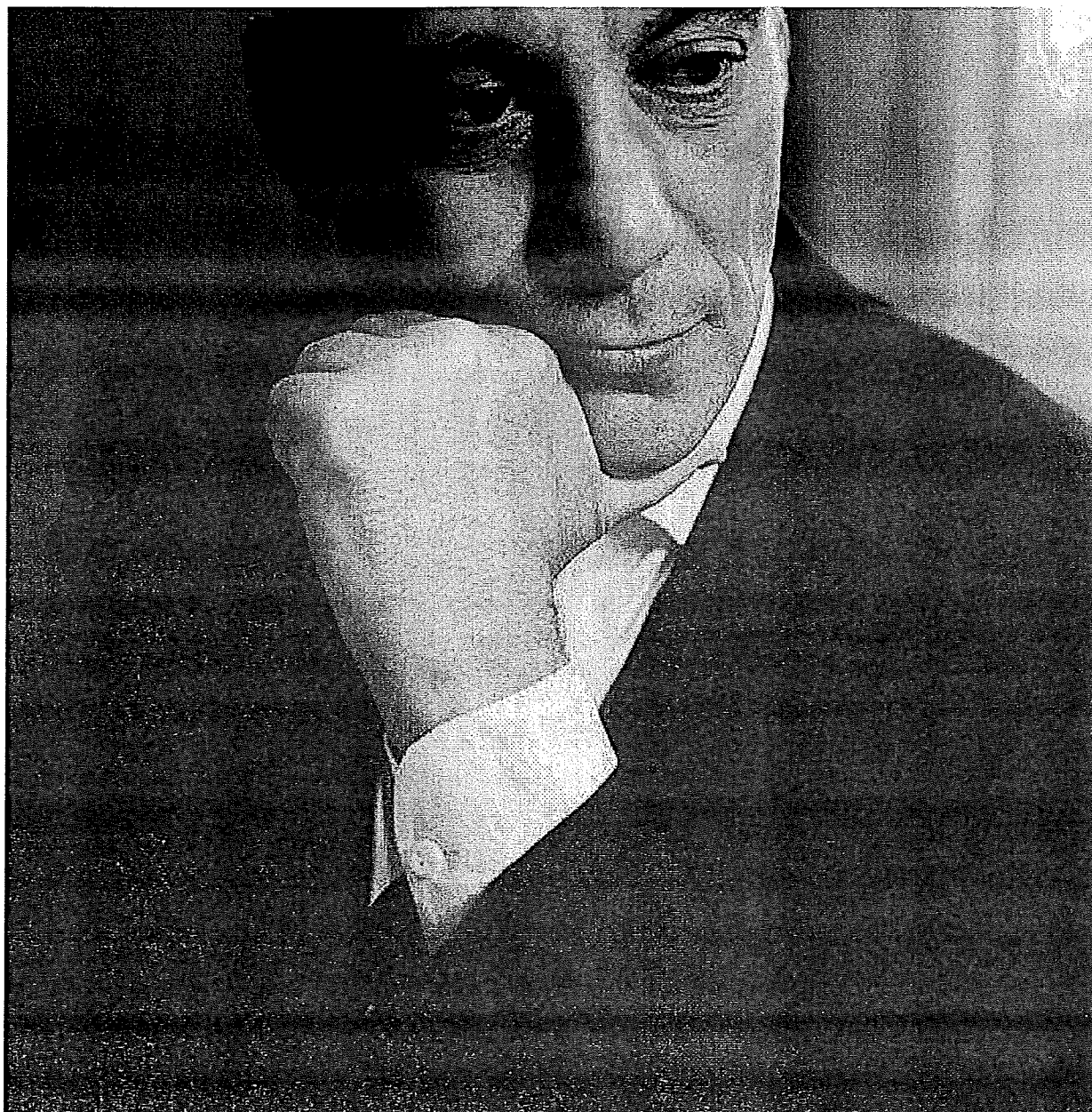
In New York and Chicago, Uber and Lyft have said they see their services as complementing the public transit systems and providing another option for riders, especially in transit deserts with few bus routes and train lines. Uber supports a congestion plan for Manhattan — even running an ad campaign backing the idea — as long as it does not single out for-hire vehicles.

“A comprehensive congestion pricing plan that is applied to all vehicles in the central business district is the best way to fully fund mass transit, reduce congestion and improve transportation for outer borough New Yorkers,” an Uber spokeswoman, Alix Anfang, said. “A surcharge alone will not accomplish these goals.”

Last year, New York State approved a 4 percent assessment on ride-hailing trips that begin outside New York City (rides in the city are already subject to state and local taxes). It is expected to raise \$24 million a year for the state’s general fund though one state legislator, Senator John E. Brooks, a Democrat from Long Island, has proposed legislation to direct that revenue to local bus and commuter rail services. “We need to think creatively and outside of the box in order to improve funding for local transit,” he said.

The new fees and taxes are often part of broader regulatory measures as states and localities scramble to update tax codes and laws that have not kept up with the proliferation of app-based ride services. For instance, a Georgia state tax applies to rides in taxis but not ride-hailing cars even though they essentially do the same thing, said Carl Davis, research director for the Institute on Taxation and Economic Policy in Washington.





"I think it's a progressive transportation tax," the Chicago mayor, Rahm Emanuel, said, referring to the surcharge for trips using ride-hailing apps. "It will make public transportation competitive with the rideshare industry." Credit Celeste Sloman for The New York Times

Photo by: Celeste Sloman for The New York Times

"A lot of tax codes weren't set up to take them into account," Mr. Davis said.

"They're so new they didn't even exist a decade ago. It's an emerging tax issue, and states and localities are playing catch up."

South Carolina added a 1 percent fee to ride-hailing trips in 2015, in part to establish a single regulatory framework and block local efforts to charge prohibitively high fees to keep them out, state officials said. Now that fee has become a source of extra cash. The city of North Charleston, for instance, receives more than \$30,000 annually and uses it for municipal operations.

In Oregon, Portland officials initially barred Uber but eventually agreed to allow it and Lyft to operate through pilot programs. In 2016, the city sought to create a single standard for taxis and ride-hailing cars and assessed a 50-cent ride fee on both of them, which is paid by passengers.

The 50-cent fee has added up to more than \$8 million to help pay for city enforcement efforts, including spot inspections of cars and incentives to companies and drivers to choose wheelchair accessible cars. The fee “hasn’t been a barrier to the riders at all as the ride-hailing services have continued to expand,” said Dave Benson, a senior manager for the Portland Bureau of Transportation. “We haven’t seen the top yet.”

Still, many Portland taxi owners and drivers say the fee has hurt them more than their rivals. Noah Ernst, a superintendent for Radio Cab, said many taxi drivers feel the 50-cent fee means a smaller tip because passengers lump everything together when they pay. Taxi companies also face the headache of trying to collect the fee from drivers.

He added that taxis continued to face more stringent safety, equipment and insurance requirements, and were targeted more often for inspections because their cars were easily identified by company colors and logos.

“It’s not an equal playing field at all and we were trying to tell them this the entire time they were rewriting the code,” he said.

As a result, he said, taxi companies are struggling and at least two have gone out of business. His company, Radio Cab, has lost more than a third of its business since 2015.

Chicago officials have calculated that ride-hailing companies have cost the city about \$40 million a year in lost revenue from transit fares, parking fees, licenses and permits. In 2014, the city imposed a 20-cent fee on ride-hailing trips in response to concerns that taxis were being undercut. Two years later, that fee went up to 50 cents, with an additional two-cent fee paid by the ride-hailing companies themselves. And now, the new 15-cent fee for the transit system brings the total to 65 cents for passengers.

The city also assessed a separate \$5 fee on passengers who were picked up or dropped off by ride-hailing cars at the major airports, the convention center and the Navy Pier, a popular tourist destination.

The ride-hailing fees produced nearly \$39 million for the city's general fund in 2016, up from about \$100,000 in 2014, according to city estimates. Last year's revenue, which is still being collected, is expected to reach \$72 million.

"It's a fairly new industry and once they actually got settled in the city we saw a lot of growth," the Chicago budget director, Samantha Fields, said.

Mayor Rahm Emanuel of Chicago, who has made modernizing the L a priority, said the new 15-cent fee was the first of its kind to raise money solely for public transit from those who might not even use it because they could afford the ride-hailing cars. "I think it's a progressive transportation tax," Mr. Emanuel said. "It will make public transportation competitive with the rideshare industry."

In effect, Mr. Emanuel said, it will serve as a “backdoor approach” to fighting congestion created by the ride-hailing cars by helping shift more people — by their own choice — to the transit system. “There’s a congestion fee and I would just say the rideshare fee is kind of parallel parking into the same position,” he said.

The 15-cent fee is projected to bring in \$16 million this year, which will be turned over to the Chicago Transit Authority. The money will be used to secure additional funding through bond sales to pay for a total of \$179 million in capital improvements, according to city officials.

Kyle Whitehead, the government relations director for Active Transportation Alliance, a Chicago advocacy group for biking, walking and transit, said that the transit system contributes to the health of the city by getting more people out of cars, increasing exercise levels and reducing pollution — and it is now in dire need of money.

“The public transit system benefits everyone who lives and works in the city, he said, “regardless of whether they’re using it.”

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Urban mobility increasingly involves a mix of private and public transit. Who gets the data? // Richard Vogel/AP

Who Owns Urban Mobility Data?

DAVID ZIPPER JAN 7, 2018

How, exactly, should policymakers respond to the rapid rise of new private mobility services such as ride-hailing, dockless shared bicycles, and microtransit? As I [argued here](#) several months ago, in order to answer that question city leaders will need accurate and detailed information about all urban trips—however the traveler chose to get from one place to another. And that information needs to come in part from the private mobility companies that are moving a growing share of people within our cities.

In 2017, these services had a tumultuous year. Apocalyptic images of discarded dockless bikes in China left American officials that are experimenting with this model for bikesharing scrambling to ensure their cities avoid the same fate. Meanwhile, Uber's admission that it paid a \$100,000 ransom to hackers who stole 57 million user accounts damaged that company's credibility as a protector of passenger privacy. And a widely shared study from researchers at University of California-Davis refuted several optimistic hypotheses about ride-hailing's societal benefits: It found that companies like Uber and Lyft are spurring urban congestion, siphoning public transit riders, and failing to entice many people to give up their cars. Not coincidentally, transit agencies like Washington, D.C.'s WMATA are now launching their own investigations to see if declining ridership can be traced to the emergence of ride-hailing.

Beyond these broad issues, there are a number of specific questions that can't be answered without access to trip information from Uber, Lyft, Limebike, and the like. For example, without such data it's hard for policymakers—or the general public—to decide if it's a good idea to convert a parking meter to a ride-hailing drop-off point, or to ensure pedestrians aren't obstructed by heaps of dockless bikeshare bikes on the sidewalk. Unfortunately, new mobility services have generally refused to let the public sector see inside their data vaults.

When will policymakers finally be able to access the data they need to manage streets and sidewalks in the public interest, and how will they get it?

But the tide is turning, especially as the line between public and private forms of urban transportation blurs. American transit agencies are partnering with ride-hailing companies to offer late-night service, move people to bus or rail stations ("first mile/last mile" solutions), and manage paratransit for riders with limited mobility. Ride-hailing companies are in an awkward position if they refuse to share data with governments that subsidize them. "If I'm paying you to move a passenger, the data for that passenger isn't yours," I heard a Texas transit official say recently to a ride-hailing executive. "It's mine." The executive had no response.

When will policymakers finally be able to access the data they need to manage streets and sidewalks in the public interest, and how will they get it? The most likely solution is via a data exchange that anonymizes rider data and gives public experts (and perhaps academic and private ones too) the ability to answer policy questions.

This idea is starting to catch on. The World Bank's OpenTraffic project, founded in 2016, initially developed ways to aggregate traffic information derived from commercial fleets. A handful of private companies like Grab and Easy Taxi pledged their support when OpenTraffic launched. This fall, the project became part of SharedStreets, a collaboration between the National Association of City Transportation Officials (NACTO), the World Resources Institute, and the OECD's International Transport Forum to pilot new ways of collecting and sharing a variety of public and private transport data. Kevin Webb, the founder of SharedStreets, envisions a future where both cities and private companies can utilize SharedStreets to solve questions on topics like street safety, curb use, and congestion.

That's a laudable goal, but Shared Streets will have to solve several challenges in order to become a go-to resource. For example, it's hard to provide a complete picture of urban mobility unless the heavyweights like Uber, Lyft, Didi Chuxing, Ofo, and Mobike participate; so far none of them has signed on. There is also the question of how tech behemoths like Google and Apple—collectors of massive datasets about individuals' movement—can be involved. Perhaps they can be sources of reliable revenue that SharedStreets will need in order to scale (at present the initiative is being incubated with philanthropic support).

Finally, there is the critical question of privacy. Although Uber's hacking scandal has dinged ride-hailing's credibility as a protector of passenger data, new mobility services do have a point when they push back against handing over rider information to the government. It's reasonable to assume that at least some customers will balk at the prospect of public agencies accessing their personal ride histories.

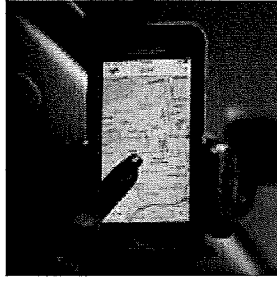
Webb says that SharedStreets will handle those concerns by collecting aggregated data that is rich enough to allow for deep analysis while still hiding information about individual rides. New mobility service companies could further protect their passengers by converting trip data into so-called "synthetic populations" of artificial data modeled after trips that people actually took.

However the new mobility service data arrives—almost certainly aggregated, and potentially artificially modeled—there will need to be a way to ensure it is accurate. After all, companies like Uber and Lyft have a vested interest in the questions policymakers pose about their impact on city streets. Data validation—especially for modeled data—is crucial for such an exchange to be trusted.

Recommended

Europe Says Uber Is Officially a Taxi Service

**FEARGUS
O'SULLIVAN**
DEC 20, 2017



Private Mobility Services Need To Share Their Data. Here's How.

DAVID ZIPPER
JUL 2, 2017



There are many questions yet to resolve, but the movement to give city officials reliable and accessible trip data is gaining momentum. Indeed, it's hard to see how the elusive ideal of a "smart city" is attainable without shared set of facts about how people are moving within an urban area. In addition to SharedStreets, a number of universities, startups, and major tech companies are quietly developing strategies to plug this gap in our civic knowledge. Most of those efforts aren't public yet, but I expect several to launch in 2018. For those of us who believe in data-driven management of streets and sidewalks, that's something to be excited about—and to push for.

About the Author



David Zipper

 **FEED**

David Zipper is a Fellow at the German Marshall Fund and a Partner in the 1776 Venture Fund, where he oversees investments in smart cities and mobility ventures. Following his tenure as director of NYC Business Solutions in Mayor Michael Bloomberg's administration in New York City he served as director of Business Development and Strategy for two mayors in Washington, D.C.



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