

MEMORANDUM

Date: May 17, 2018

From: Katrina L. Brown, Assistant City Attorney

To: Transportation Commission

RE: Proposed Ordinance Amending AMC Chapter 6.28 Related to Vehicles for Hire

BACKGROUND:

The City of Ashland has regulated taxicab companies and taxicabs through the Ashland Municipal Code (AMC) for almost 20 years, but the AMC does not address newer forms of vehicle for hire services offered by Transportation Network Companies (TNCs) such as Uber and Lyft. In addition, the AMC does not allow TNCs to operate under their current models.

The City was contacted in late October of 2017 by a representative from Uber shortly after Medford adopted a new ordinance addressing TNCs. Uber requested that the City either adopt Medford's regulatory regime verbatim or deregulate vehicle for hire services altogether so that Uber could begin providing vehicle for hire services in Ashland.

At a Study Session on November 20, 2017, the City Council was presented with a request for direction about how it would like the City to address these new forms of transportation services. Specifically, Council was asked to decide whether the public interest is better served by the regulation of vehicles for hire or whether deregulation is more appropriate. A number of cities in Oregon have chosen to adopt provisions regulating vehicles for hire. Portland, Salem, Corvallis, Bend, and Medford are examples. Eugene is currently considering such regulations. Some smaller cities such as Central Point and Keizer have chosen to deregulate. Council indicated that some form of regulation was in the public interest.

Based on Council's desire to have some form of regulation of vehicles for hire, staff drafted a proposed ordinance updating the City's current taxicab regulations to address new forms of vehicles for hire services. 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.

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.

The proposed ordinance was presented to the Transportation Commission at its April 19, 2018 meeting. At that meeting the Commission expressed approval for the proposed ordinance as drafted, but it did not make a formal recommendation of adoption to the City Council. The proposed ordinance was then presented to the City Council for first reading at its May 1, 2018 meeting. After hearing staff's presentation and public testimony at its May 1 meeting, the Council requested that staff bring the proposed ordinance back to the Transportation Commission to vote on a formal recommendation regarding the proposed ordinance, including any changes. In addition, the Council requested that the Commission consider a proposal from the Oregon AFL-CIO to create a "Transportation Industry Board" for the City of Ashland in conjunction with adoption of the proposed ordinance. The purpose of such a board would be to investigate conditions and practices in the TNC industry and advise the City Council on standards for TNCs. It would also investigate disputes between drivers and TNCs and disputes between consumers and TNCs and recommend changes to regulations based on its investigations. A copy of the complete proposal is attached.

CONCLUSION:

Staff is requesting that the Commission carefully consider Ashland's needs, review the proposed ordinance, and make a formal recommendation on adoption to the City Council. Staff is also requesting that the Commission consider the proposal by the Oregon AFL-CIO to create a Transportation Industry Board and make a formal recommendation as to its creation to the City Council. As the proposed ordinance does make changes to the model preferred by the TNCs, the Commission should consider whether those changes should be retained even if it means the TNCs may decline to provide services in the City of Ashland.

Attachments:

1. Proposed Ordinance No. 3152 amending AMC Chapter 6.28
2. City of Medford ordinance regulating vehicles for hire
3. Copy of email from Uber's representative commenting on proposed ordinance
4. Copy of memo from Evan Lasley of the AFL-CIO on May 1, 2018
5. Transportation Industry Board Policy proposed by the Oregon AFL-CIO

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: _____