

proximity to each other, or that Ashland deregulate vehicle for hire services altogether, in effect leaving regulation of vehicles for hire to Medford.

A number of cities in Oregon have chosen to adopt provisions regulating vehicles for hire services. Portland, Salem, Corvallis, Bend, Roseburg, and Medford are examples. Eugene recently adopted new administrative rules allowing Transportation Network Companies (TNCs) such as Uber and Lyft to operate.

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.

Proposed Ordinance No. 3152 allows TNCs to operate in Ashland while protecting community safety. It largely mirrors the vehicle for hire model recently adopted by Medford. However, it incorporates a few additional safety measures found in larger cities such as Portland and Seattle. These additional safety measures include: a 10-year look back for criminal convictions, required vehicle safety inspections, a limitation on the number of hours a driver may operate a vehicle within a 24-hour period, and a requirement to provide Wheelchair Accessible Vehicles upon request. The permit fees are also based largely on Medford's model, although the fees are somewhat higher for agencies based on the number of drivers currently operating in Medford. The fees for drivers of fully electric vehicles or Wheelchair Accessible Vehicles would be waived under the proposed ordinance.

One additional change the Council may want to consider is whether to exempt vehicle for hire agencies and drivers from the business license requirement found in AMC Chapter 6.04.

The major TNCs, Uber and Lyft, as well as all currently licensed taxi companies, were provided with a copy of the proposed ordinance. Uber objected to the additional requirements not found in Medford's model as well as the requirement that drivers obtain a permit from the City of Ashland. A copy of the comments from its representative is attached. Lyft objected to the 10-year look back for criminal convictions and the vehicle inspection requirement. Lyft has not submitted any additional comments on the proposed ordinance.

Proposed Ordinance No. 3152 was initially taken before the City's Transportation Commission at its April 19, 2018 meeting. While the Commission did not formally vote on an official recommendation to the City Council at that time, Commission members expressed support for the proposed ordinance as written. One member commented that she would like the background checks for drivers to be finger-print based as currently required by the AMC. Several members expressed an interest in mandating some form of review of the efficacy of the ordinance after a reasonable period of operation.

At the City Council's request, the proposed ordinance was taken back to the Transportation Commission at its July 19, 2018 meeting. At that time the Transportation Commission formally voted to recommend that any action on the ordinance be deferred until the conclusion of the City's Transit Feasibility Study. City staff anticipates that the Transit Feasibility Study will be

concluded in late November of this year. In addition, the Transportation Commission passed a motion to recommend that, if the City Council decides to move forward on the ordinance before the conclusion of the Transit Feasibility Study, it adopt the ordinance as currently drafted.

Attachments:

1. Proposed Ordinance No. 3152
2. Vehicle for Hire Ordinance of the City of Medford
3. Written comments from Uber's representative
4. Minutes from the April 19, 2018 Transportation Commission meeting
5. Minutes from the July 19, 2018 Transportation Commission meeting

1 **ORDINANCE NO. 3152**

2 **AN ORDINANCE RELATING TO VEHICLES FOR HIRE; REPEALING AND**
3 **REPLACING AMC CHAPTER 6.28**

4 Annotated to show deletions and additions to the Ashland Municipal Code sections being
5 modified. Deletions are ~~bold lined through~~, and additions are bold underlined.

6
7 **WHEREAS**, the City of Ashland (City) has an interest in promoting and augmenting the
8 transportation services available in the City; and

9 **WHEREAS**, ride-sharing programs utilizing digital-based platforms, known as transportation
10 network companies, have become an increasingly important method for persons to move about in
11 other cities in Oregon; and

12 **WHEREAS**, enabling transportation network companies to operate in the City would increase
13 mobility and supplement the existing public transportation system; and

14 **WHEREAS**, the City has an interest in keeping users of all vehicles for hire, including
15 transportation network companies, physically safe and protecting them from predatory business
16 practices.

17 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

18 **SECTION 1.** Ashland Municipal Code Chapter 6.28 is hereby repealed in its entirety as
19 follows:

20 ~~**6.28.010 Purpose**~~

21 ~~**It is the purpose of this ordinance to require that those persons operating taxicabs do so in**~~
22 ~~**a safe, fair and efficient manner. The taxicab industry constitutes an essential part of the**~~
23 ~~**City's transportation system, and transportation so fundamentally affects the well-being of**~~
24 ~~**the City's citizens that some regulation is necessary to ensure that the public safety is**~~
25 ~~**protected, the public need provided for, and the public convenience promoted. The**~~
26 ~~**provisions contained herein should be applied and enforced in such a manner as to require**~~
27 ~~**the taxicab industry to regulate itself, under City supervision, to promote innovation and**~~
28 ~~**adaption to changing needs, and respond to economics of the market place, so long as the**~~
29 ~~**public interest is served thereby.**~~

30 ~~**6.28.020 Definitions**~~

1 ~~A. Certificate. A current certificate issued under this Chapter to operate a Taxicab~~
2 ~~company.~~

3 ~~B. Commission. The City of Ashland Transportation Commission.~~

4 ~~C. City Recorder. The City of Ashland City Recorder or his/her designee authorized to~~
5 ~~perform the duties of this Chapter by the City Recorder.~~

6 ~~D. Driver. Any person duly authorized by the City as a taxicab driver under the terms of~~
7 ~~this chapter that operates taxicabs as a driver for any permitted taxicab company,~~
8 ~~regardless of whether the vehicles operated are owned by the company, leased, or owned by~~
9 ~~individual members of the company.~~

10 ~~E. Operate. To drive a taxicab, to use a taxicab in the conduct of business, to receive money~~
11 ~~from the use of a taxicab, or cause or allow another person to do the same.~~

12 ~~F. Person. Any individual, partnership, trust, estate, corporation, or other form of business~~
13 ~~organization recognized by Oregon law.~~

14 ~~G. Police Chief. The person holding the position of Chief of Police of the Ashland police~~
15 ~~department, or any agent, employee, or designee authorized to perform the duties of this~~
16 ~~chapter by the Police Chief.~~

17 ~~H. Taxicab. Any motor vehicle which carries passengers for hire when the journey~~
18 ~~originates in the City and where the destination and route may be controlled by a~~
19 ~~passenger and the fare is calculated on the basis of any combination of an initial fee,~~
20 ~~distance traveled, waiting time, or a flat fee. Any vehicle which has an appearance~~
21 ~~deceptively similar to a taxicab is a taxicab for the purposes of this chapter.~~

22 ~~I. Taxicab company. Any Person that operates taxicabs that either has its primary place of~~
23 ~~business within the city limits, or regularly conducts business within the city limits, that is~~
24 ~~authorized by the City as a Taxicab company under this chapter.~~

25 ~~J. Taxicab driver permit. A permit issued to a driver that demonstrates the driver is an~~
26 ~~authorized taxicab driver under this chapter.~~

27 ~~K. Translink Provider. A business or company that has been approved as a provider of~~
28 ~~transportation services by the federal government by meeting federal standards and~~
29 ~~receipt of a certificate evidencing such compliance.~~

30 ~~L. Taximeter. A mechanical or electronic device which calculates and displays a fare based~~
~~on an initial fee, distance traveled, waiting time, or any combination thereof.~~

1 ~~6.28.030 Taxicab Company Certificate Required – Exemptions~~

2 ~~A. No Person shall operate any taxicab in the City of Ashland without possessing, in~~
3 ~~addition to any license required by any other law, a valid Taxicab Company Certificate~~
4 ~~issued pursuant to this chapter. A certificate may not be sold, assigned, mortgaged or~~
5 ~~otherwise transferred.~~

6 ~~B. Exemptions to Certificate Requirement.~~

7 ~~1) Public Transportation provided and funded in whole or in part by public~~
8 ~~organizations shall be exempt from the permit requirements of this chapter.~~

9 ~~2) Courtesy shuttles provided by hotels, motels, and companies providing recreational~~
10 ~~activities as a convenience for registered guests and paying customers only, where no~~
11 ~~additional charges apply.~~

12 ~~3) Special Vehicles and Tour Buses as defined in AMC 6.30.~~

13 ~~4) Certified Translink Providers that show proof of such certification to the City.~~

14 ~~6.28.040 Taxicab Company Certificate Applications – Issuance~~

15 ~~A. Application. An application for a Taxicab Company Certificate shall be submitted to the~~
16 ~~City Recorder, and the application must be signed under penalty of perjury. The~~
17 ~~application documents must contain the following:~~

18 ~~1) The name, business address and residence address of the applicant.~~

19 ~~2) The make, type, year of manufacture, VIN number, and Seating Capacity of each~~
20 ~~vehicle that will be operated as a taxicab under the Taxicab company certificate.~~

21 ~~3) A description of the proposed color scheme, insignia, trademark, or any other~~
22 ~~distinguished characteristics of the proposed vehicle design.~~

23 ~~4) A list from the applicant of any violation, misdemeanor, or felony convictions, the~~
24 ~~nature of the offense, and the punishment or penalty assessed for the owner(s) and/or~~
25 ~~any officers of the Taxicab company.~~

26 ~~5) Proof of insurance in the manner and form required by this chapter from a~~
27 ~~responsible, solvent insurance carrier authorized to issue public liability and property~~
28 ~~damage insurance in the State of Oregon.~~

29 ~~6) A receipt issued by the City showing payment of the non-refundable application fee.~~
30 ~~The fee is to be set by resolution of the city council.~~

1 ~~7) Before any Taxicab company application is acted upon by the City Recorder, the~~
2 ~~police chief is to make an investigation within 60 days from the date the application is~~
3 ~~filed. Upon completion of such investigation the police chief is to report his findings, in~~
4 ~~writing, to the City Recorder.~~

5 ~~B. Issuance of Certificate. The City Recorder will issue a certificate to operate a taxicab~~
6 ~~upon finding that the applicant has met the requirements of this chapter.~~

7 ~~6.28.060 Annual Taxicab Company Certificate - Renewal~~

8 ~~Taxicab company certificates shall be renewed upon submission of the annual certificate~~
9 ~~fee, as established by resolution of the city council, unless otherwise revoked under this~~
10 ~~Chapter. The annual license fee is due and payable on July 1st of each year.~~

11 ~~6.28.070 Minimum Standards for Taxicab Companies~~

12 ~~Any Taxicab company operating under a Certificate issued pursuant to this Chapter shall~~
13 ~~comply with the following minimum standards:~~

14 ~~A. An office open and staffed for a minimum of 8 hours a day, 5 days a week.~~

15 ~~B. A dispatch system in operation 24 hours each day capable of providing reasonably~~
16 ~~prompt service in response to requests received by telephone.~~

17 ~~C. Facilities and personnel sufficient to insure that every taxicab operated by the~~
18 ~~Taxicab company complies with the requirements of this Chapter.~~

19 ~~D. Insurance policies in force sufficient to meet the requirements of this Chapter and to~~
20 ~~protect the company to the same limits of liability.~~

21 ~~6.28.080 Equipment~~

22 ~~Every taxicab is to be equipped with the following:~~

23 ~~A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition~~
24 ~~with a lighted face which can be read at all times by the customer.~~

25 ~~B. Taxicabs charging flat rates must be equipped with a sign complying with section~~
26 ~~16.28.150 that states "Flat Rate" in a conspicuous location inside the taxicab.~~

27 ~~C. A top light identifying it as a taxicab.~~

28 ~~D. The company name and telephone number where service can be requested displayed~~
29 ~~on the exterior of the taxicab.~~

30 ~~E. A cell phone or "state of the art" taxi radio on a clear coordinated taxicab radio~~
~~frequency for customer comfort and rapid dispatching of calls for service.~~

1 ~~F. A current copy of the Taxicab company certificate with the approved vehicle's~~
2 ~~Vehicle Identification Number (VIN).~~

3 ~~G. A notice providing information necessary to file a complaint as required by section~~
4 ~~6.28.160.~~

5 ~~H. All safety equipment required by federal law, state law, or this Chapter, including,~~
6 ~~but not limited to, a seat belt or other restraining device for every passenger.~~

7 ~~6.28.090 Inspection and Maintenance of Taxicabs~~

8 ~~A. Prior to the operation of any vehicle under the provisions of this chapter, and annually~~
9 ~~thereafter, each taxicab shall be thoroughly examined and inspected by either a Certified~~
10 ~~Mechanic or a governmental entity located within Jackson County and shall be found to be~~
11 ~~in safe operating condition. For the purpose of this section the term "Certified Mechanic"~~
12 ~~means a person certified by the National Institute for Automotive Service Excellence, or its~~
13 ~~equivalent.~~

14 ~~B. Every taxicab must have proof of its annual inspection in the vehicle. Proof of the~~
15 ~~inspection shall be submitted to the City Recorder on an annual basis.~~

16 ~~C. A Taxicab company operating taxicabs in violation of these requirements shall be reason~~
17 ~~for revocation of the Taxicab company certificate under AMC 6.28.130.~~

18 ~~6.28.100 Insurance and Indemnification~~

19 ~~A. No person shall operate any vehicle as a taxicab unless that vehicle is covered by~~
20 ~~commercial liability insurance providing coverage of not less than \$500,000 per occurrence~~
21 ~~in combined single limit for bodily injury and property damage claims, or \$500,000 per~~
22 ~~occurrence for bodily injury and \$100,000 per occurrence for property damage. Liability~~
23 ~~coverage shall be provided on an "occurrence" not "claims" basis. A certificate of~~
24 ~~insurance coverage, evidencing insurance coverage in compliance with this Section, shall be~~
25 ~~filed with the City Recorder. The City of Ashland, its officers, employees, and agents shall~~
26 ~~be named as additional insureds.~~

27 ~~1. The limits of insurance coverage required under this Section shall be subject to any~~
28 ~~statutory changes regarding the minimum limits of liability required for taxicab~~
29 ~~companies.~~

1 ~~2. Insurance policies for all vehicles operating as taxicabs shall contain a provision that~~
2 ~~the policy will not be reduced in coverage or canceled without 30 days prior written~~
3 ~~notice to the City Recorder.~~

4 ~~3. Failure to maintain adequate insurance as required under this Section shall be cause~~
5 ~~for immediate suspension or revocation of a Taxicab Company Certificate.~~

6 ~~B. All Taxicab companies and drivers that receive a Certificate or a permit, shall, to the~~
7 ~~extent permitted by law, agree to defend, indemnify and hold harmless the City, its officers~~
8 ~~and employees, from and against any and all damages, losses and expenses, including~~
9 ~~reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or~~
10 ~~alleged to arise out of or result from any claims for damages to property, or injury to~~
11 ~~persons, which may occur in connection with the operation of a taxicab company or a~~
12 ~~taxicab under the terms of the Certificate or permit.~~

13 ~~6.28.110 Approval of Drivers~~

14 ~~It is unlawful for any person to operate a taxicab in the City of Ashland without a Taxicab~~
15 ~~Driver Permit issued by the Police Department in accordance with the terms of this~~
16 ~~chapter.~~

17 ~~A. Application for a Taxicab driver permit is to be made to the Police Chief, on a form~~
18 ~~provided by the city, accompanied by the fee established by resolution of the city council.~~
19 ~~The applicant must attach a certified copy of the applicant's department of motor vehicle~~
20 ~~records, a copy of the applicant's driver's license, and two passport size photos of the~~
21 ~~applicant.~~

22 ~~B. When the Police Chief receives the application he shall make such investigation of the~~
23 ~~applicant's background as necessary to verify that each taxicab driver issued a permit:~~

- 24 ~~1) Is 21 years of age or more,~~
- 25 ~~2) Has not have been convicted of any crimes involving moral turpitude or dishonesty,~~
- 26 ~~3) Possesses a valid Oregon driver's license,~~
- 27 ~~4) Has not had his or her driver's license revoked by any state within the last five years,~~
28 ~~and~~
- 29 ~~5) Did not make any false statements in the application.~~

30 ~~C. If the Police Chief determines that the applicant meets the requirements of this section,~~
~~the Police Chief may issue the permit. The permit expires one year from the date of~~

1 issuance and may be renewed from year to year by filing a renewal application with the
2 police department. The fee for a renewal permit shall be set by resolution of the city
3 council. Failure to renew a license before expiration of the current taxicab driver permit
4 shall result in late fees.

5 ~~D. Denial of permit. No taxicab driver's permit shall be issued or renewed to any person if~~
6 ~~the city determines, after a review of a person's traffic, criminal record, and any other~~
7 ~~information the city deems pertinent, that the public health, welfare, and safety would not~~
8 ~~be served by the issuance or renewal of a permit to that person. If the application is denied,~~
9 ~~the applicant may, within seven days of notification of the denial by the city, appeal the~~
10 ~~matter in writing to the City Recorder and proceed through the administrative appeals~~
11 ~~process in AMC 2.30.~~

12 ~~6.28.120 Operating Regulations of Taxicab Companies and Drivers~~

13 ~~A. Taxicab Companies. A Taxicab Company shall not:~~

- 14 ~~1. Allow any taxicab to be driven that has not been inspected and properly permitted,~~
- 15 ~~or~~
- 16 ~~2. Allow persons to operate taxicabs that do not have a valid Taxicab driver permit~~
- 17 ~~issued pursuant to this chapter.~~

18 ~~B. Taxicab Drivers. A taxicab driver shall not:~~

- 19 ~~1. Transport a passenger to his destination by any other than the most direct and safe~~
- 20 ~~route, unless requested to do so by the passenger,~~
- 21 ~~2. Fail to give a correct receipt upon payment of the correct fare if requested to do so~~
- 22 ~~by the passenger,~~
- 23 ~~3. Permit additional persons to occupy or ride in the taxicab without consent of the~~
- 24 ~~original passenger,~~
- 25 ~~4. Refuse to transport to his requested destination any passenger of proper demeanor~~
- 26 ~~who requests services or is assigned by a taxicab service company when the taxicab is~~
- 27 ~~not already in service, and who is able to demonstrate the ability and willingness to pay~~
- 28 ~~the fare.~~
- 29 ~~5. Charge a fare higher than the posted rates, or try to defraud a passenger in any way~~
- 30 ~~by manipulating devices to cause a registration to be made of a greater distance or~~
~~more time.~~

1 ~~6.28.130 Cancellation, Suspension, Revocation, or Appeal of Certificate or Permit~~

2 ~~A. Any certificate or permit may be suspended or revoked by the City Recorder if the city~~
3 ~~finds after a reasonable investigation verifying that any one or more of the following~~
4 ~~conditions exist:~~

5 ~~1. The Taxicab company ceases to operate any taxicab for a period of 15 consecutive~~
6 ~~days without obtaining permission for the cessation of such operation from the city.~~

7 ~~2. The Taxicab company and/or driver fails to operate the taxicab in accordance with~~
8 ~~the provisions of this chapter.~~

9 ~~3. The Taxicab company and/or driver fails to pay any of the fees or payments~~
10 ~~required to be paid by the provisions of this chapter.~~

11 ~~4. The suspension or revocation is necessary to protect the public health, safety, and~~
12 ~~welfare generally, or the safety of the taxicab-riding public in particular.~~

13 ~~5. The revocation or suspension is otherwise authorized by ordinances of the city.~~

14 ~~B. Any suspension or revocation pursuant to this section shall be in writing, setting forth~~
15 ~~the reasons therefore and the right of appeal pursuant to AMC 2.30.~~

16 ~~C. Except as provided below, any suspension or revocation shall be effective 10 days after~~
17 ~~mailing a copy thereof by first class United States mail addressed to the taxicab company~~
18 ~~and/or taxicab driver at the business or residence address shown on the permit application~~
19 ~~or renewal.~~

20 ~~D. Notwithstanding subsection (C) of this section, a suspension or revocation may be made~~
21 ~~effective immediately if the city finds reasonable grounds to believe that:~~

22 ~~1. A person holding a taxicab driver's permit is not covered by liability insurance as~~
23 ~~required by this chapter,~~

24 ~~2. A vehicle being operated as a taxicab is not covered by liability insurance required~~
25 ~~by this chapter, or~~

26 ~~3. Continued operation by the taxicab company or taxicab driver would cause, or is~~
27 ~~likely to cause, imminent danger to the public health, safety, or welfare.~~

28 ~~6.28.140 Surrender of Certificate or Permit~~

29 ~~Any certificates or permits suspended or revoked by the City shall be surrendered to the~~
30 ~~City Recorder and the operations of any taxicabs covered by such certificates shall cease.~~

~~Any Taxicab company that permanently retires any taxicab from taxicab service and does~~

1 ~~not replace it within 15 days shall immediately surrender any certificate granted for the~~
2 ~~operation of such taxicab to the City Recorder and the Taxicab company may not secure~~
3 ~~an additional Certificate for the operation of another taxicab without making application~~
4 ~~therefor in the manner provided in this chapter.~~

5 **6.28.150 Rates**

6 ~~A flat fare remains constant regardless of the distance traveled or the time involved. Except~~
7 ~~for a taxicab charging a flat rate, the rates to be charged to passengers are to be based on~~
8 ~~the factors of mileage from the point of origin to the point of destination by the most direct~~
9 ~~route, the time involved, and the number of passengers. No taxicab may charge any fees or~~
10 ~~rates other than those that are posted.~~

11 **6.28.160 Complaints**

12 ~~A. Every taxicab shall have posted in a prominent place within the passenger~~
13 ~~compartment a notice entitled "Complaints" setting forth the address and telephone~~
14 ~~number of the Taxicab company to which complaints should be directed and a notice that a~~
15 ~~record of all complaints shall be open to inspection and review by the City at any time on~~
16 ~~its request.~~

17 ~~B. Taxicab companies shall maintain a record of all complaints received either in writing~~
18 ~~or by telephone.~~

19 **6.28.170 Violation – Penalty**

20 ~~Any Person that violates any provision of this Chapter through its operation of a taxicab~~
21 ~~service from points originating within the City of Ashland shall be deemed guilty of a~~
22 ~~separate violation on each and every day or portion thereof during which the violation is~~
23 ~~committed, continued or permitted, and upon conviction of any such violation, the Person~~
24 ~~shall be punished as prescribed in AMC 1.08.020.~~

25 **SECTION 2.** Ashland Municipal Code Chapter 6.28 is hereby replaced as follows:

26 **6.28.010. Title and Purpose.**

27 **A. This Chapter shall be known and may be cited as the Vehicle for Hire Code of**
28 **the City of Ashland.**

29 **B. The permits and regulations created by this Chapter are intended to establish a**
30 **means to protect public health, safety, and welfare and allow fair competition.**

Nothing contained in this Chapter is intended or shall be construed to create any

1 liability on the part of the City, its officers, or its employees for any injury or
2 damage related to any provision of this Chapter, or by reason or in consequence of
3 any act or omission in connection with the implementation or enforcement of this
4 Chapter on the part of the City, its officers, or its employees.

5 **6.28.020. Definitions.**

6 **A. Digital Dispatch System: An internet-based software application, website,**
7 **platform, or interface that allows for the solicitation, arrangement, or provision of**
8 **Vehicle for Hire services and for the display of rates, the calculation of fares, or the**
9 **acceptance of payment for Vehicle for Hire services.**

10 **B. Dynamic Pricing: The pricing of Transportation Services as impacted by**
11 **market demand, which can be an upward or downward deviation from the**
12 **customary fares established by Vehicle for Hire Agencies.**

13 **C. Limousine: A luxury motor Vehicle for Hire which has a chassis and wheelbase**
14 **that have been lengthened beyond the original manufacturer's specifications,**
15 **whether at the time of manufacture or after, and which is used to provide**
16 **prearranged transportation services under a contract or agreement for such**
17 **services.**

18 **D. Limousine Company: Any person operating one or more limousines, other than**
19 **as a driver, regardless of whether the limousines so operated are owned by the**
20 **company, leased, or owned by individual members or employees of the company.**

21 **E. Permit: The written form of permission from the City required in order to**
22 **operate a business or pursue a vocation as required by this Chapter.**

23 **F. Person: Any natural person, partnership, corporation, limited liability company,**
24 **government entity, association, or other entity in law or fact.**

25 **G. Severe mobility limitation: A physical impairment that precludes a person's**
26 **ability to walk without the physical assistance of another person and/or the**
27 **assistance of a wheelchair, stretcher, or similar device. Persons who can walk with a**
28 **walker or cane but do not need the assistance of another person shall not be**
29 **considered as having a severe mobility limitation.**

30 **H. Taxi: A Vehicle for Hire other than a Limousine or Transportation Network**
Vehicle.

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I. Taxi Company: Any person operating one or more Taxis, 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 employees of an entity.

J. Taximeter: A mechanical or electronic device which calculates and displays a fare for transportation services based on an initial fee, distance traveled, waiting time, or any combination thereof.

K. Transportation Network: One or more Drivers utilizing a Digital Dispatch System, and using personal motor vehicles in the provision of Transportation Services.

L. Transportation Network Company or TNC: Any person that operates or facilitates a transportation network.

M. Transportation Network Vehicle: A motor vehicle which is used as a Vehicle for Hire and is part of a Transportation Network.

N. Transportation Services: Motor vehicle transportation of persons or goods for compensation of any kind, except transportation provided by a public or governmental entity; transportation that is regulated entirely by the state of Oregon or the federal government; or transportation of goods provided by a person that engages solely in the transportation of goods.

O. Vehicle for Hire: A motor vehicle used to provide Transportation Services for compensation of any kind where such services are not operated exclusively over a fixed or defined route, including Taxicabs, Limousines, and Transportation Network Vehicles. The following vehicles shall not be considered Vehicles for Hire for the purposes of this Chapter and are prohibited from operating as a Taxi, Limousine, or Transportation Network Vehicle: i. ambulances equipped and staffed so as to be capable of providing emergency medical services; ii. courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business where transportation is secondary to the business' primary purpose and is provided free of charge or as part of the general overhead of the business; iii. vehicles operated by public entities; iv. delivery vehicles used exclusively for delivering property exclusive of passenger transportation; and v.

1 volunteer-driven vehicles operated by a person who does not receive wages, salary,
2 or other compensation.

3 P. Vehicle for Hire Agency: A person engaged in the business of furnishing or
4 providing one or more vehicles for hire through a digital dispatch system or by any
5 other means, regardless of whether such business has employees or delivers its
6 services through independent contractors. Vehicle for Hire agencies include, but
7 are not limited to, Taxi Companies, Transportation Network Companies, and
8 Limousine Companies.

9 Q. Vehicle for Hire Driver or Driver: A person who physically operates a Vehicle
10 for Hire.

11 R. Wheelchair-Accessible Vehicle or WAV: A Vehicle for Hire that is equipped
12 with a hydraulic or electric lift or ramps designed for the purpose of transporting
13 wheelchair users or persons using mobility devices or which contains any other
14 physical device or alteration designed to permit access to the vehicle in order to
15 provide the transportation of physically disabled persons using wheelchairs or other
16 mobility devices.

17 **6.28.030. Permit Required, Fees.**

18 A. No Vehicle for Hire Agency shall conduct business or operate in the City without
19 a valid Permit.

20 B. No Vehicle for Hire Driver shall conduct business or operate in the City without
21 a valid Permit.

22 C. The City may issue a Permit to a Vehicle for Hire Agency if the agency
23 certifies on a form acceptable to the City that it is in compliance with all of the
24 requirements of this Chapter including, but not limited to: insurance requirements,
25 operating standards, records retention requirements, and any other requirements of
26 the Ashland Municipal Code, and the City determines that the Vehicle for Hire
27 Agency actually meets all applicable standards and requirements.

28 D. The City may issue a Permit to a Vehicle for Hire Driver if the Driver certifies
29 on a form acceptable to the City that he or she is in compliance with all of the
30 requirements of this Chapter and any other applicable requirements of the Ashland

1 Municipal Code, and the City determines that the Vehicle for Hire Driver actually
2 meets all applicable standards and requirements.

3 E. The City may include additional conditions, restrictions, or special provisions
4 related to routes, hours of operation, designated pick-up or drop-off sites, lighting,
5 or other alternate requirements in a Permit if, in the City's sole discretion, such
6 additional conditions, restrictions, or special provisions are warranted.

7 F. Any Permit issued under this Chapter is valid for one year from the date of issue.
8 Any renewal of a Permit must be approved by the City prior to the expiration date
9 of the current Permit in order for the Vehicle for Hire Agency or Vehicle for Hire
10 Driver to continue operating within the City.

11 G. An application fee shall be required before any Permit is issued pursuant to this
12 Chapter. This fee is intended to reimburse the City for its reasonable costs in
13 administering the requirements of this Chapter and in maintaining and operating
14 the streets within the City. The application fee for an initial Permit or for any
15 renewal of a Permit shall be \$5000.00 for Transportation Network Companies,
16 \$500.00 for Taxi Companies, \$500.00 for Limousine Companies, and \$60.00 for
17 Vehicle for Hire Drivers. The application fee shall be waived for any Vehicle for
18 Hire Driver who proves to the satisfaction of the City that he or she operates a
19 Wheelchair Accessible Vehicle or a fully electric vehicle as a Vehicle for Hire.

20 H. The application fee shall be paid to the City at the time of submitting an initial
21 application for a Permit and at the time of submitting any renewal application.

22 I. In addition to the requirements set forth in this Chapter, all Vehicle for Hire
23 Agencies and Vehicle for Hire Drivers must comply with applicable federal and
24 state law.

25 **6.28.040. Driver Requirements.**

26 All Drivers shall be at least 21 years of age and shall possess a valid Oregon driver's
27 license, proof of a current motor vehicle registration, and proof of current automobile
28 liability insurance that meets the requirements of this Chapter and state law.

29 **6.28.050. Agency Requirements, Background Checks.**

30 A. Every Vehicle for Hire Agency shall maintain accurate and current records for
all Drivers employed by, contracting with, or affiliated with the agency, including all

1 Drivers accessing the agency’s Digital Dispatch System to operate in the City. These
2 records shall include the Driver’s name, date of birth, address, social security
3 number, criminal background check results, driver’s license information, motor
4 vehicle registration, and automobile insurance. These records will be made
5 available to the City promptly upon request.

6 B. Prior to permitting a person to operate as a Vehicle for Hire Driver, and
7 annually thereafter, a Vehicle for Hire Agency shall conduct, or have a qualified
8 third party conduct, a criminal background check of the potential Driver. The
9 criminal background check shall include a search of no less than ten years of
10 history, unless prohibited by law, in which case the duration of the search shall be
11 the maximum number of years permitted by law. The criminal background check
12 shall include local, state, and national criminal history databases and all accessible
13 sex offender registries. Any person who is on a sex offender registry may not act as
14 a Driver. Any person that has a record of a felony conviction within the previous
15 ten years may not act as a Driver. A record of a conviction of any of the following
16 crimes within the previous ten years will also disqualify a person from being a
17 Driver: any crime involving driving while under the influence of alcohol or a
18 controlled substance, any sexual offense, or any crime involving physical harm or
19 attempted physical harm to a person. The Vehicle for Hire Agency or its agent shall
20 maintain records of all criminal background checks for a period of at least two
21 years. For purposes of this section, the term “conviction” includes convictions, bail
22 forfeitures, and any other final adverse findings.

23 C. A Vehicle for Hire Agency shall revoke a Driver’s authority to operate as a
24 Driver for the agency and immediately inform the City if it finds at any time that
25 the standards set forth in this Chapter are no longer being met by the Driver. The
26 Vehicle for Hire Agency shall only reinstate a Driver upon a finding by the agency
27 that all standards are again being met by the Driver.

28 **6.28.060. Insurance Requirements.**

29 A. For all required insurance, Vehicle for Hire Agencies shall provide certificates of
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1 insurance and endorsements naming the City, its officers, agents, and employees as
2 additional insured parties and give at least 30 calendar days' notice to the City
3 before a policy is canceled, expires, or has any reduction in coverage.

4 B. The insurance requirements of this section shall be satisfied by insurance issued
5 by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

6 C. The insurance limits for Vehicle for Hire Agencies are subject to statutory
7 changes as to maximum limits of liability imposed on municipalities of the State of
8 Oregon during the term of any Permit.

9 D. The adequacy of insurance coverage is subject to the review and approval of the
10 City.

11 E. Every Vehicle for Hire Agency shall maintain continuous, uninterrupted
12 coverage for the duration of the Permit and any operations in the City. Any lapse in
13 insurance coverage, even if it is later backdated by the insurance company, is a
14 violation of this Chapter.

15 F. Every Vehicle for Hire Agency shall secure and maintain commercial general
16 liability insurance with limits of not less than \$1 million per occurrence and \$2
17 million in the aggregate for claims arising out of, but not limited to, bodily injury
18 and property damage incurred in the course of operating in the City.

19 G. Taxi Companies and Limousine Companies shall secure and maintain
20 commercial automobile liability insurance covering Vehicles for Hire operated
21 within the City, with a combined single limit of not less than \$1 million per
22 occurrence for claims arising out of, but not limited to, bodily injury and property
23 damage incurred in the course of operating in the City.

24 H. TNC Service Periods Defined:

25 (1) Period 1: The TNC Driver has logged into the Digital Dispatch System or
26 is otherwise connected to the TNC's Digital Dispatch System, but has not yet
27 accepted a request for a ride from a passenger. For example, the Digital
28 Dispatch System is open, and the Driver is waiting for a match.

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

1 **(3) Period 3: A passenger is in the Vehicle for Hire.**

2 **I. Upon City request and as part of a Permit application, TNCs shall provide proof**
3 **of current, valid insurance for City approval covering all affiliated Drivers and**
4 **Vehicles for Hire operating for such TNC and satisfying the minimum liability**
5 **limits for Periods 1, 2, and 3 set forth in this Section.**

6 **J. All TNCs shall maintain and provide the City with proof of the following**
7 **automobile liability coverages:**

8 **(1) Primary insurance coverage during Period 1 with minimum liability**
9 **limits of \$50,000 per person for death and injury, \$100,000 per incident for**
10 **death and injury, and \$25,000 for property damage, in addition to any other**
11 **coverage required by the State of Oregon.**

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

17 **(3) The required automobile liability insurance shall specifically recognize**
18 **the Driver's provision of TNC and Vehicle for Hire services and shall comply**
19 **with the laws of the State of Oregon and/or other applicable governing**
20 **bodies.**

21 **K. Vehicle for Hire Drivers shall be responsible for maintaining all personal**
22 **automobile liability insurance required by State law.**

23 **6.28.070. Operational Requirements.**

24 **A. TNCs shall maintain accurate records and data of all trips made by all Drivers**
25 **for at least one year from the date of the trip. The records and data may be**
26 **aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP**
27 **code of trip origination and destination, vehicle miles traveled, trip origination and**
28 **completion times, trip duration, and passenger wait times calculated from a**
29 **Driver's acceptance of a request to passenger pick-up. The City may require a TNC**
30 **to enter into a data sharing agreement in order to receive a Permit.**

1 B. All vehicles operating for or affiliated with a TNC or Taxi Company shall be
2 clearly marked with the company name or logo. Vehicles operating for a Taxi
3 Company shall include the Taxi Company name or logo, phone number, and a
4 vehicle identification number in plain sight. Vehicles operating for or affiliated with
5 a TNC shall be clearly marked as operating for the TNC, although any vehicle
6 marking requirements imposed by the TNC may apply. A TNC's Digital Dispatch
7 System or website shall display for the passenger the make, model, and license plate
8 number of the TNC Vehicle for Hire accepting a service request.

9 C. Drivers operating a Transportation Network Vehicle may not accept street hails
10 and may only accept rides arranged through a TNC's Digital Dispatch System.

11 D. Vehicle for Hire Agencies shall implement and maintain at all times a zero
12 tolerance policy on the use of drugs or alcohol applicable to all Drivers employed by
13 or affiliated with the agency while providing Vehicle for Hire Services. Agencies
14 shall provide notice of the zero tolerance policy on their website(s) and/or have it
15 clearly displayed in each Vehicle for Hire. The notice must include contact
16 information to report a complaint about a Driver for possible violation of the policy.
17 An agency shall immediately suspend a Driver upon receipt of a passenger
18 complaint alleging a violation of the zero tolerance policy for at least the duration of
19 the investigation of the complaint. An agency shall notify the City within 48 hours
20 of receiving any complaint against an affiliated Driver.

21 E. Drivers shall not operate a Vehicle for Hire for more than 12 hours in any given
22 24-hour period.

23 6.28.080. Reasonable Accommodations, WAVs.

24 A. Vehicle for Hire Agencies must provide reasonable accommodations to
25 passengers with disabilities, including passengers accompanied by a service animal,
26 passengers with hearing and visual impairments, and passengers with mobility
27 devices. Vehicle for Hire Agencies must comply with all applicable requirements of
28 the Americans with Disabilities Act.

29 B. Vehicle for Hire Agencies and their Drivers shall provide services in a manner
30 that ensures the equal protection, treatment, and representation of all persons and
shall not discriminate against any person for any reason, including, but not limited

1 to, age, citizenship status, color, familial status, gender identity or expression,
2 marital status, mental disability, national origin, physical disability, race, religion,
3 sex, sexual orientation, and source or level of income.

4 C. Taxi Companies and TNCs must provide service to any passenger with a severe
5 mobility limitation that requests a Wheelchair-Accessible Vehicle. Taxi Companies
6 and TNCs shall provide WAV service within a reasonable amount of time by
7 maintaining one or more affiliated Wheelchair-Accessible Vehicles, contracting with
8 a permitted operator of Wheelchair-Accessible Vehicles, or a combination thereof.
9 It is a rebuttable presumption that failing to provide a WAV within 45 minutes of
10 receipt of a request for such a vehicle is unreasonable.

11 D. Fare rates for WAVs shall not exceed the fare rates for comparable non-WAV
12 vehicles and shall not be subject to Dynamic Pricing.

13 **6.28.090. Vehicle Safety Inspection.**

14 Each Vehicle for Hire operating in the City shall pass on an annual basis a standardized
15 vehicle safety test as performed by a National Institute for Automotive Service Excellence
16 (ASE) Blue Seal recognized shop or by an automotive technician with a current, valid ASE
17 certification in any of the areas of ASE A4-A8. Any vehicle that is less than one year old,
18 based on model year, or has less than 10,000 miles on its odometer is exempt from this
19 requirement. Proof of passage of a standardized vehicle safety test shall be kept in the
20 vehicle at all times.

21 **6.28.100. Audit of Records.**

22 The City may audit the records of any Vehicle for Hire Agency, including records related
23 to its Drivers, twice per calendar year to review compliance with this Chapter. Upon
24 request by the City, a Vehicle for Hire Agency shall provide the City a sample of records
25 for up to thirty (30) Drivers affiliated with the agency that have operated or provided
26 services in the City in the thirty (30) days preceding the audit. An audit shall occur at a
27 time and location designated by the City. In addition to an audit, the City may require a
28 Vehicle for Hire Agency to produce records related to the investigation of a specific
29 allegation of a violation of this Chapter or other applicable law, or records to enable the
30 City 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.

1 **6.28.110. Taximeter Inspection.**

2 **Every Taximeter in use by a Vehicle for Hire Agency shall be inspected and tested for**
3 **accuracy by the agency at least once every six months.**

4 **6.28.120. Charges for Vehicle for Hire Services.**

5 **A. Calculation and Display of Charges. All charges for Vehicle for Hire Services,**
6 **shall be calculated and displayed by a Taximeter or Digital Dispatch System or shall**
7 **be a flat fee readily discernible to passengers. When charges are to be displayed by**
8 **a Taximeter, the Taximeter shall be placed in the Vehicle for Hire so that the**
9 **reading dial showing the amount to be charged is illuminated and readily**
10 **discernible to passengers.**

11 **B. Charges to be Registered Only When Vehicle for Hire is Engaged. No Taximeter**
12 **or Digital Dispatch System shall be operated in any manner so as to cause any**
13 **charge to be registered thereon except during the time while the Vehicle for Hire is**
14 **occupied by a passenger.**

15 **C. Taximeter or Digital Dispatch System to be in Continuous Operation. No**
16 **passenger shall be carried in any Vehicle for Hire unless the Taximeter or Digital**
17 **Dispatch System is in operation, whether or not the trip is entirely within or**
18 **partially within and partially without the boundaries of the City. The Taximeter or**
19 **Digital Dispatch System shall be in continuous operation during the entire time that**
20 **a passenger is being transported for compensation.**

21 **D. Specialized charges. A Vehicle for Hire Agency may impose a specialized charge**
22 **to carry extra passengers or to deliver goods or other items so long as such**
23 **specialized charge is clearly calculated and displayed before any service is provided.**

24 **6.28.130. Use of Direct Route Required.**

25 **A Vehicle for Hire Driver employed to carry a passenger to a definite point shall take the**
26 **most direct route possible that will carry the passenger safely and expeditiously to the**
27 **passenger's destination.**

28 **6.28.140. Smoking Prohibited.**

29 **A. It shall be unlawful for any Vehicle for Hire Driver to smoke in the presence of**
30 **any passenger without the consent of such passenger.**

1 B. Notwithstanding subsection A. of this section, it shall be unlawful for any person
2 to smoke in a Vehicle for Hire if oxygen tanks or other devices containing
3 flammable materials are present in the vehicle.

4 6.28.150. Revocation or Suspension of Permit.

5 A. In addition to any other enforcement option provided by the AMC, the City may
6 suspend, revoke, or refuse to issue a Permit to a Vehicle for Hire Agency or a
7 Vehicle for Hire Driver if the agency or Driver fails to meet or has violated any of
8 the provisions of this Chapter. A violation includes any failure to meet or
9 maintain any of the requirements or qualifications set forth in this Chapter,
10 including the procedures and requirements for obtaining and maintaining a Permit,
11 the making of any false statement or representation, or otherwise engaging in
12 unlawful activity. The decision to suspend, revoke, or refuse to issue a Permit may
13 be appealed as set forth in AMC Chapter 2.30.

14 6.28.160. Enforcement.

15 The City has the administrative authority to implement and enforce this Chapter,
16 including adoption of administrative rules, regulations, or policies. This provision shall not
17 be construed to abrogate or limit the jurisdiction or authority of the Ashland Police
18 Department or any other law enforcement agency.

19 6.28.170. Effective Date.

20 Any Vehicle for Hire Agency certificate or Vehicle for Hire Driver certificate that is
21 current and valid as of the effective date of this Chapter shall remain valid until January 1,
22 2019, unless the certificate or permit holder wishes to apply for a new Permit under this
23 Chapter.

24 6.28.190. Violations, Penalties.

25 A. It shall be unlawful to operate or provide services as a Vehicle for Hire Agency
26 or Vehicle for Hire Driver in the City without a valid Permit issued pursuant to this
27 Chapter.

28 B. It shall be unlawful to refuse service to a person with a disability.

29 C. It shall be unlawful to operate a Vehicle for Hire in the City without having an
30 annual vehicle inspection as required by AMC 6.28.090.

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D. A violation of subsection A of this section is a Class I violation. A violation of subsection C of this section is a Class I violation. A violation of subsection C of this section is a Class II violation. A violation of any other provision of this Chapter is a Class II violation. Each day that a violation continues shall constitute a separate violation.

SECTION 3. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2018.

ATTEST:

City Recorder

Approved by City Attorney: _____

8 Vehicle for Hire (8.320 to 8.380)

8.320 Title, Intent, and Purposes 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. 28, 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.]

Katrina Brown

From: Jon Isaacs <jisaacs@uber.com>
Sent: Thursday, April 19, 2018 11:13 AM
To: Katrina Brown
Subject: Re: FW: Ashland, Oregon's proposed ordinance allowing TNCs to legally operate within its corporate limits
Attachments: Finalamd8.doc

Katrina,

I was out of the office yesterday at the State Autonomous Vehicle Task Force meeting, and am just getting to this now. Here is our initial feedback.

Here are my comments:

Uber would not be able to begin offering pick-up service in Ashland if the draft ordinance is adopted as written. As previously communicated to the city, the ordinance needs to be brought into 100% policy alignment with Medford's ordinance (attached) to create a consistent regional service area. The major areas of difference in the current draft that need to be addressed:

1. Align background check requirement language exactly including look back to seven years.
2. Eliminate vehicle inspection requirement.
3. Align language on required vehicle trade dress.
4. Eliminate requirement for vehicle for hire drivers to obtain a \$60 permit. (we could take this off the list if Medford and Ashland could agree to reciprocity so that drivers only need to obtain one permit. Two permits within a single service area is unworkable.)
5. Align language regarding services for people with disabilities. If the commission wishes to strengthen this language over Medford, here is a suggestion from the City of Corvallis:

Taxi companies and TNCS and their drivers shall operate in a manner that ensures the equal protection, treatment, and representation of all persons without discrimination, including, but not limited to, age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income.

Let me know if you have any questions.

-Jon-

**ASHLAND TRANSPORTATION COMMISSION
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These minutes are pending approval by this Commission

CALL TO ORDER:

Graf called the meeting to order at 6:02 p.m.

Commissioners Present: Bruce Borgerson, Kat Smith, Corinne Vièville, Sue Newberry, David Young, Joe Graf

Commissioners Absent: None

Council Liaison Present: Mike Morris

SOU Liaison Absent: Fred Creek

Staff Present: Scott Fleury, Taina Glick

ANNOUNCEMENTS

None

CONSENT AGENDA

Approval of Minutes: March 15, 2018

Commissioners Young and Smith m/s to approve minutes as amended.

All ayes. Minutes approved.

PUBLIC FORUM

Heulz Gutcheon 2253 Highway 99

Gutcheon believed that an estimate of greenhouse gas production should be provided for all projects. He discussed the dangers of walking and biking in town and indicated that he had provided Paula Brown a list of areas he believed are potential hazards. He restated his desire for a 20mph speed limit throughout town and that all accidents involving autos and pedestrians should be the fault of the driver. He believed that sharrows do harm rather than good and that drivers throw things at cyclists and that a cyclist's best bet is to ride on the sidewalk.

Commissioner Young thanked Gutcheon for caring and showing up.

NEW BUSINESS

Draft ordinance relating to vehicles for hire

Fleury presented Katrina Brown, Assistant City Attorney and Dave Lohman, City Attorney to speak regarding this topic. Lohman introduced Brown to the commissioners and explained her role in developing the draft ordinance that would allow transportation network companies (TNC) to operate in Ashland. He apologized for the oversight of not bringing the proposed ordinance to the Transportation Commission initially. Lohman described the difficulties Portland, Eugene, and Roseburg have had deciding to allow or not allow TNCs. Lohman questioned if Ashland wanted to allow TNCs at all costs, or should the costs of the service be more clearly defined. Brown indicated that the proposed ordinance closely mimics Medford's ordinance. She provided an email response from a representative of Uber regarding the proposed ordinance. The email is attached to these minutes. The proposed ordinance has been submitted to Lyft but Brown has not yet spoken with them. Brown spoke of the TNCs strong opposition to police provided background checks for drivers.

Young felt the issue is complex and has had success utilizing TNCs as a consumer. Young would like to ensure 100% compliance with business licensing but does not feel that the burden of policing them should be on the City and suggested a county-wide business license. Young opined that introduction of TNCs at this time does not coincide well

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with the Transit Feasibility Study. Brown stated studies exist that suggest the use of public transportation goes down once a community allows TNCs.

Vièville questioned the difference in parameters between police checks and those performed by the TNC's third-party provider and wondered why TNC's will not utilize police background checks. She preferred the phrase "reasonable accommodation" be removed from the proposed ordinance due to redundancy. Vièville informed commissioners of lawsuits filed against Uber and Lyft regarding discrimination against guide dog utilizing riders with drivers claiming canine allergies and feeling that qualified as "reasonable accommodation." Brown spoke to Vièville's question regarding police background checks by citing the existing ordinance which allows for no conviction of any crimes of moral turpitude or dishonesty as well as an unlimited look-back period whereas the TNC model allows a look-back period of only 7 years from date of conviction. The proposed ordinance loosens the existing regulation regarding allowed drivers. Brown's proposed ordinance increases the look-back to 10 years and is more specific regarding sex offenders. Convicted sex offenders are disallowed from driving under Uber's contract. Lohman described Uber's position that background testing other than their existing model is a reason to choose not to serve an area. Portland was successful in getting a 10-year lookback for background checks if allowing the third-party organization utilized by Uber. Lohman stated that Police run background checks utilize fingerprinting, but was unsure what method of identification was used by the third-party providers. Vièville wondered why we would consider loosening our guidelines to attract TNCs if fingerprint-based background checks already work for taxi drivers. Newberry inquired about the TNC reasoning for not allowing police-run background checks: expense, time to receive results, other reason? Brown indicated that the TNCs have complained such background checks substantially delay the issuance of a license to operate as a driver. Brown indicated that Eugene is proposing to issue temporary licenses to drivers based on a TNC's background check while still utilizing police background checks before issuing the final license.

Newberry inquired if Salem adjusted its ordinance when leadership changed. Brown responded yes and added that Salem's present ordinance looks very similar to Medford's. Newberry supported Vièville's suggestion to remove the phrase "reasonable accommodation." Lohman interjected that wheelchair access service is a topic that Uber preferred be excluded from any ordinance. Rather the TNCs would like to negotiate requirements for such service outside of an ordinance. Newberry wondered if other communities have had problems with TNCs related to service animals and would like to see the ordinance more strongly worded.

Newberry shared Young's concern about the impact of TNCs on transit in small communities. She understands that there are hilly areas and we need to keep a balance between helping those who could use the convenience of TNCs and existing transit infrastructure. She feels that the inclusion of TNCs should be on our terms.

Borgerson does not feel that approval of TNCs is urgent and agreed TNCs will impact transit, specifically climate change and greenhouse gas emissions. He would like to see a comparison of climate change impact between TNCs and expanded transit in similarly sized communities. Borgerson believed that TNCs view our area as a regional entity, not a collection of small municipalities and wondered if the time has come to meet with other local municipalities to discuss TNC impact. Lohman informed commissioners that Uber met with only one local municipality which seems to be their standard procedure. Vièville asked if Central Point allows TNCs. Brown replied that CP chose not to regulate TNCs, as it was not regulating taxicabs. Young interjected his believe that Phoenix and Talent are the same as Central Point. Brown added that Jacksonville has chosen not to regulate vehicles for hire services at this time. Lohman added that the Portland area responded similarly, with Portland having the ordinance and the other regional municipalities relying on Portland to be the regulator. Brown added that when discussing Portland's TNC model, Uber stated it is not willing to duplicate that model elsewhere.

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Graf felt that vehicle inspections are important and the requirement should not be eliminated. He felt that exclusion of registered sex offenders as drivers is important. Graf believed that background checks show local, state, and national criminal history, but questioned the feasibility of international criminal history for immigrants? Brown believed that international criminal histories would be difficult to obtain, even if the police were conducting the background check. Graf questioned the ability to revoke the license of a driver who becomes a criminal after approval. Graf asked about omission of a word in section H. Brown responded that the word "application" was missing. Under Operational requirements: maintain accurate records, Graf wondered about inclusion of zip codes for pick up and drop off when rides stay in the same zip code, but wondered about a better way to track where rides originate and end. Brown asked for any suggestions from the commission. Lohman indicated that Portland rides are GIS located.

Young sought to clarify his position. While agreeing that TNCs could fill a void in our transit system, he felt that there should be reasonable requirements. He wondered about a termination clause in case TNCs working in the city have a negative impact? Brown responded that ordinances can be amended or repealed, if necessary. Lohman indicated that Portland has a clause in its ordinance that required it to evaluate services after a determined amount of time.

Young supported waiving the business license fee for disabled drivers and electric vehicle drivers. Young stated his understanding that the ordinance would not preclude a local TNC from starting up. Lohman cited an example of private entity service in Austin, TX that started due to the inability of the city and the TNCs to reach an agreement on background checks, but that service was undermined when the TNCs were able to get the Texas legislature to preempt local regulations of vehicles for hire.

Vièville asked about policy for wheel-chair accessible transportation compared to an ordinance. Lohman responded that policies are not as strong as ordinances and opined that Uber's hope may be that the city quickly pass an ordinance then work out details such as wheel-chair accessible rides after the fact.

Community Comment

Mark Thomas 500 Allison St

Spoke as both a consumer and a driver. As a user, his opinion is they are brilliant in high density areas with demand. In speaking as a driver he states in a 12-hour shift that he only gets 6-7 rides. He feels that TNCs have to flood the market in order to be successful and does not feel that there is demand in this area to support TNCs. He felt there is a population segment that will not be served due to a lack of use of technology, specifically the elderly. He felt that the disabled will be underserved by TNCs. He believed that the City treats small business fairly, but does not feel that cab companies receive the same consideration. See attached.

Smith asked if there is a taxicab union in the area. Newberry asked him to describe the perceived benefit of TNCs. Thomas described ease of use, but that taxi companies provide the same except not having an app to utilize. Newberry asked if rideshares were cheaper. Thomas indicated that in some instances it is, however he described surge pricing. He wanted to make sure the City knows exactly who they are choosing to do business with, citing examples of cities who have chosen to not allow TNCs and the various reasons why. Vièville asked if Thomas' company is the only company that has a wheelchair accessible van. Thomas' understanding is that they are. Vièville stated that the vans are expensive to run and maintain and did not believe that a policy supports keeping those vans in operation.

Donald Stone

395 Kearney St

He is in favor of mass transit and has spent time as a board member and budget committee member of RVTD. He is

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in support of TNCs and believed the service will be well utilized by seniors and students as it is a door to door operation. He described difficulty seniors experience when living up-hill from a bus stop. He has utilized Uber in larger cities in CA and described the vehicles as clean, on time, with courteous drivers, but has not had the same experience when utilizing cab companies. He shared the experiences of family members regarding transit challenges. He felt that allowing TNCs would benefit downtown businesses. He feels that Ashland has a habit of overthinking things to the point of absurdity. He encouraged commissioners to approve steps to allow TNCs.

Nancy Buffington
3295 Hwy 66

Buffington had not had an opportunity to look over the whole proposed ordinance. She questioned why we would lower our background check standards to allow a business into the city. She stated that Uber was fined \$8.9 million dollars in November 2017 in Colorado for allowing drivers who did not have background checks to drive. Among those non-compliant drivers were sex offenders, those with revoked licenses, and those who did not try to complete a background check. She felt that lowering standards would not protect citizens. Through the years she has met with Barbara Christensen and Steve McLennan arguing that many unlicensed taxi operators work in the City. If we can't keep track of the few companies already in the area, how will be able to regulate a flood of drivers? She questioned why TNCs are allowed to have fluctuating rates and stated that her company is currently operating in Ashland without a taxi license.

Graf queried Lohman and Brown about what they want from the Commission. Brown would like to hear any recommendations regarding the proposed ordinance as written or additions or deletions to the proposed ordinance. Lohman informed commissioners that the attorneys have taken notes about the concerns expressed by the commissioners during this meeting to share with City Council and invited commissioners to come to the next Council meeting to share opinions and concerns. Graf added he would like to see 15 minute zones utilized for pick up and drop off by TNCs and taxi companies before and after plays. Newberry asked about inclusion of parking regulations in the ordinance. Young inquired if there is public pressure to approve the ordinance and wondered about slowing down the ordinance approval and examining the possibility of a regional approach. Lohman responded that the issues take time to work through and that Council is divided on the topic so did not feel that a decision will be made hastily. He informed commissioners of similarities faced when short term home rentals were introduced to the area.

Borgerson felt Uber's email response was fortunate, so he would be comfortable supporting Council's approval of the ordinance on first reading as it is likely that Uber will reject it, giving the City more time to work through details of the ordinance.

Newberry liked that the proposed ordinance levels the playing field for the TNCs and existing taxi companies and supported inclusion of police provided background check.

Vièville agreed with Newberry regarding background checks. Vièville does not support discussion of wheel-chair accessibility outside of an ordinance and questioned if the fares really will be lower than existing taxi companies. Brown responded that there is anecdotal evidence that TNC rates increased once the service becomes established in an area. Lohman informed the group that Uber is losing money nationally and is being supported by investors. RVTD indicated to Lohman that they are not concerned about the impact of Uber, at this point, because bus fares are cheaper than Uber rides.

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Vièville felt that Uber will impact the plan of the commission to get more in town circulators in place. She felt there is more work that needs to be done.

Young described his use of Uber as a consumer as positive, but supported the need for TNCs to adhere to the same rules as taxi companies. Young agreed with the need for availability of wheel-chair accessible vehicles.

Morris asked if the TC needed more time to consider the issue. Vièville preferred more time. Other commissioners did not feel the need for more time. Newberry inquired about the opinion of the City Council.

Election of Chair and Vice Chair

Vièville nominated Newberry for Chair. Young seconded. All ayes.

Smith nominated Borgerson for vice chair. Young seconded. All ayes.

TASK LIST

Discuss current action item list

Newberry requested information from ODOT about the plan to solve large radius turn problems around Bellview. Fleury indicated that engineering has calculated the radius for right turns on the Siskiyou corridor from Walker to Bellview and they are 30-40'. ASHTO design standards when turning right from a major roadway to a minor roadway with a high pedestrian volume are 10-15' radius. The data has been forwarded to ODOT and Fleury has not heard back from them about this but felt the fixes will likely be easy. Morris asked if ASHTO design was for perpendicular streets as there are very few perpendicular streets in that corridor. Fleury elaborated that the design changes would consider if a driver turns-back or not and that some improvements may not be physical treatments, but rather a stripping treatment. Vièville asked if those calculations were for streets on the uphill side of Siskiyou Blvd.

Newberry addressed #9 Siskiyou Tolman Creek Rd intersection, expressing concern about how the sidewalk will look and wanted to view ODOT plans prior to the start of the project. Fleury did not know how that intersection will be handled and reminded commissioners that chasing the roadway back a significant distance will be necessary to make the repair to current ADA standards. There are significant issues to consider when repairing this intersection.

Young requested an update of downtown super sharrows. Fleury stated there no changes at this time as the focus has been on N Main crosswalks. Fleury informed the group that flashing beacons are available again and some adjustments to the plan will be made as a result. Young wondered when any of these treatments will be in place. Fleury responded that appropriation for these projects was approved in the current biennial budget. Crosswalks and refuge island work should happen this summer as design approval is close. ODOT has pushed back somewhat regarding the super sharrows, mostly related to how they tie in together. That project will begin with final design approval from ODOT.

Morris discussed the crosswalk that crosses Siskiyou Blvd at Harmony Ln which ends in a driveway. Morris received a citizen request to investigate the area in front of the Minute Market parking lot. Fleury reminded commissioners of the ARTS grant and informed commissioners that he submitted Ashland St between Siskiyou Blvd and Clay St, Ashland St at Normal Ave, Iowa St, and Siskiyou Blvd from Walker to Tolman Cr Rd to the consulting traffic engineering firm to see if the crosswalk and lighting improvement projects meet grant qualifications. Ashland does not experience the fatalities necessary to qualify for the auto grant, but does have pedestrian issues that could qualify for the pedestrian grant.

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OLD BUSINESS

Community meeting follow up

Fleury described his additions to the summary notes and asked for comments, additions or corrections. Young asked if the notes would be sent to attendees. Fleury responded yes. Newberry would like an email containing a letter as well as the original summary and Fleury's edits sent to all attendees. She further described what she believed the content of the letter should be and commissioners discussed. Graf directed attention to the section detailing paid parking and advised commissioners to consider this topic in case oversight becomes the responsibility of the TC.

FOLLOW UP ITEMS

None

INFORMATIONAL ITEMS

Transit Feasibility Study update

Fleury indicated that Nelson Nygaard will be here next week. The stakeholder interviews have been set up with Mountain Meadows, Chamber, SOU and citizen interviews will be conducted at the Grower's Market. GIS creating a map to track citizen survey comments similar to RVTDs website survey. TFS information will be presented to TC at either the May or June meeting depending on Nelson Nygaard's needs. Graf wondered if there are any events that commissioners can attend. Fleury indicated that commissioners could attend the Grower's Market and the TAC meeting, but the TAC is not an open meeting for citizens. Fleury clarified the role of the TAC and how information will be disseminated.

Accident Report

Graf was pleased that the map provided an easy way to spot problem areas. Fleury informed commissioners that the police department radar speed trailer is no longer functional but a replacement may have been found. The new trailer will acquire data for traffic studies and can be set to flash when exceeding the speed limit by a determined amount. It can be used in conjunction with tubes to verify data.

Draft City of Ashland ADA Transition Plan

Fleury described the draft of the ADA Transition plan which was drafted similarly to Eugene's plan. All municipal organizations must have a transition plan for the right of way. Comments should be directed to Fleury. Vièville and Newberry inquired if problems or violations could be reported by means other than a formal letter. Fleury indicated yes.

Vièville inquired about an ODOT lawsuit and wondered if proceeds were expected by the city. Fleury responded that ODOT is obligated to bring everything in their system up to standard by 2032 and will be completing an inventory to determine which of their facilities are compliant and which are not. Fleury did not yet know if ODOT will perform upgrades or pay the City to make upgrades but that the scope of this is only to bring ramps up to standard. Newberry questioned if sidewalks are included or just ramps. Newberry questioned if a grievance could be filed by a disabled person when lack of sidewalks inhibit a person's ability to access public transportation and cited a lawsuit filed in NV that required the local city to install sidewalks from a residence to a bus stop due to lack of ADA compliance. Graf instructed commissioners to forward questions and edits to Fleury.

Fleury described the CIP update spreadsheet and indicated that it is provided to City Council to keep them updated on capital project status. Newberry questioned why the E Nevada St extension still exists on the CIP. Fleury clarified that it is part of the approved CIP projects and that it will not be included with the next approval of the CIP.

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COMMISSION OPEN DISCUSSION

Graf reminded commissioners of the commission vacancy. Young questioned if the vacancy had been posted. Fleury responded that it had. Borgerson found the position he was appointed to in the classified section of the newspaper and wondered how often ads such as that are placed. Morris indicated his belief that it is an ongoing ad that changes as vacancies occur.

Newberry inquired about an email she received regarding a potential liaison appointment. Fleury responded that Jackson County is updating their Active Transportation Plan and are looking for citizen members. If commissioners are interested in being appointed, contact Fleury.

Newberry thanked Graf for his time as chair and for his good leadership. Young echoed Newberry's sentiments.

FUTURE AGENDA TOPICS

High and Church St 4-way stop

Parking Permit Policy

TGM grant application

ADJOURNMENT: 8:05

*Respectfully submitted,
Taina Glick
Public Works Administrative Assistant*

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CALL TO ORDER:

Newberry called the meeting to order at 6:00 p.m.

Commissioners Present: Sue Newberry, Corinne Vièville, Kat Smith, Joe Graf, Bruce Borgerson, David Young (via video-conference)

Commissioners Absent: None

Council Liaison Absent: Mike Morris

Staff Present: Scott Fleury, Taina Glick

ANNOUNCEMENTS

None

CONSENT AGENDA

Approval of Minutes: June 21, 2018

Commissioners Graf, Smith m/s to approve minutes as amended.

All ayes. Minutes approved.

PUBLIC FORUM

Huelz Gutcheon 2253 Hwy 99

Spoke to the need for carbon dioxide signature measuring of projects and that wiring for electric cars should be included in all new construction.

NEW BUSINESS

Graf believed that because applicant and/or planning staff were not present that TC should not discuss these planning actions. Fleury explained that each is in pre-application status and comments about critical issues are helpful to Public Works when conducting their review.

Type III Planning Action review 2082 E Main St

Graf reminded the group that the TC had previously approved a motion requiring a multi-use path along E Main St in the Normal Ave extension plan. Fleury responded that staff could pull that recommendation from that meeting and add it to the recommendations made for this application. Young concurred with Graf's memory of the motion. Graf pointed out that the application requested an exception to the street improvement standard and stated that, if a variance is indeed requested on the final application, the plan needs to be presented to the TC for review. Newberry questioned the original map for the Normal Ave plan and how the current submission related to it. Fleury explained the TC is to consider only the transportation related element of the annexation proposal. Commissioners and staff discussed railroad crossings and the previously approved Normal Ave plan.

Fleury summarized commission recommendations:

- Inclusion of complete path connecting Walker Ave to Clay on South side
- Future discussion if street variance is requested
- Railroad crossing concerns if at-grade, public crossing is not permitted
- Adequate off-street parking

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Graf expressed discouragement that neither the applicant nor Planning Department staff were present. Remaining commissioners concurred.

Commissioners discussed the lack of transit currently and the possibility of future transit in the area.

Type III Planning Action review 2350 Ashland St

Fleury introduced a proposal for construction of a hotel in the lot adjacent to RiteAid, accessible from Ashland St via a proposed easement between Wild Goose and the Texaco station. ODOT will review the proposed development and its potential effects on the corridor as a whole over a 20-year planning period. Graf was pleased with the inclusion of a shuttle, but concerned about parking. The proposal includes 116 parking spaces for 120 rooms, plus staff members but there is no plan for dealing with overflow parking. Newberry was concerned about pedestrian crossings and requested a pedestrian plan. Borgerson wondered if the easement is the only ingress/egress and suggested a different easement for pedestrian/bicycle access. Fleury described the ODOT interchange area management plan (IAMP) review which will address Borgerson's left turn concerns. Smith informed commissioners that the closest bus stop to the parcel is located at BiMart.

OLD BUSINESS

TNC draft ordinance

Mark Thomas 500 Allison St

Thomas informed commissioners that he provided a letter prior to the last meeting but was not in attendance. He questioned if TC had done studies to assess the need for TNCs in Ashland and if commissioners have taken into consideration how TNCs will affect traffic, pedestrian safety, and the environment.

Terry Knight 3295 Hwy 66

Spoke as driver of Cascade Shuttle. He played a recording of a local Uber driver willing to operate outside of the app.

Fleury encouraged commissioners to focus on the transportation related issues in the proposed ordinance only and not to consider the legalese and administrative aspects.

Katrina Brown, City Attorney, discussed development of the proposed ordinance and what is expected from the commission at this meeting.

Young was of the opinion that the TC does not need to rush into making a decision due to pressure from TNCs.

Vièville asked Brown if she was aware if Medford has any actual or anecdotal evidence showing the number of TNC drivers and their impact. Brown responded that Medford's ordinance was adopted in December 2017 and there are 10-times more TNC drivers than taxi drivers currently registered.

Vièville is not in favor of adding more cars who are trying to attract fares in town and felt that safety and a stricter ordinance are important.

Newberry requested that commissioners first decide to allow or disallow the additional vehicle for hire service option. Borgerson would support TNCs as long as passenger safety and rider equity can be reasonably assured and suggested the Corvallis ordinance as a benchmark. Smith was concerned about vehicle miles travelled and wondered what the RVTD stance is on TNCs. Fleury responded. Smith did not feel strongly about the topic but felt that TNCs could fill a

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gap in the local transportation network, particularly among students. Graf reminded commissioners that they are to consider if the need exists for TNC service and pointed out that citizen comment has been minimal; noting that the majority of speakers on the topic have been drivers on each side of the topic. Graf is concerned due to a lack of proof of citizen need for the additional service. Vièville asked Borgerson to clarify why the TC should consider the Corvallis ordinance when Ashland has a strong ordinance already in place. Smith asked Brown if she had reviewed the Corvallis ordinance when writing our proposed ordinance. Brown indicated that she had and the difference was equal treatment of all users which is included in our proposed ordinance and lack of some safety measures present in our proposed ordinance. Vièville asked Smith if Zip cars have been utilized on SOU campus. Smith did not have the answer. Fleury indicated that Fred Creek had informed him that the Zip car program was going well.

Young believed the choice was for the TC to recommend softening the requirements of our existing ordinance to match Medford's or stick to existing ordinance as adopted. He provided his view of the positives and negatives and questioned if the proposed ordinance contains or could contain an out-clause allowing for evaluation of actual TNC impact data. Brown responded that the proposed ordinance does not contain a sunset clause but reminded commissioners that the City can amend code at any time. Young inquired if the proposed ordinance could be amended to include a sunset clause.

Newberry wondered if Graf had a suggestion for how to proceed with an impact study. Graf had two suggestions:

- determine how many taxi trips are currently being made
- survey citizens to determine which modes of transportation are wanted and to understand why taxis aren't meeting the current needs

Commissioners spoke of their personal experience utilizing vehicles for hire, debated if study data would be obtainable, and if the need exists for an additional vehicle for hire service in Ashland. Graf suggested someone make a motion.

Vielle made a motion supporting adoption of the new ordinance and that everyone who has a business in Ashland abide by it. No second.

Young declined to make a motion.

Borgerson moved that the TC consider an ordinance based on the Corvallis ordinance because it has the additional provisions on equity and make that the basis of the TCs decision but defer a formal recommendation until we can be assured of passenger safety and service equity. No second.

Vièville debated Borgerson about the differences between the ordinances accepted by Uber and the issue of safety.

Young called point of order.

Young/Borgerson m/s to defer any decision on TNC until conclusion of the Transit Feasibility Study.

Discussion: Smith asked when TFS is set to complete. Fleury replied November 2018. Borgerson believed if the TC defers action they won't be able to evaluate TNCs impact on transit. Young felt the converse of Borgerson's statement is true and the findings of the TFS will provide data about TNCs potential impact on local transportation. Vièville inquired if the TFS will have a traffic impact study. Newberry replied no, but it will provide suggestions of need based on historical data. Smith questioned how much data would be available before completion of the TFS. Graf asked Brown if this topic

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will go to Council regardless of the TC decision or if the TC makes a formal recommendation. Brown indicated that it would but that Council expressed an interest in the TC recommendation before going forward.

Ayes: Young, Vièville, Smith, Graf, Newberry
Abstain: Borgerson
Motion passed.

Graf/ Vièville m/s that if the City Council decides they want to move ahead before they get recommendation on TNCs the TC would encourage them to adopt the draft ordinance.

Discussion: Young stated that the TC had already made their recommendation.

Aye: Newberry, Vièville, Smith, Graf
Nay: Young, Borgerson

Commissioners discussed and agreed that the issue of a Transportation Industry Board is outside the purview of the TC and will not consider this topic.

TASK LIST

Discuss current action item list

Fleury received the Iowa St analysis from Kim Parducci. Recommendations are to increase yellow curb stripping, crosswalks, and to add a 4-way stop with signage at Garfield and Iowa. Fleury discussed completion timeframes and ADA compliance.

Graf inquired about the super sharrows. Fleury will bring the plan to the next meeting. Implementation can occur as soon as ODOT approval is received.

Smith asked for clarification on Traffic Calming status.

Young asked about a timeline on crosswalks on N Main. Fleury indicated that plans will be sent for ODOT and will go out to bid once ODOT approval is received.

FOLLOW UP ITEMS

None

INFORMATIONAL ITEMS

Accident Report

Commissioners discussed exclusion of citation information from the monthly accident report. Smith preferred inclusion of citation issuance data. Newberry expressed the opinion that officers show sympathy for auto drivers all of whom should be cited when involved in an accident involving pedestrians or cyclists. Graf reminded commissioners why the decision was made to exclude citation information. Borgerson encouraged commissioners to consider that not all circumstances that would have contributed to the issuance or non-issuance of a citation can be included in this report. Newberry believed that utilizing crash records to make decisions for improvements to areas or intersections is more important than whether or not a citation had been issued. Fleury will request the GIS group add an additional filter to refine data by type.

**ASHLAND TRANSPORTATION COMMISSION
MINUTES
July 19, 2018**

These minutes are pending approval by this Commission

COMMISSION OPEN DISCUSSION

Newberry noted that the Community Development lobby does not have a vegetation compliance handout.

Young suggested inviting the new code enforcement officer to the next meeting to discuss vegetation compliance issues. Newberry stated this could be added to the agenda at some point in the future, but did not feel that could be included on the next agenda. Young inquired if inclusion on the agenda was at the Chair's discretion and added that he presented the suggestion to the commission as a whole. Borgerson suggested contacting the code enforcement officer with the TCs concerns, but not to add it to the agenda. Fleury informed commission of how code compliance issues are handled.

Graf asked about interest in the open commission position.

Smith inquired about public outreach for the Safe Routes to School workshop. Fleury responded that the City did not do outreach, but that ODOT may have.

FUTURE AGENDA TOPICS

Bear Creek Greenway extension

Traffic Control Devices – MUTCD Training on 4-way stop improvements

Parking Permit Policy

Safe Routes to School Program-Grants

ADJOURNMENT: 8:08 pm

Respectfully submitted,

Taina Glick

Public Works Administrative Assistant