

ASHLAND TRANSPORTATION COMMISSION
MINUTES
April 19, 2018

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*