1. Agenda

   Documents: 2.18.15.PDF

2. Action Items: (Public Comment Will Be Taken On These Items)

   2.I. Traffic Schedule Amendment- Endorse/Forward To City Council
   Pine/Brackett Street Parking

   Documents: BRACKETT STREET COUNCIL AGENDA REQUEST.PDF, CITY COUNCIL ORDER BRACKETT.PDF, PINE AND BRACKETT MAP.PDF

   2.II. Environmental Performance Report

   Documents: ENVIRONMENTAL PERFORMANCE REPORT.PDF

   2.III. Abandoned Bike Ordinance

   Documents: ABANDONEDBIKEPOLICY.PDF

   2.IV. Uber Follow-Up

   Documents: TRANSPORTATION NETWORK COMPANIES MEMO.PDF

3. Committee Updates/Input Sought: (No Public Comment Will Be Taken)

   3.I. Franklin Street Cooridor Redesign Work Update

   Documents: FRANKLIN ST.PDF

   3.II. Strategic Transportation Plan And Transportation Planning Studies Status

   Documents: STRATEGICTRANSPORTPLAN.PDF, TRANSPORTSTUDIESSTATUS.PDF

4. Executive Session

   Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-a, the Committee will go into executive session to discuss the real estate negotiations for the possible purchase of land on Warren Avenue to give guidance to staff.

CITY OF PORTLAND, MAINE
The Transportation, Sustainability and Energy Committee

Transportation, Sustainability and Energy Committee

DATE: 2/18/2015
TIME: 5:30 PM
LOCATION: Room – Council Chambers
City Hall

AGENDA

1. Approval of December 17, 2014 Meeting Minutes

2. Action Items: (Public Comment will be taken on these items)
   - A. Traffic Schedule Amendment- Endorse/forward to City Council
     - 1. Pine/Brackett Parking
   - B. Environmental Performance Report
   - C. Abandoned Bike Ordinance
   - D. Uber Follow-up

3. Committee Updates/Input Sought: (No Public Comment will be taken)
   - A. Franklin Street Corridor Redesign Work Update
   - B. Strategic Transportation Plan and Transportation Planning Studies Status

4. Executive Session
   Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-a, the Committee will go into executive session to discuss the real estate negotiations for the possible purchase of land on Warren Avenue to give guidance to staff.

5. Adjourn

Councilor David A. Marshall, Chair
Councilor Jon Hinck, Vice Chair
Councilors Justin Costa and Kevin Donoghue

CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM

MEMORANDUM
Council Agenda Request

TO: Councilor David Marshall, District 2, Chair, Transportation Committee
Councilor John Hinck, Vice- Chair At-Large, Transportation Committee
Councilor Kevin Donoghue, District 1, Transportation Committee
Councilor Jason Costa, District 4, Transportation Committee

FROM: Michael Bobinsky, Director of Public Services

DATE: Feb. 11, 2015

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

1. Council meeting at which action is requested:
   1st reading____N/A________________

   Final action___TBD_________________

2. Can action be taken at a later date: __X___Yes _____No.
   If no, why not?

3. This item is sponsored by: Transportation, Sustainability and Energy Committee, 10/18/15
   (If this item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

I. SUMMARY OF ISSUE:

In 2013, a parking change was approved in association with the site plan approval for the West End Place development for Brackett Street South of Pine Street. Portland's Traffic Engineer, Jeremiah Bartlett was asked to review the decision by the Brackett Street Veterinary Clinic. Based on this review and after discussions with John Peverada, the City's Parking Manager and Kevin Thomas, Traffic Supervisor, Mr. Bartlett determined that a new plan be brought to the Committee.

II. REASON FOR SUBMISSION:

The width of Brackett Street in this area does not allow for parking on both sides of the street. The new plan offers better site lines, provides for flexible on-street parking that meets the needs of various users and avoids impacts related to the width of the street.

III. INTENDED RESULT:

The new parking plan will offer:

South side of Brackett Street South of Pine Street (0-227 feet)
2 Thirty minute spaces (from 8 AM to 8 PM)
2 Motorcycle/Moped spaces
1 two hour handicapped spaces;
7 One hour spaces from (from 8AM to 8PM)
For a total of twelve spaces

East Side of Brackett Street South of Pine Street (0-255 feet)
No parking
Loss of two spaces, two motorcycle spaces and one Ucarshare space.

South Side of Pine Street East of Brackett (0-70 feet)

1 Ucarshare space
2 15 minute parking spaces (8 AM to 8 PM)

The new plan offers an increase in overall on-street parking.

IV. FINANCIAL IMPACT

This installation will require a minimum of four posts and six signs, plus Dig Safe work, staff time (including a supervisor) and the use of a truck. The total cost is estimated to be approximately $600.00.

V. RECOMMENDATION:

Staff recommends approval of this request.

Attachments: Council Order
Map

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JASON COSTA (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL DUSON (A/L)
JON HINCK (A/L)
NICHOLAS MAVADONES JR. (A/L)

TRAFFIC SCHEDULE AMENDMENT

Ordered, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By deleting under Brackett Street: (all directional references have been corrected in new additions)

Northside – From a point beginning at the intersection of Pine and Brackett Streets and running to a point 30 feet southerly on Brackett – Schedule 1 – No Parking

Northside – From a point beginning at 30 feet from the intersection of Pine and Brackett Streets and running southerly to a point 96 feet on Brackett – Schedule XV – 15 minute parking

Northside – From a point beginning at 96 feet from the intersection of Pine and Brackett Streets and running southerly to a point 104 feet on Brackett – Schedule XXXIV – Motorcycle/Moped parking only -10 hour limit

Northside – From a point beginning at 129 feet from the intersection of Pine and Brackett Streets and running southerly to a point 151 feet on Brackett – Administrative Designation – U Car share

Northside- From a point beginning at 151 feet from the intersection of Pine and Brackett Streets and running southerly to a point 173 feet on Brackett – Schedule XV – 15 minute parking

By Adding under Brackett Street: (all directional references are corrected below)

Eastside – from the intersection of Pine and Brackett Streets and running southerly 255 feet on Brackett Street – Schedule I – No Parking

By Deleting under Brackett Street: (directional references corrected in additions below)

Southside – from a point beginning 25 feet from the intersection of Pine and Brackett Streets and running easterly to a point 104 feet on Brackett Street. – Schedule XV – 15 minute parking

Southside – from a point beginning 120 feet from the intersection of Pine and Brackett Streets and running easterly to the Million Dollar Bridge

Southside – From a point 147 feet westerly of Pine and Brackett Streets and running easterly to a point 25 feet easterly of Pine Street – Schedule I – No parking

By Adding under Brackett Street (directional references corrected)

Westside – From a point beginning at the intersection of Pine and Brackett and running southerly to a point 20 feet from the intersection – Schedule I – No parking

Westside – From a point beginning at the 20 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 70 feet from the intersection – Schedule XVI – 30 minute parking

Westside - From a point beginning 70 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 90 feet from the intersection – Schedule XXXIV – Motorcycle/Moped parking only 10 hr. limit

Westside - From a point beginning 90 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 110 feet from the intersection – Schedule XIX – Handicap Parking

Westside - From a point beginning 110 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 227 feet from the intersection – Schedule VIII – 2 Hour parking (8 AM to 8 PM)

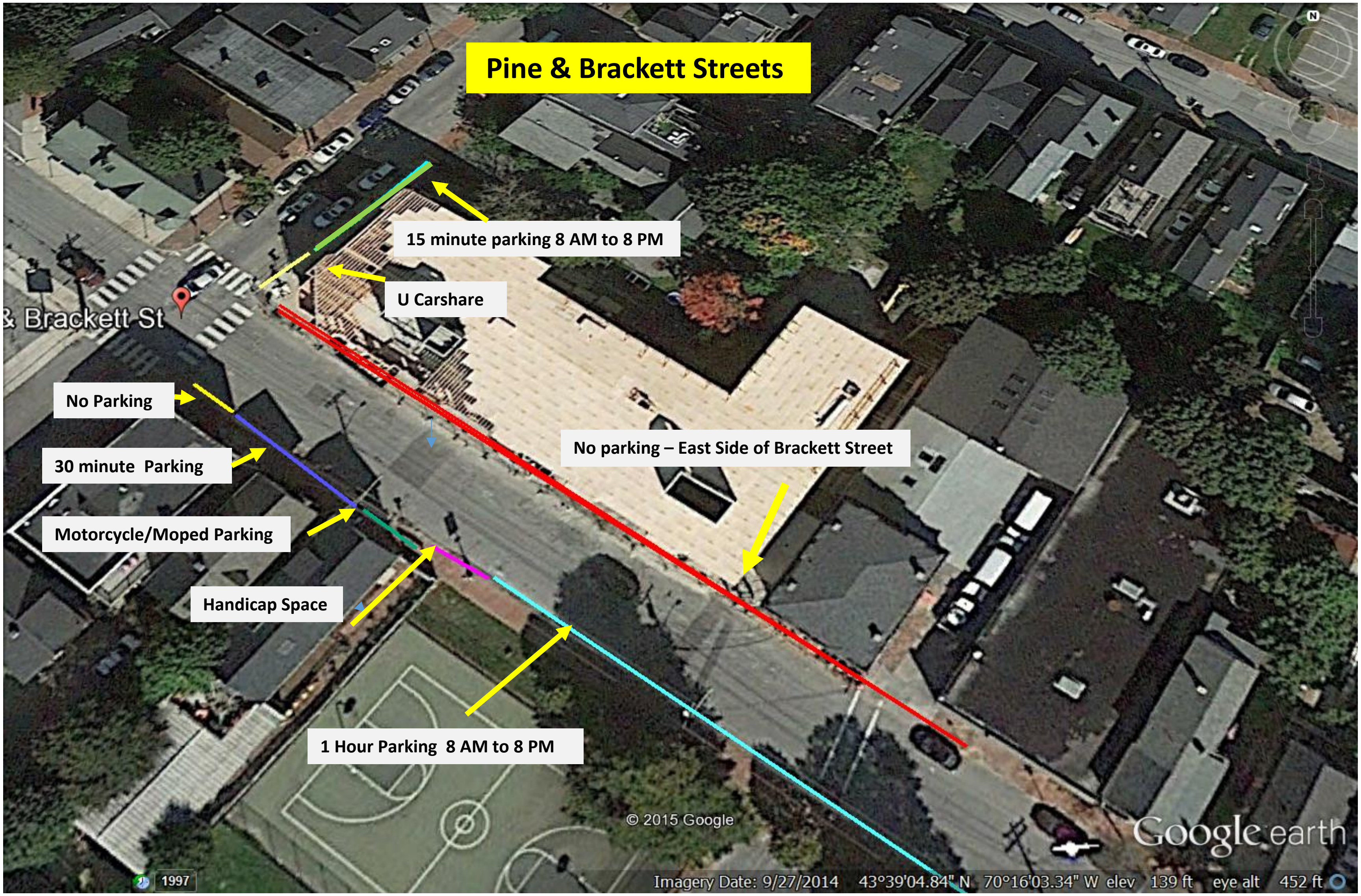
Westside - From a point beginning 227 feet from the intersection of Pine and Brackett and running southerly on Brackett to the Million Dollar Bridge – Schedule I – No Parking

By Adding under Pine Street (directional references corrected in additions) No deletions required.

Southside – - From a point beginning at the intersection of Pine and Brackett Streets and running easterly on Pine Street to a point 20 feet from the intersection – Schedule I – No parking

Southside – - From a point 20 feet from the intersection of Pine and Brackett Streets and running easterly on Pine Street to a point 40 feet from the intersection – Administrative Designation – U Car Share

Southside – - From a point 40 from the intersection of Pine and Brackett and running easterly on Pine Street to a point 70 feet from the intersection – Schedule XV – 15 minute Parking (8 AM to 8 PM)


Pine & Brackett Streets
15 minute parking 8 AM to 8 PM
U Carshare
& Brackett St
No Parking
30 minute Parking
Motorcycle/Moped Parking
Handicap Space
No parking – East Side of Brackett Street
1 Hour Parking 8 AM to 8 PM
© 2015 Google
Google earth
1997
Imagery Date: 9/27/2014 43°39'04.84" N 70°16'03.34" W elev 139 ft eye alt 452 ft

Environmental Performance Report

City of Portland, Maine

July 2013 – June 2014

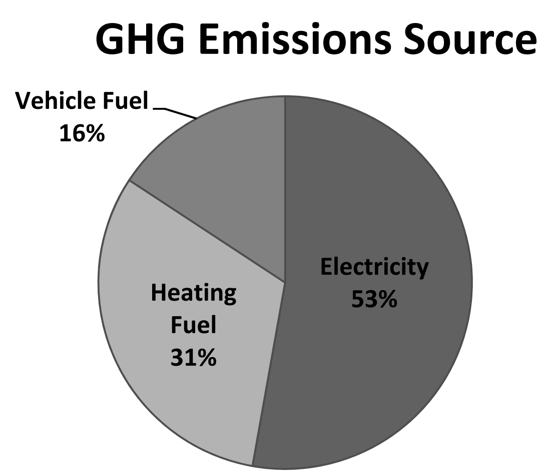
BACKGROUND

According to the Environmental Performance Policy, adopted by the City Manager as an Administrative Policy of the City, recommended by the City Council, the administration is responsible for tracking and reporting annually on the following metrics:

- Building fuel use;
- Electricity use;
- Vehicle fuel use;
- Solid waste generation; and
- Office paper (8.5 x 11) purchasing.

The above metrics represent a part of the City's performance in corporate sustainability. These metrics are presented either in the units of the metric itself, calculated cost, or calculated greenhouse gas emissions. The data presented in this report does not consider operational ownership. If the data is available it is reported disregarding operational control.

The 2014 Fiscal Year (FY) beginning in July 2013 and ending in June 2014 represents the second year that these metrics have been compiled into a single report. Fiscal Year 2013 represents the first year that office paper purchasing has ever been tracked. Electricity and other fuels have been tracked for a number of years and have informed energy efficiency and conservation benchmarking and the budget process for utilities year-after-year. Solid waste generation from city facilities was not tracked due to lack of data collection. Future year reports should contain solid waste generation.



Of note with regard to this report is that between May 2011 (FY 2011) and June 2012 (FY 2012) the City was under contract with an Energy Performance Company to construct energy improvements throughout City and School buildings that have resulted in electricity and fuel savings.

SUMMARY

In 2014, approximately 31,859,984 kwh (kilowatt hours) of electricity, 162,628 gallons of heating fuel oil, 1,036,618 therms of natural gas for heating, 385,518 gallons of gasoline and diesel fuel, 50,780 gallons of Compressed Natural Gas (CNG) and 12,205,000 sheets of 8.5 x 11 office paper are being reported. Solid waste generated by city facilities is unknown at this time.

The Greenhouse Gas (GHG) emissions from this usage is approximately 3,661 metric Tons of CO_2 equivalent (e) units from vehicle fuel, 12,281 CO_2e from electricity, and 7,319 CO_2e from heating fuel. The total, approximate GHG emissions: 23,261 metric Tons of CO_2e.[1]

Performance Metrics	2013	2014
Electricity	29,3,868 kwh	31,859,984 kwh
Heating Fuels	134,462,969 kBTU	126,267,092 kBTU
Heating Fuel Oil	142,393 gallons	162,628 gallons
Natural Gas	1,136,006 therms	1,036,618 therms
Vehicle Fuel		
Gasoline and Diesel	394,618 gallons	385,581 gallons
Compressed Natural Gas	30,384 gallons	50,780 gallons
Office Paper (8.5 x 11)	10,859,500 sheets of paper	12,205,000 sheets of paper
GHG Emissions	23,260 Tons CO_2e	23,261 Tons CO_2e
Electricity	11,093 Tons CO_2e	12,281 Tons CO_2e
Heating Fuel	7,657 Tons CO_2e	7,319 Tons CO_2e
Vehicle Fuel	3,492 Tons CO_2e	3,661 Tons CO_2e

COMMENTS

- Due to a cold winter, pipeline constraints, and local pipe issues, gas was sometimes unavailable. As a result, gas usage was down and heating fuel usage was up.
- Overall, building heating energy usage was down due to efficient system performance and user conservation.
- Electricity usage is up overall; however, the increase is from the Jetport expansion. Electricity usage has decreased elsewhere.
- Switching to natural has saved money (38% reduction) and improved GHG emissions (16% reduction).
- Energy efficiency has saved energy and saved money.
- Competative energy supply procurement is saving money.
- Office paper purchasing has increased since 2013 by approximately 1 million sheets of paper. Annidotal evidence suggests that some Departments have noticed a drastic decrease in paper usage over the past couple of years due to two-side printing options and using the internet for document sharing. It is unclear as to why paper usage is up.
- The School Department has expanded its use of CNG vehicles.
- Vehicle fuel efficiency has improved and usage has decreased even during a cold and snowy winter.

[1] Total energy composition includes General Fund, Enterprise Funds, and non-City sources available for reporting.

HEATING FUEL PERFORMANCE

For comparison purposes, FY 2010 was compared to 2013 and 2014. Both 2010 and 2013 share a similar number of heating degree days (HDD): 2010 had 6,315 and 2013 had 6,573. FY 2014 had 7,440 HDD, which was abnormally high compared to at least the last seven years. FY 2010 and 2013 also correspond with pre and post construction of the energy efficiency improvements in 2011 and 2012. Through the energy efficiency improvements the City switched from primarily heating fuel oil to natural gas as the primary heating source for many of the City's buildings. Between 2010 and 2013 the total British Thermal Units in thousands (kBTU) needed to heat buildings increased, but resulted in lower GHG emissions and lower cost as can be seen in the table below. GHG emissions dropped approximately 14% since 2010 and total costs dropped approximately 38% between those dates.

For the buildings where energy improvements were made per the energy performance contract, there was a drop of 7% in energy use (kBTU), a 30% decrease in cost, and a 16% decrease in GHG emissions. The relatively small decrease in energy use is attributed to the added energy needed for natural gas to power boilers originally designed for higher energy content fuel oil and sometimes bunker oil. The cost savings attributed to these conversions were due to the difference in cost between the two fuel sources. The emissions reductions are due to the relative difference in emission caused by the two fuel source options.

Across the City's entire building portfolio, the heating building energy use intensity was 50 kBTU/sf/year. For comparison, the ASHRAE standard for new construction is 55 kBTU/sf/year and the average for office buildings in the US is 90 kBTU/sf/year.

Heating Fuel Performance			
	FY 2010	**FY 2013**	**FY 2014**
Heating Fuel (gallons)	720,258	142,393	162,628
Natural Gas (therms)	264,032	1,136,006	1,036,618
Energy Improvements	93,926,331	95,620,188	87,077,673
Public Buildings (kBTU)	38,377,689	32,702,973	29,780,672
School (kBTU)	55,548,641	62,917,215	57,297,001
GHG Emissions (CO_2e)	8,755	7,657	7,319
Estimated Cost ($)[2]	2,684,080	1,939,585	1,876,144

[2] Assumes a normalized $1.30 per therm and $3.25 per gallon rate

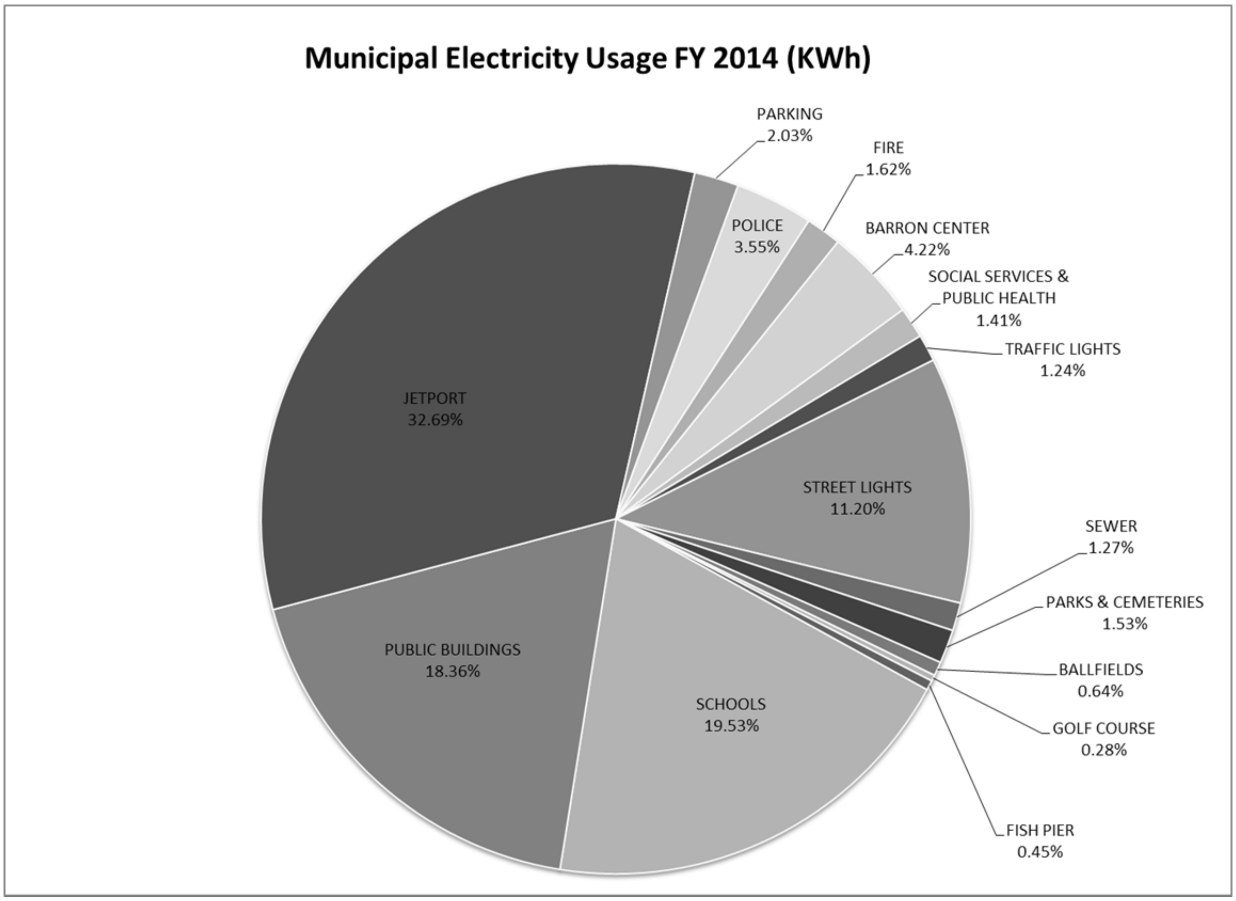
ELECTRICITY PERFORMANCE

For comparison purposes, FY 2010 was compared to 2013 and 2014. FY 2010 and 2013 correspond with pre- and post-construction of the energy efficiency improvements in 2011 and 2012. Total electricity use increased due to construction of the new Jetport Terminal; however, excluding the Jetport, electricity use has decreased. With the major exception of the Portland Ocean Terminal electricity use is generally trending downward and in any divisions where there is an increase is attributable to increased service. The downward trend in electricity use has also coincided with a large drop in electricity supply costs.

For the buildings where energy improvements were made per the energy performance contract, there was a drop of 8% in electricity usage for public buildings and a 2% drop in electricity usage for school buildings. Electricity energy improvements were primarily lighting improvements such as lamp replacements and motion sensor light switches.

Electricity Performance			
Kilowatt Hours (kwh)	FY 2010	FY 2013	FY 2014
Jetport	3,631,834	7,682,587	10,413,608
Traffic Lights	434,428	395,886	393,730
Streetlights	3,566,659	3,692,767	3,566,859
Sewer	374,356	393,891	405,989
Parks and Cemeteries	550,110	517,925	488,915
Ballfields	201,410	200,354	203,494
Golf Course	155,148	117,739	88,832
Fish Pier	128,600	125,000	143,500
Schools	6,586,048	6,320,171	6,221,431
Public Buildings	5,599,930	5,430,040	5,849,152
Parking	654,700	608,402	645,961
Police	1,223,200	1,130,080	1,131,160
Fire	497,133	490,043	514,692
Barron Center	1,398,657	1,384,791	1,344,688
Social Services and Public Health	472,254	481,140	447,973
Total (kwh)	25,474,467	29,318,868	31,859,984
less Jetport (kwh)	21,842,633	21,636,281	21,446,376

Energy Improvements	13,318,163	12,472,664	12,642,381
Public Buildings	7,100,224	6,362,165	6,561,962
Schools	6,217,939	6,110,499	6,080,419
Total Emissions (CO_2e)	9,820	11,093	12,281
Estimated Cost ($)[3]	3,566,425	4,104,641	4,460,398
less Jetport ($)	3,057,969	3,029,079	3,002,492

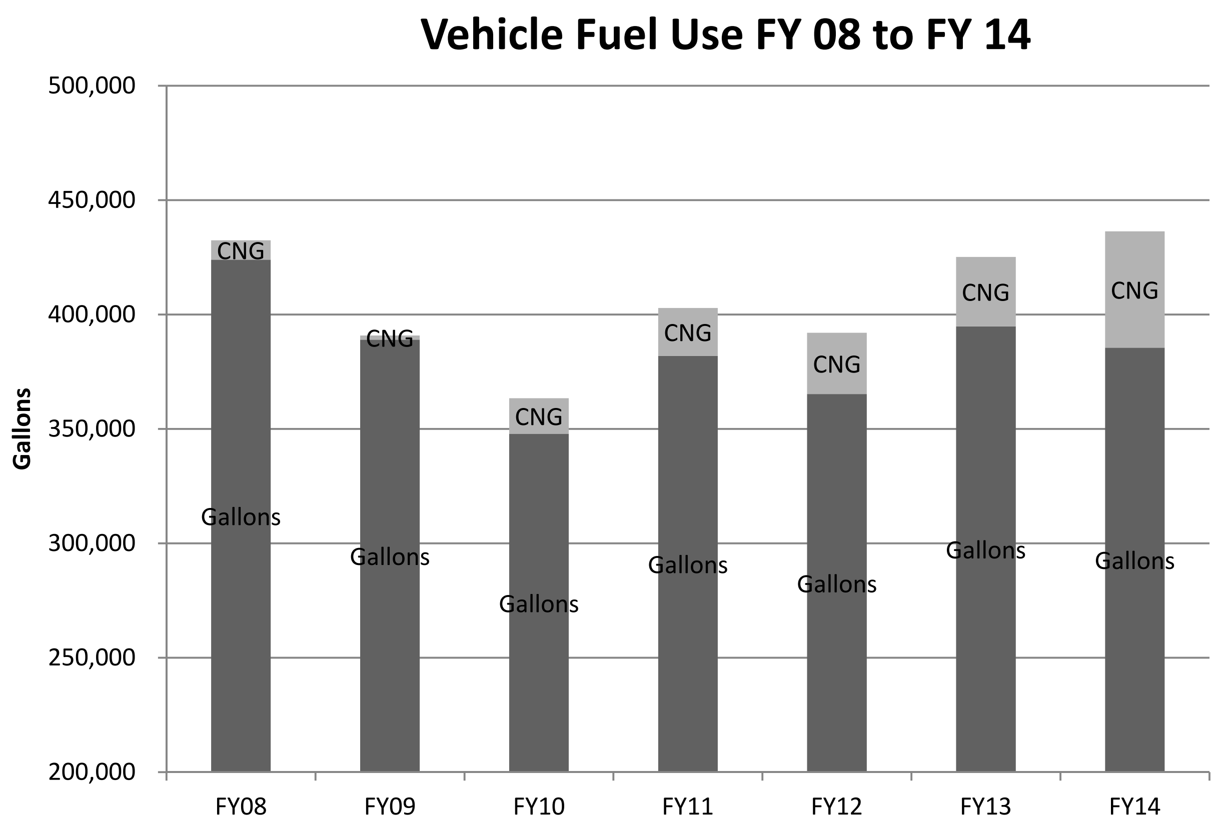


3 Assumes a normalized $0.14/kw rate.

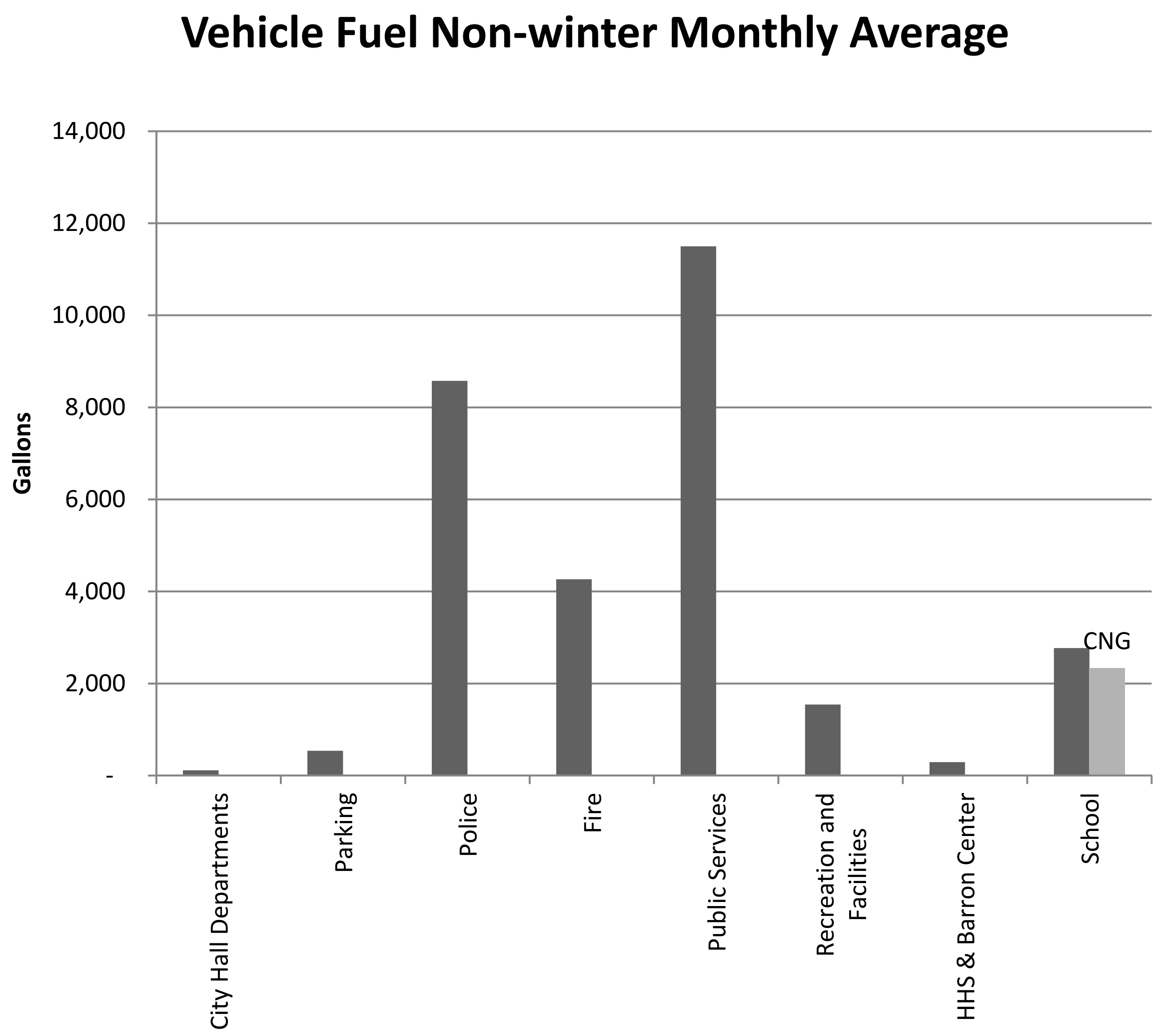
VEHICLE FUEL PERFORMANCE

Vehicle fuel use has decreased from approximately 424,000 gallons of gasoline and diesel fuel in FY 2008 to 385,600 gallons in FY 2014. Additionally, the School Department increased its use of CNG from approximately 8,500 gallons of CNG in FY 2008 to 50,800 gallons of CNG in FY 2014. The price of CNG is approximately half the cost gasoline or diesel.

Fuel volumes vary depending on the services delivered as well as seasonal variations and annual variations in weather. No information is available for vendor fuel use. No attempt has been made to normalize fuel usage due to services delivered or weather.



The average monthly, non-winter departmental fuel use is as follows. The Public Services Department uses the most fuel, the Police Department second, and Fire Department third.


Vehicle Fuel Non-winter Monthly Average
Gallons
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
CNG
City Hall Departments
Parking
Police
Fire
Public Services
Recreation and Facilities
HHS & Barron Center
School

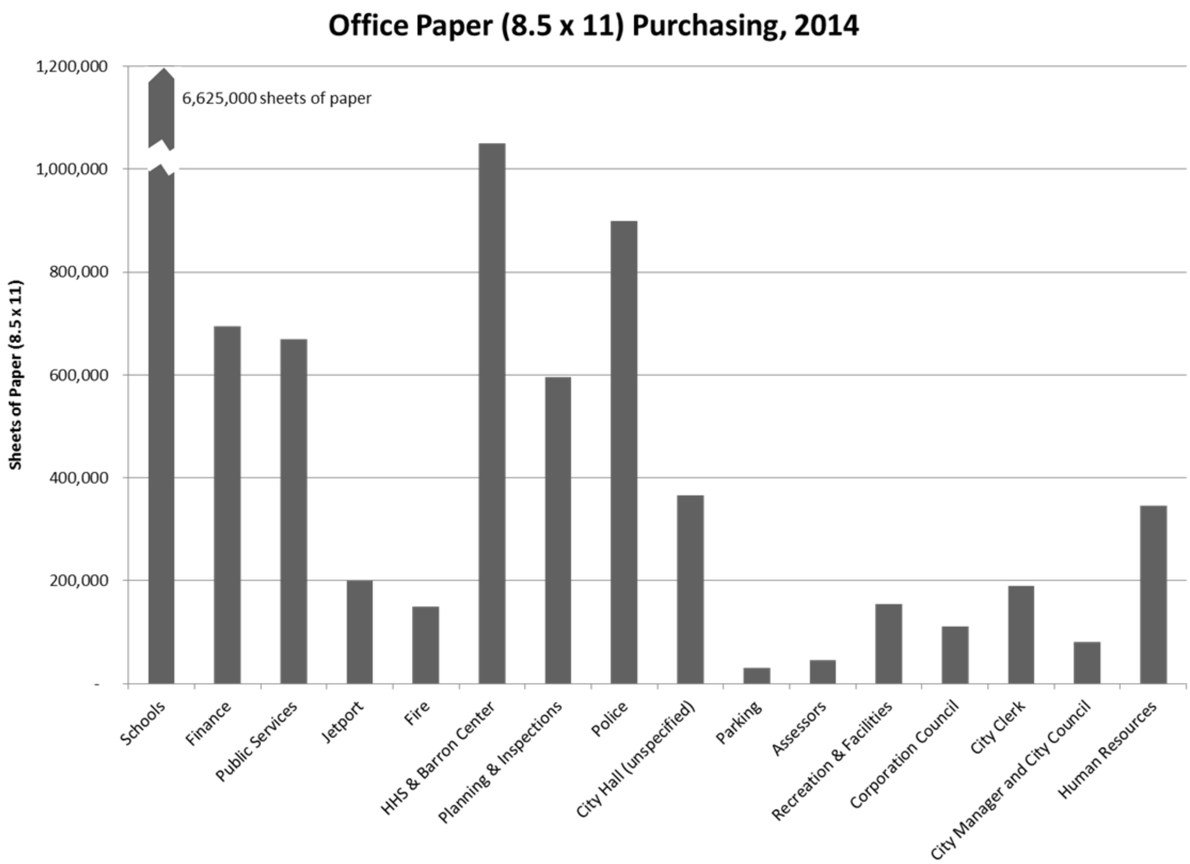
OFFICE PAPER PERFORMANCE

The City purchased approximately 12,205,000 sheets of office paper (8.5 x 11) in 2013. Greater than half of that paper purchase was by the School Department.

Paper purchases increased by 11% from FY 2013 to FY 2014.

Office Paper Performance			
Sheets of Paper	**FY 2013**	**FY 2014**	**Increase/ (Decrease)**
Schools	6,755,500	6,625,000	-2%
Finance	150,000	695,000	78%
Public Services	669,000	670,000	0%
Jetport	135,000	200,000	33%
Fire	180,000	150,000	-20%
HHS & Barron Center	880,000	1,050,000	16%
Planning & Inspections	221,500	595,000	63%
Police	810,000	900,000	10%
City Hall (unspecified)	500,500	365,000	-37%
Parking	50,000	30,000	-67%
Assessors	30,000	45,000	33%
Recreation & Facilities	140,000	155,000	10%
Corporation Counsel	90,000	110,000	18%
City Clerk	70,000	190,000	63%
City Manager and City Council	90,000	80,000	-13%
Human Resources	120,000	345,000	65%
Total	10,891,500	12,205,000	11%

The Jetport, Fire Department, Health and Human Services, Public Services, School Department, Planning and Inspections all used paper with greater than 30% recycled paper content for some paper purchased. All Departments used some paper that was Forest Stewardship Council (FSC) certified.



Office Paper (8.5 x 11) Purchasing, 2014
6,625,000 sheets of paper
Sheets of Paper (8.5 x 11)
1,200,000
1,000,000
800,000
600,000
400,000
200,000
-
Schools
Finance
Public Services
Jetport
Fire
HHS & Barron Center
Planning & Inspections
Police
City Hall (unspecified)
Parking
Assessors
Recreation & Facilities
Corporation Council
City Clerk
City Manager and City Council
Human Resources

CONCLUSIONS & RECOMMENDATIONS

In making continued environmental performance the City will need to balance cost savings, GHG emissions reductions, environmental quality, and quality of life as it decides next steps to improve the environmental performance of City operations. The following is a brief discussion and recommended areas to prioritize to make real improvements balancing these factors.

Heating Fuel Performance

The City has made investments in heating performance over the past years and continued heating efficiency gains are possible in some locations, but large-scale investment in efficiency will see diminishing returns. Heating efficiency is part of the day-to-day operations of the City and will continue to be addressed on a case-by-case basis. Given the City facility's heating performance out performing some new construction projects, prioritizing heating efficiency efforts is not recommended over other priorities.

Priority #1 – Fuel Conversion

To maximize cost savings and GHG emissions reductions it is recommended to abandon heating fuel oil to the greatest degree possible, seeking to fully from heating fuel oil over the next one to five years. There is a real long-term cost savings associated with conversions away from heating fuel oil, as well as emissions reductions, operational benefits, system benefits, and environmental benefits such as oil tank removal and other air emissions factors.

Recommended buildings to target initially include:

1. Bramhall Fire Station (11,000 gallons annually)
2. All other Mainland Fire Substations (12,000 gallons annually)
3. Hall School (20,000 gallons annually)
4. School Central Office (unknown)
5. Public Services Lower Garage (26,000 gallons annually)
6. Traffic and Trades Building (7,000 gallons annually)
7. PATHS Greenhouse (8,000 gallons annually)

Initial total heating fuel oil reduction – 84,000 gallons annually

Vehicle Fuel Performance

Because of the nature of the City vehicle fleet, which is low mileage, low speed, high run-hours and heavy-duty vehicles such as dump trucks vehicle efficiency gains have been occurring, but will remain elusive. Technologies such as GPS vehicle tracking have merit, but have yet to be funded and will only see minor savings. Alternative fuel vehicles are the best options for cost savings, GHG emissions reductions, and environmental benefits. FY 2015 is the first year the

City has successfully funded a CNG vehicle for a rubbish packer. More investment in CNG vehicles in the heavy-duty vehicle fleet is needed. The is prioritized over new electric vehicle technology for the light-duty fleet because of cost of the equipment, limited savings to be had given the composition of the fleet, and conventional options for efficiency such as smaller police cruisers and added fuel mileage gains at a lower cost.

Priority #2 – CNG Vehicle Fleet Replacement

Invest in CNG vehicle replacement. Prioritize rubbish packers then dump truck size vehicles second.

Electricity Performance

The City has made investments in electricity efficiency over the past years and continued to make those improvements. Large-scale investment in efficiency will see diminished returns. Products such as LED lights are selected for lighting replacement projects on a regular basis.

Streetlights efficiency is not recommended as a priority. In general the City's streetlights are very efficient using the most efficient technology available. Converting to LED streetlights is a quality of life issue that may cost more than the current streetlight system in place.

Priority #3 – Large Solar Installation

To realize further reductions in GHG emissions from electricity, the City will need to source its electricity from renewable sources. The most viable option in the City for renewable power is solar photovoltaic. It is possible that a solar installation could save money, but the primary driver for such an investment would be GHG emissions reductions.

Portland, Maine Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

February 18, 2015

To: Councilor Marshall, Chair, TS&E Committee; Councilor Hinck, Vice Chair;
Councilor Donoghue and Councilor Costa

From: Kristine Keeney, Transportation Intern

Re: Abandoned Bicycle Ordinance

City staff have received numerous inquiries and complaints from residents regarding abandoned bicycles locked on public property, particularly the bicycle racks at the Casco Bay Municipal Ferry Terminal and on Forest City Landing on Peaks Island. Casco Bay Lines staff expressed an interest in addressing the issue as they have also received many complaints as well from residents, commuters, and visitors about the overcrowding on their limited bicycle parking at the ferry terminals and landings.

Public Services staff have been unable to remove bikes identified as abandoned because there are currently no policies or procedures to legally and appropriately handle this type of property. Staff from several city departments have been working together over the past six months to address the abandoned bicycle problem in an effort to free up scarce space on bicycle parking facilities and reduce unsightly clutter on public property.

While the Portland Police Department handles unclaimed, lost, or stolen property throughout the City, they do not have the capacity to tag, cut locks, transport, process, and separate abandoned bicycles for donation to a local non-profit. With the approval of the Portland Police Department and Corporation Council, the Planning and Urban Development and Public Services Departments have developed an Abandoned Bicycle Ordinance, along with an associated policy and tags to identify, remove, and donate abandoned bicycles locked on public property.

There are numerous bicycles that appear to be abandoned at the Casco Bay Municipal Ferry Terminal and Forest City Landing on Peaks Island.

Jeff Levine, AICP
Director, Planning & Urban Development Department

Maine state law allows municipalities to dispose of unclaimed bicycles in a manner decided by the local legislative body. Therefore, city staff request that the Transportation, Sustainability & Energy Committee recommend the proposed Abandoned Bicycle Ordinance for adoption by the full City Council.

The ordinance defines an abandoned bicycle as any bike that has been locked in the same location on public property for one month or longer and meets two or more of the following criteria:

i. No tires or wheels
ii. Missing or warped wheels, handle bars, or seats
iii. Missing, rusted, or broken chain in a state that renders it inoperative
iv. Visible layer of dust on the seat and/or handle bars.

The ordinance also lays out the removal process by which the Department of Public Services concludes that a bicycle meets the established definition of an abandoned bicycle and tags it with a Removal Notice. The notice will list the date by which the bicycle must be moved by the owner, which will be within 72 hours of being tagged. All bicycles that are not moved and remain unclaimed within the 72-hour notice period will be removed by Public Services staff and stored for a minimum of 30 days. The City will not be responsible for damages to locks or bicycles that are removed under this policy. After 30 days, the bicycles will be donated to a local non-profit partner.

City staff will identify and select a non-profit partner through a competitive process where interested non-profit organizations can participate by providing details on how receiving abandoned bicycle donations from the City will support their bicycle-related mission, programming, and have a positive impact on the community.

The ordinance also requires the Planning and Urban Development and Public Services Department staff to evaluate the program as well as the current non-profit partner one year after implementation. A measure of success for this policy will be the number of bicycle parking spaces reclaimed by the removal of abandoned bikes and number of bicycles put back into productive uses for the community.

CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 (GARBAGE, WASTES, AND JUNK)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBELED AS FOLLOWS:

1. That Chapter 12, of the Portland City Code is hereby amended by adding the language underscored:

<u>Article VIII. Abandoned Bicycles.</u>

<u>Section 12-206. Authority and Purpose.</u>

<u>The purpose of this Article is to make space available on the City's limited bicycle parking facilities, remove obstructions from public property, and ensure recovered bicycles are put to productive uses for the community</u>.

<u>Section 12-207 Definitions</u><u>.</u>

(a) **Abandoned bicycle** means any bicycle that has been <u>locked in the same location on public property for one month or longer and meets two or more of the following criteria:</u>

i. <u>no tires or wheels</u>
ii. <u>missing or warped wheels, handle bars, or seats</u>
iii. <u>missing, rusted, or broken chain in a state that renders it inoperative</u>
iv. <u>visible layer of dust on the seat and/or handle bars</u>

<u>**(b)Recovered bicycle** means any bicycle tagged and removed as provided in this Article and as further detailed in the rules and regulations for said program established by the Department of Public Services.</u>

<u>**(c) Removal notice** means a physical tag placed on a bicycle deemed to be abandoned pursuant to subsection (a), above, by the Department of Public Services and demanding its removal.</u>

<u>**(d) Non-profit partner** means a local organization selected pursuant to a competitive process administered by the City's Planning and Urban</u>

Development Department that specializes in refurbishing bicycles and that has expressed an interest and ability to put recovered bicycles back into productive uses for the community.

Section 12-208 Identification & Removal Process

(a) Where the Department of Public Services concludes that a bicycle meets the definition of an abandoned bicycle outlined in section 12-207(a), that bicycle may be tagged with a Removal Notice. The tag will list the date by which the bicycle must be moved by the owner, which will be within 72 hours (3 days) of being tagged.

(b) Bicycles locked on public property that are blocking the vehicular travel lane(s), the pedestrian way, a handicapped access ramp, or otherwise presenting a public safety hazard may be removed immediately without notice.

(c) All bicycles tagged with a Removal Notice and remaining unclaimed after the 72-hour notice period will be removed and stored by the Department of Public Services for a minimum of 30 days.

(d) After 30 days, the Department of Public Services may donate unclaimed bicycles to a local non-profit partner.

Section 12-209 Policy Implementation

This Article shall not alter the procedures or responsibilities of the Portland Police Department with respect to bicycles transferred to its possession and disposed of pursuant to 25 M.R.S. §§ 3501-3507. One year after implementation, the Department of Public Services in conjunction with the Planning and Urban Development Department will evaluate the City's abandoned bicycle program and its current non-profit partner(s) to determine compliance with the *purpose* as stated in Section 12-206.

Section 12-210 Severability

(a) The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

City of Portland Department of Public Services

Abandoned Bicycle Policy

Abandoned Bicycles

A bicycle may be deemed abandoned if it has been locked in the same location on public property for one month or longer and meets two or more of the following criteria at which point it can be removed by the Department of Public Services for public safety and maintenance purposes:

1. no tires or wheels
2. missing or warped wheels, handle bars, or seats
3. missing, rusted, or broken chain in a state that renders it inoperative
4. visible layer of dust on the seat and/or handle bars

If you identify an abandoned bicycle please contact Public Services Dispatch at 207-874-8493. When reporting an abandoned bike, please provide a description of the bicycle's color, location, type of lock, what the bike is locked to (such as a bike rack, sign or light post, fence, etc.), and at least two criteria from the list above.

Bicycle Removal Process

Bicycles that have been deemed abandoned based on the above criteria will be tagged with an "*Abandoned Bicycle Removal Notice*" by the Department of Public Services. The tag will list the date that the bicycle must be moved by the owner, which will be within 72 hours (3 days) of being tagged. If a serial number is located on the bicycle, the Department of Public Services staff will contact the Portland Police Department dispatch to verify the bicycle is not stolen property. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle. Bicycles that are blocking the pedestrian way or a handicapped access ramp can be removed immediately without notice.

All bicycles will be stored for a minimum of 30 days. You may retrieve your bicycle (at no charge) by contacting Public Services Dispatch at 207-874-8493. If your bicycle has been tagged in error simply take off the tag and move your bike to a different location.

THE DEPARTMENT OF PUBLIC SERVICES IS NOT RESPONSIBLE FOR DAMAGES TO LOCKS OR BICYCLES THAT ARE REMOVED.

Removing abandoned bicycles helps keep the City's limited bicycle parking and scarce sidewalk space useful and safe for everyone. All unclaimed bicycles will be donated to a local non-profit that specializes in refurbishing bicycles.

_

ABANDONED BICYCLE REMOVAL NOTICE

Tag ID:

ABANDONED BICYCLE REMOVAL NOTICE

This bicycle has been identified as abandoned and will be removed on ____/____/_____. The owner is responsible for moving the bicycle by the above date to another location. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle and it will be stored for no less than 30 days. If the bicycle is not claimed within 30 days of removal it will be donated to a local non-profit organization.

If this bicycle is not abandoned and cannot be moved by the above date please call Public Services Dispatch at 207-874-8493.

ABANDONED BICYCLE REMOVAL NOTICE

Tag ID:

ABANDONED BICYCLE REMOVAL NOTICE

This bicycle has been identified as abandoned and will be removed on ____/____/_____. The owner is responsible for moving the bicycle by the above date to another location. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle and it will be stored for no less than 30 days. If the bicycle is not claimed within 30 days of removal it will be donated to a local non-profit organization.

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CITY OF PORTLAND
MEMORANDUM

TO:	Chairman Marshall and Members of the Portland Transportation, Sustainability & Energy Committee
CC:	Sheila Hill-Christian, Acting City Manager
FROM:	Danielle P. West-Chuhta, Corporation Counsel DPW-C
DATE:	February 12, 2015
RE:	**Uber Transportation Services Follow-up**

The following is a list of the Transportation, Sustainability & Energy Committee (the "Committee") questions at your last meeting and responses to those questions regarding Uber Transportation Services (and other similar businesses hereinafter collectively referred to as "Transportation Network Companies" or "TNC"s). Please note that I have also attached some additional news articles and a study regarding Uber/TNCs for your reference. (See Articles attached hereto as Exhibit A).

I. Should TNCs be Regulated in the Same Way as Taxies and Liveries or in Some Alternative Way Under the City Code?

As you may recall, all of the Committee members were interested in regulating Uber (and other similar TNCs) in some fashion. In researching how other communities have regulated TNCs, I have discovered that there are numerous ways to address their services. These include regulations similar to those for a taxicab or a livery service outlined in Chapter 30 of the City Code. (See attached Exhibit B-2). They also include regulating them under their own separate and distinct framework. In trying to decide which framework is best for the City of Portland, I reviewed the following questions in order to come up with a draft ordinance proposal (attached hereto as Exhibit B-1)[1]:

1) Should insurance be required? If so, what type; what amount of coverage; and who should carry the insurance (i.e. driver or business)?;
2) Should criminal background checks be required? If so, what kind of check (multi-state, just Maine, a check of the sex offender registry) should be required; and who should perform the check(s)?;
3) Should vehicle inspections be required? If so, how often and by whom?;
4) Should the City have the ability to enforce its current rules/regulations (re: driver appearance/cleanliness, driver infractions on the road, vehicle appearance/cleanliness, treatment of passengers, etc.)?;
5) Should we charge for the license? If so, how much and who should be charged (i.e. the business and/or driver)?;
6) Should we control the rate that can be charged by the TNC driver?;

[1] Also attached are proposed ordinance amendments and additional information from Uber for your review (See attached Exhibits B-1 and C).

7) Should we distinguish it from other ride-sharing programs (like the vans to Augusta, etc.)?;
8) How do we deal with access to the Jetport?;
9) How do we protect access to customer information, but still allow law enforcement personnel access, etc.?;
10) How is the State of Maine handling these types of services? (See Proposed Bill attached hereto as Exhibit D); and
11) How do we ensure City access and potential ability to encourage use of similar technology in the future?[2].

First, with regard to the insurance question above, I contacted Maine Municipal Association (which provides the City and many other municipalities in Maine with insurance policy coverage and information) about what type and amount of insurance should be required. MMA indicated that right now there is a significant difference in how personal automobile insurance companies are providing coverage to people who sign up with TNCs. Many companies have exclusions for using personal vehicles "for hire" and other companies allow such use. Consequently, MMA recommends that we require a verification from either (or both) the driver and the TNC which establishes that they have coverage under their policy. Additionally, since this is an evolving issue that will take some time for the insurance companies and the state insurance superintendent to sort out, MMA recommends the same insurance that taxicabs/liveries and/or bus services are required to carry (which is already addressed and included in the existing City Code sections regarding taxicabs and liveries; See Exhibit B-2).[3]

Next, with regard to the questions regarding criminal background checks, rules/regulations applicability, vehicle safety/inspections and passenger safety, all of these items are already addressed in our existing City Code sections regarding taxicabs and liveries. More specifically, there is a requirement of a criminal background check during each annual license renewal time (which is in April every year), there are also rules that require the drivers to be courteous, clean, etc., and their vehicles to be inspected. If they fail to meet these requirements, the City currently has the ability to suspend and revoke licenses and there is an appeals process that already exists. Since the taxicabs, liveries and TNCs all are similar services, I have addressed these requirements and included provisions in the draft ordinance which require that

[2] Attached are several articles which address how other municipalities have begun to think about Uber. One municipality (Washington, D.C.) that has a separate Commission that regulates the taxi industry has started the process of developing an app that it hopes to require that all taxicabs/liveries/Uber-like businesses use in order to operate with the thought that this would speed up wait times and allow access to the closest driver in the area of a given call, etc. (See articles attached hereto as Exhibit E). The development and implementation of such technology would potentially be expensive. The City's IT Department has indicated that development costs would most likely be hundreds of thousands of dollars since we would need to hire an outside company to assist in the development of the app. Additionally, even if we were able to use an already created app, we would most likely have to pay a monthly subscription fee to use the app. For point of reference the "SeeClickFix" app monthly subscription fee is $833.00.

[3] As will described in more detail below, the Maine Secretary of State's Office has proposed legislation that will be taken up by the Legislature this session. One of the goals of this legislation is to address insurance requirements for Uber (and other similar businesses). (See Exhibit D).

the vehicles that are being used be inspected, that the TNC conduct background checks on each of its drivers, and that TNC drivers also are subject to all of the current City rules/regulations/penalties (which require that the driver be courteous, clean, etc.) and allowed to appeal any adverse decisions made by the City. (See Exhibit B-2).

Third, currently, new taxicab and livery businesses have to pay the following fees: $335.00 for the first vehicle and $300.00 each additional vehicle for their license, and $325.00 for the first and $300.00 for each additional vehicle for their annual renewal of their license. New individual taxicab drivers have to pay $131.00 for their license and $121.00 for their annual renewal, whereas new individual livery drivers have to pay $76.00 for their license, and $66.00 for their annual renewal. These fees are reviewed and adjusted as necessary.[4]

Uber's materials (See Exhibit C) specify that it recommends that the City charge a flat annual fee of $500.00 for licensure of itself and that no fee be charged to the individual driver. Conversely, the City of Chicago (and the Secretary of State in its proposed legislation) enacted a fee of as much as $25,000 to be charged to TNCs for licensure.

This is primarily a policy decision for the City Council to make, but it seems appropriate to charge the $500.00 per vehicle annual fee to TNCs and then to charge the above-described individual livery driver license fees of $76.00/$66.00 to each individual TNC driver since the services are similar.

Fourth, the questions above about how we should regulate TNCs (i.e. the pros and cons of each approach), how we deal with access to the Jetport[5] and whether or not we have sufficiently distinguished the services provided from other ride-sharing services are best addressed in the following chart:

---

[4] Any fees that the Committee would like to apply to Uber (or other similar businesses) will have to be included as an amendment to Chapter 15 (Licenses), and will be included (as a separate amendment) with any proposed amendments to Chapter 30 (re: Uber) that are recommended to the City Council for enactment.

[5] As you will see in the attached draft ordinance, TNC Driver access to the Jetport would be addressed through the Ground Transportation Rules and Regulations similar to the way reserved Taxis/Livery services are handled. The rules would be specifically amended/updated to include the new TNC regulatory category. No permit would be needed for drop-off. To pick-up an access permit, however, an access permit would be required. The access permit would allow the TNC driver the non-exclusive privilege of transporting passengers and property by a TNC vehicle from the Jetport to any and all points outside the Jetport property on a non-scheduled, reserved basis. Current fees are $10.00/per vehicle and $2.00/per trip. The $2.00 trip fee would be included in the TNC's transaction price.

Regulatory Structure	Pros	Cons
Regulate TNCs in the same way as Taxis	• Regulate the fare (by requiring a meter in the vehicle); • We have existing rules that address cleanliness, vehicle safety, etc.; • They are already distinguished from other ride-sharing services (like the van pool to Augusta, etc.); and • There is an already existing licensing fee structure for the businesses and drivers; and existing fee structure and framework regarding pick-ups in the City and at the Jetport.	• TNC vehicles are not designed for curbside pickups; • TNC drivers do not have meters in their vehicles, and TNCs do not operate on a "hail" or "walk-up" basis; and • Taxis do not generally have pre-determined/agreed upon fares as do TNCs.
Regulate TNCs in the same way as Liveries	• Existing fee structure discusses the fee being agreed upon by the customer prior to pick-up; • They cannot pick people up on a "hail basis"; • We have an existing framework at the Jetport that addresses livery pick-ups and fees; • We have existing rules that address cleanliness, vehicle safety etc.; • There is an already existing licensing fee structure for the businesses and drivers; and • They are already distinguished from other ride-sharing services (like the van pool to Augusta, etc.).	• We do not directly regulate the fare.
Regulate TNCs as Stand-alone Entities	• We can make the language broad and very specific (re: insurance, background checks, etc.) in order to address all potential TNCs (including Uber) that would like to do business in the future like Uber; • We could attempt to regulate the fare (although this may prove to be very difficult); and • We can establish a different and separate licensing fee structure for businesses and drivers.	• Another regulatory framework to implement this is somewhat complicated and may not address all the potential pitfalls/issues present with regard to TNC.

The Maine Secretary of State has proposed legislation that requires a Transportation Network Company (i.e. Uber, etc.) to obtain a permit (to be issued by the Secretary of State). (See Exhibit D at p. 2). The legislation also requires a specific amount of insurance coverage,[6] and allows municipalities to adopt ordinances that govern these companies as long as they "are not in conflict or inconsistent" with the language as proposed. (See Exhibit D at p. 4).[7]

Finally, with regard to privacy protections, I have included a provision that would protect a customer's information while still allowing access to the City and law enforcement personnel as necessary in the proposed draft ordinance (Exhibit B-1).

II. Conclusion

Overall, as I indicated above, I have included a draft ordinance amendment with this memorandum. (See Exhibit B-1). It makes amendments to the existing taxicab and livery framework in order to address TNCs. It creates a new regulatory category (Transportation Network Companies and Drivers) and regulates these companies as stand-alone entities (similar to what Chicago, Virginia, and even Uber itself have proposed and recommended). If you should have any questions about this draft ordinance or my memo, I (along with other key City staff) will be present at your February 18, 2015 meeting to discuss all of these issues in more detail.

---

[6] The proposed language requires a TNC to file and maintain insurance that provides "primary coverage in the amount of at least $1,000,000 for death, personal injury and property damage per occurrence for driver transportation network company vehicles from the moment the driver is logged into the transportation network company network until the driver logs off the network . . .[,] [p]rovide uninsured and underinsured motorist coverage in the amount of least $1,000,000 per occurrence . . .[, and] [p]rovide primary comprehensive/collision coverage equal to that coverage in the policy insuring the listed driver's vehicle." (See Exhibit D at p. 3). It is important to note that these requirements are similar to what is already required for vehicles that are used "for hire" or as a "livery." See 29-A M.R.S. §1611 (a copy of which is attached hereto as Exhibit F).

[7] The legislation has not been approved by the Maine Legislature yet. As such, it may change prior to enactment or not be enacted at all. It is, however, still in my opinion important to ensure (since the language could be adopted) that the City's proposed ordinance is not inconsistent or in conflict with the proposed language. Based on my review of the State's language to date, the proposed draft ordinance (Exhibit B-1) is consistent and not in conflict with what has been proposed by the Maine Secretary of State.

EXHIBIT

A

GovBeat

Uber might actually want regulation. Here's why.

By Jeff Guo February 3

Though they are loath to admit it, ridesharing outfits like Uber and Lyft have profited in no small part from dodging regulations.

Call it the shadow-mover advantage.

These apps are not quite taxi services, and they are not quite livery services either. They have outpaced the law in many locales, saving them money on registration fees, inspections, and background checks.

"This happened so fast with these companies moving into the states, we are playing catch-up," Indiana state Sen. Carlin Yoder told the Courier-Journal this week.

Indiana is the latest place to consider a law that would treat ridesharing drivers a bit more like cabbies. Yoder's bill calls for background checks and mandatory insurance. It bars sex offenders, and people who have been convicted of a felony in the past seven years.

Here's the twist: Yoder, a Republican, said that Uber actually wants these regulations to pass.

"Really, this bill came out at the behest of companies like Uber and Lyft," he said. "They want to make sure that the insurance and background checks are on par with what they have to provide." (Uber couldn't be reached for comment Tuesday morning.)

Yoder added: "This is not a bill that hurts them in any way."

The measures in the Indiana bill resemble what Uber says it already does to screen drivers. Taxi companies have long complained that the ridesharing apps don't operate on a level playing field, since they are exempted from many rules governing commercial drivers.

In fact, the first wave of newcomers themselves might see some value in regulation. It's a sign that they are maturing. Uber and Lyft are the Coke and the Pepsi of the ridesharing world, but there's a long line of upstart competitors also trying to stake their turf — upstarts who might not be doing the same kinds of background checks, for instance.

Rules often serve as barriers to entry. Who loves barriers to entry? Incumbents.

UPDATE: Uber spokesperson Natalia Montalvo provided this statement.

> *In 278 cities and 53 countries, Uber is transforming the way people move around their cities, with millions of trips happening every week. In the U.S. alone, 22 jurisdictions have now adopted permanent regulatory frameworks for ridesharing, a transportation alternative that didn't even exist 4 years ago.*

10:37 pm ET
Jan 29, 2015 APPS

Uber Laws: A Primer on Ridesharing Regulations

ARTICLE COMMENTS (2)

LYFT RIDESHARING UBER

Email Print

By DOUGLAS MACMILLAN

Since 2014, 17 cities and four states in the U.S. have passed new laws governing ridesharing services like Uber.
— Agence France-Presse/Getty Images

Uber is very good at making money. Now it's also focusing on making laws.

The ridesharing startup known for its fierce battles with regulators around the world is increasingly trying a new tactic of compromise and diplomacy, a strategy that was explored in a **page-one story in The Wall Street Journal**.

Uber's goal is to push cities to pass new laws that will lift the car-sharing service out of the legal gray area it currently occupies in most places and into compliance with permanent rules that recognize app-based car services as distinct from taxis.

It's succeeded in 17 U.S. cities and four states, which all passed pro-Uber ordinances last year, as well as one overseas city, Kolkata, India, which passed an ordinance this month.

So what does an Uber law look like?

For the most part, cities are using similar language to write rules around Uber and competing companies, such as Lyft. Instead of taxis or cabs or limos, lawmakers are favoring a new term, "transportation network companies," to describe these new services.

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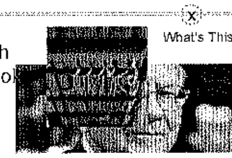


Popular Now

1 Where Are the Tech Jobs? Don't Overlook Kansas and Utah

A transportation network company, or TNC, is defined at its most basic level as a service that does not own vehicles or employ drivers, and relies on software to connect passengers to rides. The term seems to have first appeared in connection with Uber when the California Public Utilities Commission passed its ridesharing regulations in September 2013.

The rules cover practices that Uber and Lyft already have in place, like criminal background checks, vehicle inspections, driver training programs, and insurance policies. But the wording varies widely.

Insurance is a major concern for most of the TNC rules. Last year, **Colorado became the first state** to pass a ridesharing law, which among other rules stipulated that TNCs provide up to $1 million in liability insurance – the amount already covered by Uber – from the time a driver accepts a request to the moment when the rider leaves the car. **California's law is more stringent**, requiring TNCs by next July to provide insurance form the moment a driver turns on the app.

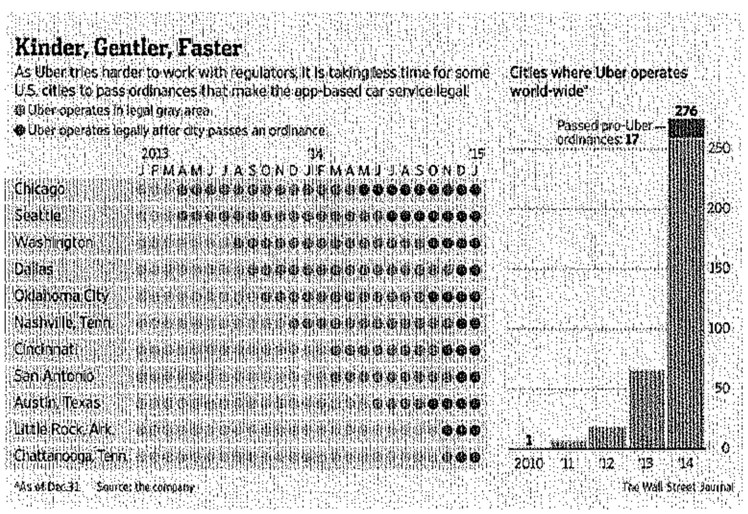
Some policies call for more specific requirements. For example, Illinois' ridesharing rules, passed in May 2014, requires TNCs to show a photo of a driver and a fare estimate in the app and deliver an electronic receipt upon completion of the trip.

The rules also govern how Uber treats its drivers, a new type of worker that in many cases exist somewhere between standard definitions of full-time employee and part-time contractor. In Washington, D.C., which passed its law last October, ridesharing services are required to suspend any driver when a customer complains they may have used drugs or alcohol or refused service on the basis of discrimination.

As Uber grows up, the rules around it likely will too. Portland city officials are currently drafting new rules which may require Uber to provide added services such as wheelchair accessible vehicles.

Uber has also used its lobbying efforts to push back against proposed rules the company doesn't like. Illinois lawmakers tried to pass a measure that would require Uber to conduct stricter background checks. The bill, which Uber opposed, was vetoed by Governor Pat Quinn.

Uber appears to be pushing cities to adopt ridesharing laws in shorter periods of time after they launch in new cities. Of the 18 cities where Uber is now legalized, 10 passed ordinances in the past four months. Those include cities like Seattle and Washington, D.C., where Uber has operated for years, as well as more recently launched cities like Little Rock, Ark., Chattanooga, Tenn.,



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Where Are the Tech Jobs? Don't Overlook Kansas and Utah

REALLY RIDE

A new publication proves that when it comes to transportation options and regulation, words matter.

By Josh Kavanagh, CAPP

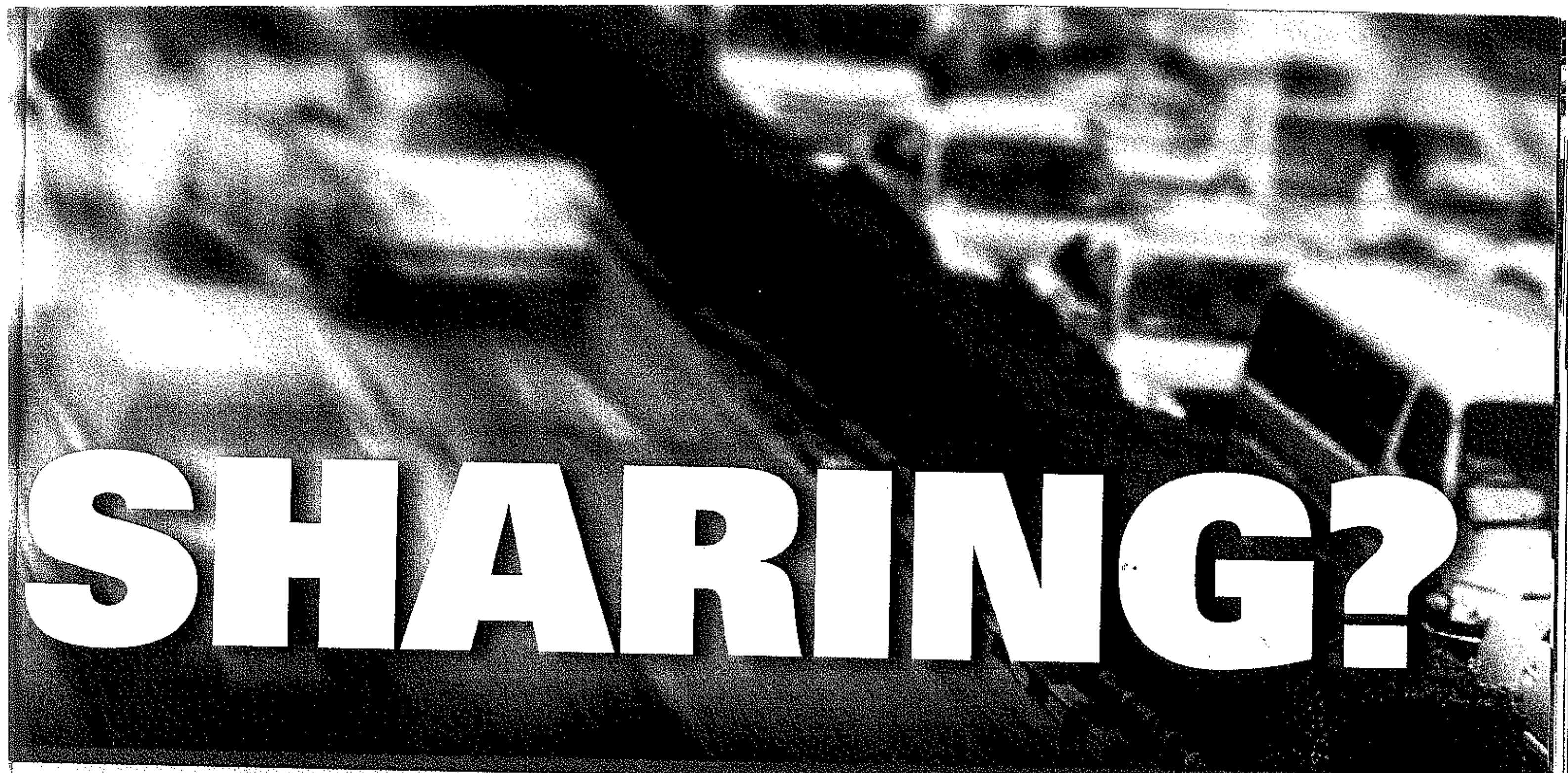
Understanding Commuter Transportation Terms: Carpooling

Subcategory	Description	Marketing or Matching Process
Family Pool	Family members, usually spouses, drive together to work and return home together. Family pool trips are often combined with other errands before and after work (e.g., grocery shopping, dropping kids off).	No matching software or other marketing is utilized. Spouses or partners must have common routes and work schedules in order to 'pool'.
Employer-based Carpool	Employers or transportation management organizations (TMOs) encourage employees to carpool. Poolers either meet at a common spot near their home, such as a park & ride lot, or the volunteer driver picks up the riders at their homes. Poolers will sometimes share the costs of the trip or take turns driving.	Employers, TMOs, or another entity will encourage employees at a worksite or an employment center to carpool together. Employers may use ridematching software to identify employees with common commute times are origin points. The employer, TMO, or agency may offer preferred parking, prizes/giveaways, or other small incentives.
Slugging (Casual Carpooling)	People looking for a ride to work will gather at a common park & ride location. Drivers pick people up from these groups based on their common work-area destinations. The same is true for the trip home: riders gather at a common location and pool together back to their park & ride location.	Slugging/casual carpooling is very organic and only occurs in areas with a well-managed HOV lane system and sufficient population density.
Ride-matched Carpool	Local/regional public agencies provide ridematching services linking commuters who have common routes to and from work as well as common schedules. Poolers will sometimes share the costs of the trip or take turns driving.	Riders and drivers are recruited in a variety of ways, including mass media (radio/print/highway signage), surveys, or targeted means such as employer-based marketing (see above). Ridematching software is usually used to identify drivers and riders who share a common route and work schedule. Ridematching is generally paired with a guaranteed ride home program.
Real-time Carpool	Drivers will use a phone- or tablet-based app to locate commuters in real time who are looking for a ride along a common route. In some cases, micro-payments are used for cost-sharing (but not profit). In other cases, drivers are incentivized through coupons or prizes. At no point does the driver profit from this activity and the incentive is cost-sharing, not profit.	Some regional governments have programs that contract with real-time carpool providers such as CarMa, NuRide, and Zimride. They offer a variety of incentives and promotions for both drivers and riders. The incentives do not exceed the cost of the commute.

Transportation options are expanding rapidly in communities across the United States, and that's a good thing; expanding choice is good for consumers and can spur innovation and economic development. However, when those choices come in the form of disruptive technologies and business models, they create unique challenges. With no history to serve as reference, consumers may not understand what they're buying and local leaders lack a regulatory template to ensure that the public interest is protected.

Among the most dynamic cases of innovation outpacing consumer information and regulation is the rapid expansion of transportation network companies (TNCs) that include Uber and Lyft. Describing themselves as "ridesharing" services, these companies mounted a challenge to established taxi and livery services in large and mid-size cities nationwide.

Consumers have, by and large, welcomed these new entrants enthusiastically, viewing them as an antidote to the perceived high cost and complacency of the taxi and livery industry. That industry, which is heavily regulated, was quick to cry foul, citing an uneven playing field and



SHARING?

Driver Motivation	Rider Motivation	Public Benefits	Insurance Provided By	Car Ownership	Equity
• HOV lane access • Financial/gas savings • Spending time with significant other	• HOV lane access • Financial/gas savings • Spending time with significant other	• VMT/congestion reduction • Energy conservation • Parking demand reduction • Air quality improvement	Car owners; no special insurance needed	Personal auto	N/A
• HOV lane access • Shared cost • Employer/TMO-provided incentives: • Preferred parking • Prizes/giveaways • Financial incentives	• HOV lane access • Financial/gas savings • Employer/TMA-provided incentives: • Preferred parking • Prizes/giveaways • Financial incentives	• VMT/congestion reduction • Energy conservation • Parking demand reduction • Air quality improvement	Car owners; no special insurance needed	Personal auto	Some employers will partner with public agencies to provide special programs for low-income workers, including guaranteed ride home programs.
HOV lane access	• HOV lane access • Financial/gas savings	• VMT/congestion reduction • Energy conservation • Parking demand reduction • Air quality improvement	Car owners; no special insurance needed	Personal auto	No equity protections. Slugging is generally utilized by commuters travelling more than 20 miles to and from work.
• HOV lane access • Shared cost • Other incentives: • Preferred Parking • Prizes/giveaways • Small financial incentives (not exceeding cost of commute)	• HOV lane access • Financial/gas savings • Prizes/giveaways • One-time financial incentive	• VMT/congestion reduction • Energy conservation • Parking demand reduction • Air quality improvement	Car owners; no special insurance needed.	Personal auto	Some programs geared toward low-income workers; most programs offer guaranteed ride home program.
• HOV lane access • Shared cost • Real-time flexibility • Prizes/giveaways	• HOV lane access • Shared cost • Real-time flexibility • Prizes/giveaways	• VMT/congestion reduction • Energy conservation • Parking demand reduction • Air quality improvement	Car owners; no special insurance needed. In most states true carpooling is exempt from commercial insurance requirements so long as financial transactions are shared costs versus profit.	Personal auto	Little evidence to suggest equity issues are being addressed through real-time carpool as drivers (and passengers) have the option to reject offering or accepting rides. However, there is certainly space for real-time ridesharing to be used as a job access tool.

Consumers have made it clear that transportation network companies such as Uber and Lyft meet a need in the marketplace and that more choice is arguably a good thing.

calling for regulation of the TNCs. Similarly, consumer and social justice advocates raised questions about everything from safety, driver screening, and insurance coverage, to the risk of inequities in service to ethnic minorities, low-income communities, and physically disabled riders.

Recognizing the need to strike a balance between supporting innovation, establishing a level playing field for business, and protecting consumers, city councils, state legislatures, and regulatory agencies leapt into the fray and attempted to create a regulatory framework for TNCs. Unfortunately, with most jurisdictions acting independently and without a regulatory template for these new companies, the results have been a patchwork quilt of regulation that places a burden on TNCs, which operate nationally, and often comes with unintended consequences for consumers, public agencies, and existing industry.

Need to Know Information

The nonprofit Association for Commuter Transportation (ACT), representing ridesharing and transportation demand management (TDM) professionals, recently highlighted the unintended consequences of this effort on its industry with the publication "'Ridesharing': What Legislators and Regulators Need to Know." It focuses on the TNCs' self-description of their operations as ridesharing and the implications when local leaders regulate ridesharing without realizing the difference between for-profit driving services such as Uber and Lyft, and traditional, noncommercial ridesharing.

JOSH KAVANAGH, CAPP, is director of transportation services at the University of Washington and president of the Association for Commuter Transportation (ACT). He can be reached at joshkav@uw.edu or 206.685.1567.

California and Arizona, for example, recently drafted legislation and policies meant to regulate TNCs such as Uber and Lyft, but definitional ambiguity almost led to the unintended regulation of those engaged in traditional carpooling and vanpooling. ACT argues that well-intentioned efforts to address policy issues raised by TNCs that fail to distinguish between TNCs and traditional, non-commercial ridesharing could place extraordinary burdens on carpoolers and vanpoolers. Examples of potential unintended consequences could include requiring commercial insurance, commercial driver licenses, background checks, and registration for acts as simple as two colleagues riding together in an employer-coordinated carpool program.

In attempting to bring definition to the services provided by TNCs, some jurisdictions and agencies became overly focused on the technology used to connect driver and rider. For example, in some cases, Arizona would have even required carpoolers and vanpoolers who were matched with ridematching software to register with the department of motor vehicles, among other things.

We at ACT say the focus on technology misses the point. The unique defining attribute of TNCs is not how drivers and riders are connected, but that drivers for TNCs operate like businesses—with a profit motive—unlike carpool or vanpool drivers who do not profit.

Traditional ridesharing, carpooling, and vanpooling, are not for-hire commercial services. Riders do not hail a carpool or a vanpool, and drivers do not profit or collect fares as they do with a taxi or TNC. Traditional ridesharing involves people pooling from a common origin, such as a residence or park-and-ride lot, or to a common destination, such as an employer or business park. In some cases, an arrangement is made that allows carpool or vanpool drivers to recoup the cost of the commute or receive some *de minimus* consideration, but the pool driver is simply a volunteer commuter whose goal is getting to the same destination and home again, not to profit as a commercial driver.

A Good Example

California's Public Utility Commission made one of the more effective attempts to bring reasonable regulation to this new market while limiting unintended consequences. The state's findings and California Assembly Bill 2293 represent current best practices and are an excellent point of departure for leaders in other jurisdictions attempting to navigate this new space. Copies are linked online in the advocacy section of the ACT website, ACTweb.org.

Because all parties benefit from clear and standard terminology, ACT released a matrix that describes the various categories of personal mobility options, including standard names, definitions, methodologies, public benefits, and rider/driver motivations (see p. 42–43). This quick reference guide is a must-have tool for local leaders looking to make their intentions clear, whether in public statements or legislation. It is also a critical tool for transportation industry and media professionals seeking to help the public navigate new options and follow the regulatory debate.

At the end of the day, consumers have made it clear that TNCs such as Uber and Lyft meet a need in the marketplace and that more choice is arguably a good thing. Local leaders have the opportunity to bring clarity to and even stimulate that marketplace while protecting consumer interests through thoughtful regulation, and that starts with a complete understanding of existing personal mobility options and with standard terms and definitions.

An Analysis of the Labor Market for Uber's Driver-Partners in the United States

Authors

Jonathan Hall

Dr. Jonathan V. Hall is the Head of Policy Research at Uber Technologies. Prior to joining Uber Technologies in 2014, Dr. Hall held similar research positions at Google, Analysis Group, and Pandora Media. Dr. Hall received an A.B. degree in Economics from Harvard College in 2007, an A.M. in Economics from Harvard University in 2008, and a Ph.D. in Economics from Harvard University in 2010.

Alan Krueger

Professor Alan B. Krueger is the Bendheim Professor of Economics and Public Affairs at Princeton University. He has published widely on the economics of unemployment, labor demand, income distribution, social insurance and labor market regulation. He is a co-author of *Myth and Measurement: The New Economics of the Minimum Wage* and co-author of *Inequality in America: What Role for Human Capital Policies?* From 2000 to 2009 he was a regular contributor to the "Economic Scene" and "Economix blog" in the New York Times.

Previously, Professor Krueger served as Chairman of President Barack Obama's Council of Economic Advisers and a Member of his Cabinet from November 2011 to August 2013. He also served as Assistant Secretary for Economic Policy and Chief Economist of the U.S. Department of the Treasury in 2009-10, and as Chief Economist at the U.S. Department of Labor in 1994-95.

Professor Krueger received a B.S. degree (with honors) from Cornell University's School of Industrial & Labor Relations in 1983, an A.M. in Economics from Harvard University in 1985, and a Ph.D. in Economics from Harvard University in 1987.

An Analysis of the Labor Market for Uber's Driver-Partners in the United States

Jonathan V. Hall[1]
Alan B. Krueger[2]

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Abstract

This paper provides the first comprehensive analysis of Uber's driver-partners, based on both survey data and anonymized, aggregated administrative data. Uber has grown at an exponential rate over the last few years, and drivers who partner with Uber appear to be attracted to the platform in large part because of the flexibility it offers, the level of compensation, and the fact that earnings per hour do not vary much with hours worked, which facilitates part-time and variable hours. Uber's driver-partners are more similar in terms of their age and education to the general workforce than to taxi drivers and chauffeurs. Uber may serve as a bridge for many seeking other employment opportunities, and it may attract well-qualified individuals because, with Uber's star rating system, driver-partners' reputations are explicitly shared with potential customers. Most of Uber's driver-partners had full- or part-time employment prior to joining Uber, and many continued in those positions after starting to drive with the Uber platform, which makes the flexibility to set their own hours all the more valuable. Uber's driver-partners also often cited the desire to smooth fluctuations in their income as a reason for partnering with Uber.

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[1] Uber Technologies.
[2] Department of Economics and Woodrow Wilson School, Princeton University. Krueger acknowledges working on this report under contract with Uber. The terms of the agreement granted Krueger "full discretion over the content of the report."

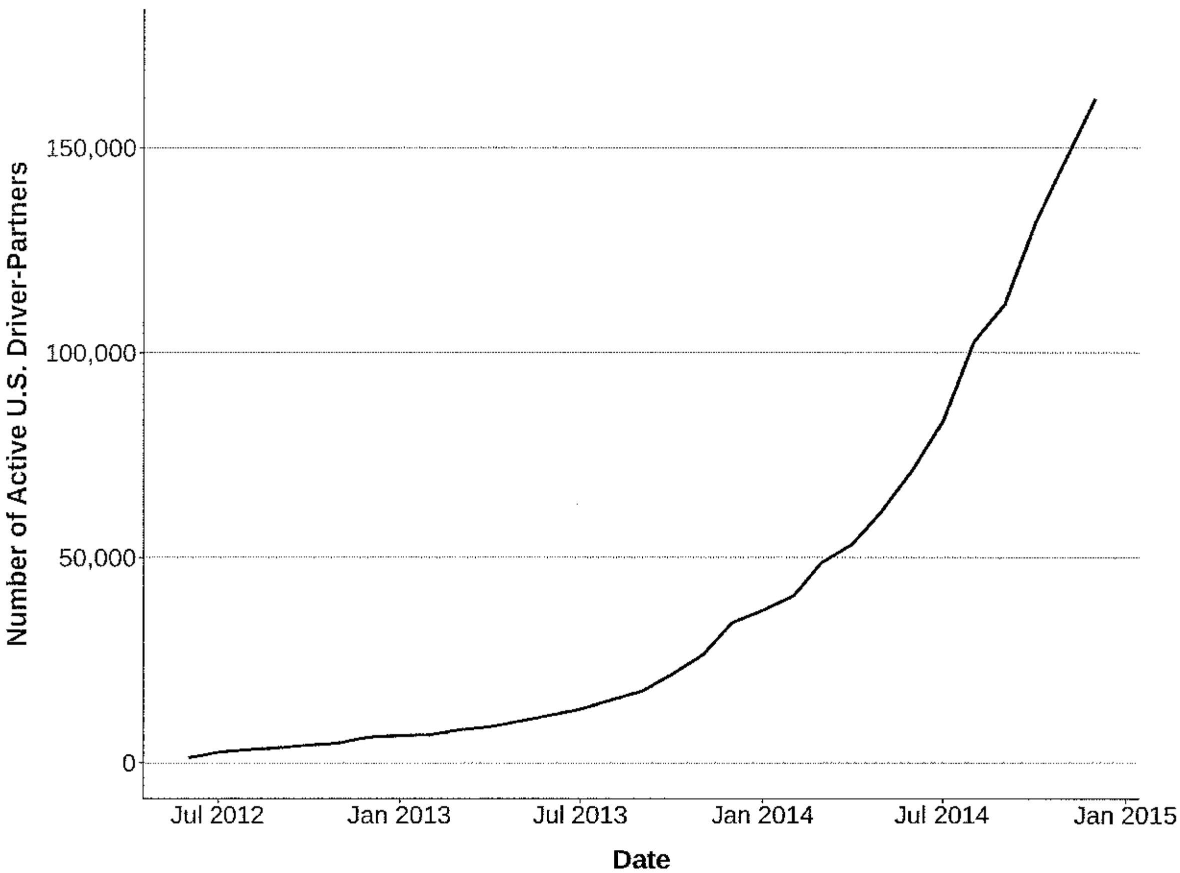
Introduction

Over the last few years, there has been much speculation as to whether the so-called "sharing economy" will positively or negatively impact the future of work, but little hard evidence exists to support either position. In this paper, we consider workers who choose to provide car rides using the Uber platform. Drivers who partner with Uber (Uber refers to them as "driver-partners") provide transportation services to customers requesting rides via Uber's app on their smartphones or other devices. This study provides the first detailed analysis of a representative, national sample of Uber driver-partners. We draw on aggregated and anonymized administrative data from Uber on the driving histories, schedules, and earnings of driver-partners using the Uber platform from 2012-14, and a survey of 601 active driver-partners conducted in December 2014 by Benenson Strategy Group (BSG). In addition, as a point of comparison, we report data on the characteristics of a representative sample of taxi drivers and chauffeurs, and of all workers, based on several government surveys.

Figure 1 documents the exponential growth in the number of active Uber driver-partners in the United States from mid-2012, when uberX was launched, to late 2014. Once applicants qualify to partner with Uber, they are free to choose to spend as much time or as little time as they like offering their services to passengers in any given month.[3] On average, Uber's driver-partners access the app more than five times per day on days when they use the app. Whether to access the app, and when, are their decisions. This flexibility is appealing to driver-partners, but it creates a complication for counting the number of active partners since, at any time, driver-partners can choose to pursue other work opportunities or spend time taking care of non-work obligations, not utilize the Uber platform for a period of time, and then possibly return to using the Uber platform in later months. To address this issue, the figure reports the number of driver-partners who provided at least four trips to passengers in the month indicated (which we refer to as "active partners"). From a base of near zero in mid-2012, more than 160,000 drivers actively partnered with Uber at the end of 2014 in the United States, and the rate of growth was rising throughout this period. In the United States driver-partners received $656.8 million in payments from Uber during the last three months of 2014. This exponential growth clearly indicates that the advent of Uber has provided new opportunities in the economy that a large and growing segment of the workforce finds attractive. For this reason alone, it is important to better understand the backgrounds of Uber's driver-partners and their motivations for partnering with Uber.

[3] Although the requirements vary by city, before they can utilize the Uber platform, potential driver-partners typically must: (1) pass a background check and a review of their driving record; (2) submit documentation of insurance, registration, and a valid driver's license; (3) successfully complete a city-knowledge test; and (4) drive a car that meets a quality inspection and is less than a certain number of years old.

Figure 1: Number of Active Driver-Partners in United States Each Month



Note: Figure based on U.S. UberBLACK and uberX driver-partners providing at least four rides in any month (284,898 individuals). Source: Uber administrative data. An active driver is defined as a driver-partner who completed at least four trips in the month.

One theme that emerges from the analysis that follows is that a tremendous amount of sorting takes place in the sharing economy, and, by dint of their backgrounds, family circumstances, and other pursuits, Uber's driver-partners are well matched to the type of work they are doing. Notably, Uber's driver-partners are attracted to the flexible schedules that driving on the Uber platform affords. The hours that driver-partners spend using the Uber platform can, and do, vary considerably from day to day and week to week, depending on workers' desires in light of market conditions. In addition, most driver-partners do not turn to Uber out of desperation or because they face an absence of other opportunities in the job market – only eight percent were unemployed just before they started working with the Uber platform – but rather because the nature of the work, the flexibility, and the compensation appeals to them.

These findings relate to a broader, more generalized demand by many individuals for workplace flexibility that favors alternative work schedules, family-oriented leave policies, flextime, and telecommuting arrangements over the standard nine-to-five work schedule in order to support a more family-friendly lifestyle. Historically, independent contractors have preferred their working arrangements to traditional employment relationships, and this tendency appears to be continuing in the sharing economy. Demand for work opportunities that offer flexible schedules is partly driven by the aging of the workforce and the increase in secondary earners, and it will likely increase as a result of ongoing demographic trends. In addition, as changes to the health care system help reduce job lock—by making health insurance more readily available and accessible to individuals —more people are likely to become entrepreneurs and take advantage of the flexibility and income-generating potential made possible by the sharing economy. For these reasons as well, it is critical to understand how the sharing economy is affecting work opportunities.

This paper does not purport to have all the answers, but it represents a first step toward understanding the nature of work in the sharing economy by providing new evidence on hours of work, income, and the motivations and backgrounds of participants in an important segment of the sharing economy. Our goal is to facilitate an informed discussion of how the sharing economy is both a response to, and an influencer of, the changing nature of work and the workforce in the United States.

The next section provides a brief overview of the literature on contingent and alternative work arrangements. The second section draws on the BSG data to describe the backgrounds and motivations of Uber driver-partners. The third section utilizes anonymized, aggregated administrative data to describe the driving histories, schedules, and incomes of Uber driver-partners. The final section concludes and suggests directions for further research.

Literature Review

A spirited debate broke out in the 1990s about the size, growth, and nature of the contingent workforce in the United States. This debate continues today with the advent of the sharing economy.[4] One of the problems with this debate, however, is that analysts, interest groups, and social commentators have employed multiple definitions of contingent work, ranging from the self-employed to temporary workers to part-time workers to on-call workers. Contingent workers can be defined broadly or narrowly, and magnitudes and trends vary depending on the particular definition.[5] Although the U.S. labor market has undergone significant changes in the last few decades, with a dramatic trend toward rising inequality and stagnant wage growth for large segments of the workforce, an objective look at the data reveals little evidence that a rise in contingent or alternative work arrangements has played an important role in driving these momentous labor market shifts.

[4] For example, in his critique of the "task rabbit" economy, Kuttner (2013) claims, "The move to insecure, irregular jobs represents the most profound economic change of the past four decades."
[5] See Polivka (1996) for a thoughtful discussion of the definition of contingent and alternative work arrangements.

Instead, the U.S. job market has always had a variety of alternative working arrangements, each of which is preferred by some workers and not by others. Although the sectors that employ workers with alternative working arrangements have evolved with the economy over time, there is little evidence of a significant rise in the share of workers with contingent or alternative working arrangements in recent decades.

The Bureau of Labor Statistics (BLS) included a supplemental module to collect information on various forms of contingent and alternative work arrangements in the Current Population Survey (CPS) in 1995, 2001, and 2005 that provides the most informative data available, although it is now somewhat out of date.[6] The BLS found that the contingent workforce, defined as workers "who do not expect their jobs to last or who reported that their jobs are temporary," is relatively small, and did not grow between 1995 and 2005. In 1995, from 2.2 percent to 4.9 percent of the workforce was employed in a contingent position, depending on the definition, and in 2005 these figures ranged from 1.8 percent to 4.1 percent.[7] These figures are clearly small, and the growth trend unalarming.

Claims that contingent workers represent a much larger share of the workforce generally count part-time workers as contingent workers, even though part-time workers typically are employed in a traditional employment relationship. As the BLS reported, "the vast majority of part-time workers (91 percent) were not employed in contingent arrangements."[8] Nevertheless, data on part-time work do not point to an alarming trend. As Bernhard (2014) notes, "After increasing during the 1970s, both the overall percent part-time and the percent involuntary part-time have been largely flat, with the exception of cyclical increases during recessions." The share of workers in part-time positions (which BLS defines as usually working less than 35 hours a week) has shown little secular trend over the past three decades. In 1995, 17.8 percent of all workers reported that they usually worked part-time hours according to data from the CPS. That figure fell to 16.8 percent in 2005 and 16.5 percent in 2007, and then rose to 19.8 percent in 2009 during the Great Recession but has since declined. In 2014, some 18.3 percent of workers were in part-time positions, hardly different from 20 years earlier.

Moreover, part-time employment has grown rapidly in some countries that did not experience much of a rise in inequality, such as the Netherlands, so it is difficult to draw a link between part-time work and rising inequality in the United States.[9]

Importantly, the BLS contingent worker supplement also measured the share of workers in alternative work arrangements, including independent contractors.[10] The BLS defines

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[6] As of this writing, the BLS has yet to determine whether it will conduct the contingent worker supplement in 2015.

[7] See Cohany (1996) and www.bls.gov/news.release/pdf/conemp.pdf for the BLS statistics on contingent and alternative work arrangements cited in this section.

[8] See bls.gov/news.release/pdf/conemp.pdf.

[9] See *OECD Factbook 2014: Economic, Environmental and Social Statistics*, OECD Publishing.

independent contractors as workers who "identified as independent contractors, independent consultants, or freelance workers, whether they were self-employed or wage and salary workers." Workers in the sharing economy can work part-time or full-time, or participate on a temporary or permanent basis, but they are almost universally working as independent contractors while they are participating in the sharing economy. Thus, evidence on independent contractors can provide relevant background for understanding the nature of the labor market in a sector that overlaps with the sharing economy.

The contingent worker survey found that independent contractors represented 7.4 percent of the workforce in 2005, up slightly from 6.7 percent in 1995. In 2005, 82 percent of independent contractors reported that they preferred their work arrangement to a traditional job, and only nine percent reported that they would prefer a traditional work arrangement.[11] Notably, the BLS found that the vast majority of independent contractors responded that they preferred their working arrangement to a traditional employment relationship even though those in a traditional employment relationship were more likely to have health insurance coverage (69 percent versus 80 percent) and an employer-provided pension (three percent versus 53 percent). As we find for Uber partners below, given their skills and available opportunities, independent contractors appear to sort into a working arrangement that suits their preferences and family circumstances.

The BLS found that 87 percent of independent contractors reported themselves as self-employed in a separate question that is part of its basic monthly labor force survey, while nearly 60 percent of all those who reported themselves as self-employed identified as an independent contractor. Thus, data on the prevalence of self-employment, which is available on an ongoing monthly basis, can provide some insight into the labor market for independent contractors in recent years.

The figure below displays the total number of self-employed individuals relative to the number of civilian employees each month since January 2000, when the BLS started collecting data on incorporated self-employed workers. The share of workers who are self-employed has drifted between 10 and 12 percent throughout this period, with a slight downward trend over the last decade.[12] Fox (2014) reaches a similar conclusion: "the long-term trend in the percentage of workers who are self-employed actually appears to be downward." Fox further highlights that the occupational mix of self-employed workers has evolved over time, with a steady, long-term decline in self-employed farmers and a more recent decline in self-employed construction managers and financial services workers, and a rise in self-employed musicians, maids,

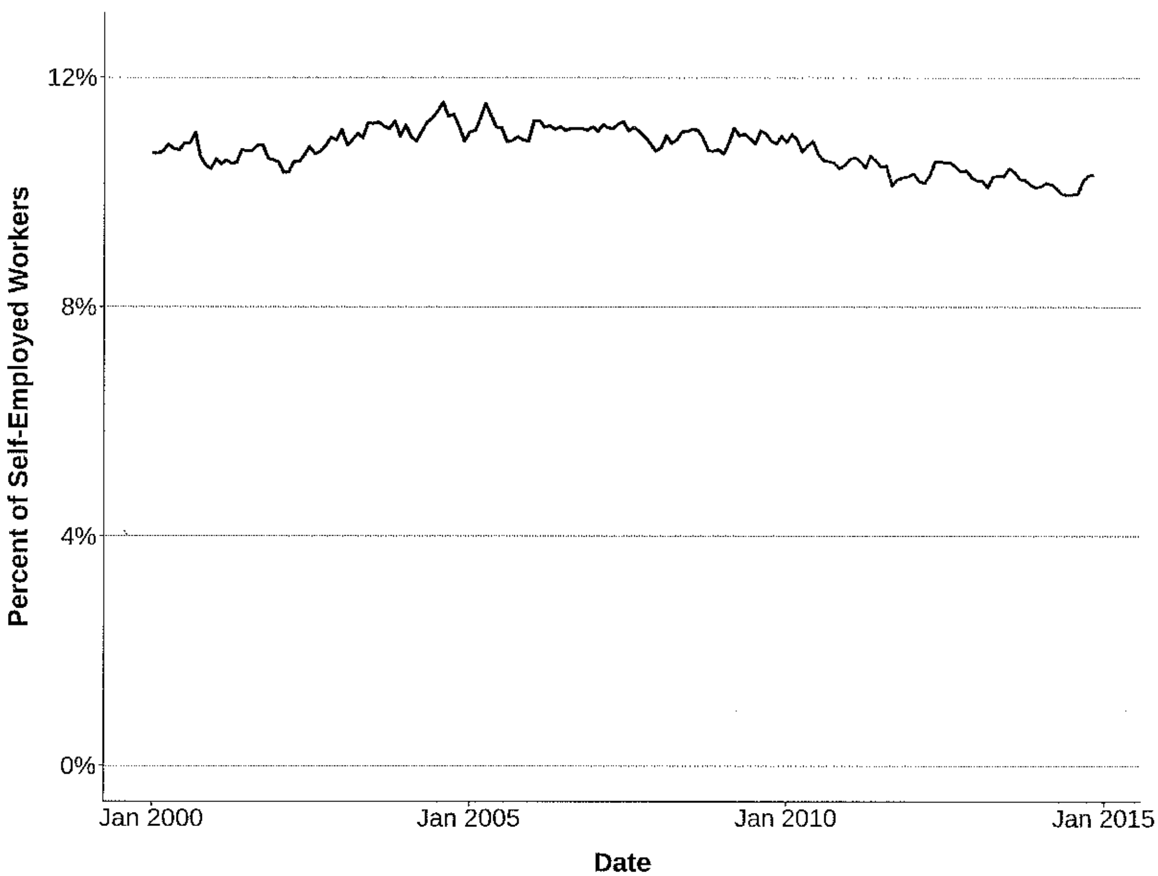
[10] Other alternative arrangements that the BLS identified were on-call workers (1.8 percent of workers in 2005), temporary help agency workers (0.9 percent) and workers provided by contract firms (0.6 percent). Independent contractors were by far the largest of the alternative work arrangements that the BLS identified.

[11] The remainder either said "it depends" (five percent) or did not provide an answer (three percent); see Table 11 of www.bls.gov/news.release/pdf/conemp.pdf.

[12] The share of unincorporated self-employed individuals displays a more prominent downward trend, while the share of incorporated self-employed has been more steady.

landscapers, construction laborers, cosmetologists, managers, and web developers. On net, these trends have left the share of self-employment work only slightly lower than it was a decade ago.

Figure 2: Percent of All Workers who are Self-Employed (NSA), by Month, 2000-2014



Source: BLS monthly data from CPS.

The size of the sharing economy, which is undoubtedly growing as a result of technological advances, is too new to be precisely measured. But workers in the sharing economy are largely a subset of those who are independent contractors and the self-employed. The history of self-employment indicates that the industries where the self-employed are found evolved over time as the economy changes. In the future, it will be important to monitor growth in independent contractors, and whether they continue to prefer their working relationship to a more traditional employment relationship. But the backdrop of trends in contingent and alternative working arrangements reviewed here does not, in itself, indicate flaws in the U.S. labor market on the eve of the sharing economy. The United States surely has serious labor market challenges as a result of rising wage inequality and stagnant middle class wage growth, but these problems appear to be independent of the growth of contingent and alternative working relationships, as there has been little noticeable growth in those working relationships since the 1990s.[13]

BSG Survey of Uber's Driver-Partners

At Uber's request, the Benenson Survey Group (BSG) conducted a web survey of Uber's driver-partners in December 2014 in 20 market areas that represent 85 percent of all of Uber's U.S. driver-partners. A total of 601 driver-partners completed the survey. Although the response rate to the survey was only 11 percent, based on a comparison of aggregated administrative data, the (weighted) respondents do not appear to be very different from the full set of driver-partners in terms of their average work hours or hourly earnings.[14] Further details of the BSG survey will be made available on BSG's web page (http://www.bsgco.com/uber). In this section we highlight the findings from the survey that are particularly relevant for understanding the labor market for Uber's driver-partners and their motivations for partnering with Uber, and contrast the demographic characteristics of Uber driver-partners with those of taxi drivers and chauffeurs (Census occupation code 9140) based on nationally representative data collected in the American Community Survey (ACS), as well as all workers.

Driver Demographics

Table 1 summarizes the demographic characteristics of Uber's driver-partners based on the BSG survey and reports the corresponding characteristics of taxi drivers and chauffeurs and the entire workforce in the same 20 markets surveyed by BSG based on 2012-2013 ACS data.[15]

Uber's driver-partners are spread throughout the age distribution, mirroring the workforce as a whole rather than taxi drivers or chauffeurs. Nineteen percent of Uber's driver-partners are under age 30, and 24.5 percent are age 50 or older. By contrast, taxi drivers and chauffeurs are substantially older, with nine percent under age 30, and 44 percent age 50 or above. The greater representation of younger people among Uber's driver-partners is probably a reflection of the fact that Uber is a new opportunity, and older workers are less likely to change jobs, but it may also reflect entry barriers into the taxi driver and chauffeur professions that make it more difficult for younger people to obtain such jobs.

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[13] See Bernhardt (2014) for related evidence on trends in contingent and nonstandard forms of work.

[14] The BSG survey utilized a stratified design, and weights were derived to make the sample representative of all drivers in terms of the services they offered (uberX, UberBLACK or both); other strata were drawn in proportion to the population and self weighting. All statistics reported here from the BSG survey are weighted to reflect the survey design. Where cited, question numbers refer to the BSG survey.

[15] The 20 markets are: Atlanta, Austin, Baltimore, Boston, Chicago, Dallas, Denver, Houston, Los Angeles, Miami, Minneapolis, New Jersey, New York City, Orange County, Philadelphia, Phoenix, San Diego, San Francisco, Seattle, and Washington, D.C.

Table 1: Characteristics of Uber's Driver-Partners, Taxi Drivers and All Workers

	Uber's Driver-Partners (BSG Survey)	Taxi Drivers and Chauffeurs (ACS)	All workers (ACS)
Age 18-29	19.1%	8.5%	21.8%
30-39	30.1%	19.9%	22.5%
40-49	26.3%	27.2%	23.4%
50-64	21.8%	36.6%	26.9%
65+	2.7%	7.7%	4.6%
Female	13.8%	8.0%	47.4%
Less than HS	3.0%	16.3%	9.3%
High School	9.2%	36.2%	21.3%
Some College / Associate's	40.0%	28.8%	28.4%
College Degree	36.9%	14.9%	25.1%
Postgraduate Degree	10.8%	3.9%	16.0%
White Non-Hispanic	40.3%	26.2%	55.8%
Black Non-Hispanic	19.5%	31.6%	15.2%
Asian Non-Hispanic	16.5%	18.0%	7.6%
Other Non-Hispanic	5.9%	2.0%	1.9%
Hispanic	17.7%	22.2%	19.5%
Married	50.4%	59.4%	52.6%
Have Children at Home	46.4%	44.5%	42.2%
Currently Attending School	6.7%	5.0%	10.1%
Veteran	7.0%	5.3%	5.2%
Number of Observations	601	2,080	648,494

Notes: ACS data pertain to the same 20 Uber markets as the BSG survey, and are for 2012 and 2013.

Women make up 14 percent of Uber's driver-partners, which exceeds the percentage of taxi drivers and chauffeurs who are women in those markets (eight percent), but is less than the share of women in the workforce overall.

Half of Uber's driver-partners are married, which is slightly below the corresponding figure for taxi drivers and chauffeurs, but close to the figure for all workers, probably, at least in part, a reflection of the varying age distributions. On the other hand, Uber's driver-partners are slightly more likely to have children under the age of 18 living with them at home (Q17) than are taxi drivers and chauffeurs.[16] Additionally, 71 percent of Uber's driver-partners reported that they support financial dependents (Q19).

Among those reporting an ethnic/racial background, Uber's driver-partners were more likely to identify their ethnicity/race as White Non-Hispanic than were taxi drivers and chauffeurs in the same areas, although they were less likely to identify as White Non-Hispanic than the workforce as a whole in those areas.[17] Uber's driver-partners were less likely to identify as Black/African American Non-Hispanic than were taxi drivers and chauffeurs while the percentages who identified as Asian or Pacific Islander and Hispanic/Latino were similar for the two groups. Looking beyond the 20 areas, the ethnic/racial composition of taxi drivers and chauffeurs in the United States as a whole closely matches that of Uber's driver-partners who responded to the BSG survey.[18]

Uber's driver-partners are highly educated. Nearly half of Uber's driver-partners (48 percent) have a college degree or higher, considerably higher than the corresponding percentage for taxi drivers and chauffeurs (18 percent), and above that for the workforce as a whole as well (41 percent). Only 12 percent of Uber's driver-partners have a high school degree or less, whereas over half (52 percent) of taxi drivers and chauffeurs have a high school degree or less. Seven percent of Uber's driver-partners are currently enrolled in school, mostly taking classes toward a four-year college degree or higher.

Seven percent of Uber's driver-partners are veterans of the armed services, and one percent are members of the reserves. In addition, six percent of driver-partners have household members who are military veterans, three percent have household members who are active duty members of the armed services, and two percent have household members in the reserves. Uber has made an effort to attract veterans, and it may be having some effect. Based on the ACS data, five percent of taxi drivers and chauffeurs—and the same percentage of all workers—in the 20 areas BSG surveyed are veterans.

Driver Employment History

The BSG survey provides retrospective information on driver-partners' past work experience that provides a picture of what they were doing prior to partnering with Uber.

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[16] One caveat here, however, is that the BSG question directed respondents to "include children living with you part time."

[17] The BSG and ACS race and Hispanic ethnicity questions are different because Hispanic ethnicity is listed with the other racial identities in the BSG race/ethnicity question (Q56), and then Hispanic ethnicity is also asked about specifically for all those who did not select Hispanic in Q56 in the following question (Q57). We have attempted to align the two surveys by reporting anyone who identified as Hispanic in either question as Hispanic, and then reporting the other groups exclusive of those indicating Hispanic origin, and excluding the eleven percent of respondents who did not provide an answer to Q56 or Q57.

[18] The nationwide figures for taxi drivers and chauffeurs are: 42.3 percent non-Hispanic white; 24.5 percent non-Hispanic black; 12.0 percent non-Hispanic Asian; 3.1 percent non-Hispanic other; and 18.0 percent Hispanic.

Fully 80 percent of driver-partners said they were working full- or part-time hours just before they started driving on the Uber platform (Q5), and two-thirds of these individuals reported that they had a full-time job.[19] Eight percent of driver-partners said they were unemployed just prior to partnering with Uber. Among the remainder, seven percent were students, three percent were retired, and two percent stay-at-home parents. Among those working prior to partnering with Uber, 81 percent reported that they had a permanent job that would be there until they left, were laid off, or were fired (Q7), and many appear to have continued in those jobs after partnering with Uber.[20]

Uber's driver-partners worked in a wide range of jobs prior to partnering with Uber, with Transportation Services the only industry in which more than 10 percent of previously employed driver-partners previously worked (19 percent) (Q10). That said, about half (49 percent) had previously worked as a driver at some point in their career prior to partnering with Uber (with black car, limo, and for-hire car service most common (20 percent)), and half had never previously worked as a driver (51 percent). (Q13).

Just over one-third (36 percent) of driver-partners were not actively looking for a new job prior to driving on the Uber platform. Only 25 percent were actively looking for a full-time job, and another 25 percent were looking for a part-time job, and 10 percent were looking for either a part- or full-time job (Q8). Of those driver-partners actively looking for a job prior to partnering with Uber, 24 percent had been doing so for less than a month, 52 percent for one to six months, and 24 percent for more than six months (Q9). The fact that over one-third of driver-partners partnered with Uber without actively searching for a job suggests that Uber provided a new alternative that enticed a large number of people to engage in work activity that was not previously available.

Driving on the Uber Platform

Uber's driver-partners fall into three roughly equal-sized groups: driver-partners who are partnering with Uber and have no other job (38 percent), driver-partners who work full-time on another job and partner with Uber (31 percent), and driver-partners who have a part-time job apart from Uber and partner with Uber (30 percent) (Q23). Not surprisingly, the administrative data indicate that, on average, those who do not have another job work the most hours per week with the Uber platform, while those who have another full-time job worked the least hours per week with the Uber platform. For example, one-third of driver-partners who said they currently have no other job worked more than 35 hours per week with the Uber platform since starting to work with Uber, compared with 13 percent of those who currently had another part-time job, and just three percent of those who currently had another full-time job.

[19] The 80 percent figure does not count any students as employed. If students who were also employed are included, the figure would rise to 85 percent.
[20] Among those who were working at a full-time job prior to partnering with Uber, 93 percent said their job was permanent.

The survey asked driver-partners whether a variety of possible motivations were a major reason, minor reason, or not a relevant reason for why they partnered with Uber (Q22). The most common reasons (combining major and minor reasons) were: "to earn more income to better support myself or my family" (91 percent); "to be my own boss and set my own schedule" (87 percent); "to have more flexibility in my schedule and balance my work with my life and family" (85 percent); "to help maintain a steady income because other sources of income are unstable/unpredictable" (74 percent).[21]

Driving on the Uber platform provides an important source of income for driver-partners. For nearly one-quarter of driver-partners (24 percent), Uber is their only source of personal income, and for another 16 percent Uber is their largest but not only source of income. More than one-third of driver-partners view income earned on the Uber platform as a supplement to their income but not a significant source (38 percent) (Q29).

Perhaps not surprisingly—given that most driver-partners had a job that they could have kept, and often did, when they started partnering with Uber—71 percent of driver-partners replied that partnering with Uber has increased their overall income, while only 11 percent replied that partnering with Uber had decreased their overall income (Q28R1).

A variety of questions made it clear that Uber's driver-partners value the flexibility that the Uber platform permits, and many are drawn to Uber in large part because of this flexibility. Fifteen times as many driver-partners said Uber had made their lives better, rather than worse, by giving them more control over their schedule (74 percent versus five percent). In addition, when asked directly in Q38, "If both were available to you, at this point in your life, would you rather have a steady 9-to-5 job with some benefits and a set salary or a job where you choose your own schedule and be your own boss?" 73 percent chose the latter. Furthermore, when the driver-partners were asked what they would do if Uber were no longer available in their area, 35 percent (the largest group) said they would use another ride-sharing app platform, while only 21 percent said they would look for a full-time job in an unrelated industry (Q32).[22] These findings suggest that there is considerable sorting in the sharing economy, and those who value flexibility most are the most likely to seek opportunities there.

Women driver-partners were more likely than men to highlight the need for flexibility as a reason for becoming a partner with Uber, but both men and women appear to value the opportunity to set their own schedule. For example, 42 percent of women and 29 percent of men said that a major reason for driving with Uber was that they "can only work part-time or flexible schedules" because of a "family, education, or health reason." Further, female driver-partners

[21] The order was unchanged considering those reasons designated as a major reason, and the corresponding percentages were 76 percent, 64 percent, 63 percent, and 51 percent, respectively.

[22] Other responses were: drive a taxi (eight percent); look for a part-time job (19 percent); not look for a new job (12 percent); and other (five percent).

were nearly 30 percentage points more likely than men to work an average of 15 or fewer hours per week (67 percent versus 38 percent). Men, however, were slightly more likely than women to indicate that they would prefer a job where they choose their own schedule and can be their own boss to a nine-to-five job with some benefits (73 percent versus 68 percent).

Another aspect of the flexibility that Uber provides is that spending time on the platform can help smooth the transition to another job, as driver-partners can take off time to prepare for and search for another job at their discretion. This appears to be relevant for a minority of drivers. About one-third (32 percent) of driver-partners indicated that "to earn money while looking for a steady, full-time job" (Q22R11) was a major reason for partnering with Uber, and this is particularly the case for students, and for those who do not have another job or are working part-time on another job. Likewise, those who have no other job or another part-time job are about twice as likely as those with full-time jobs to say that they will continue with Uber until something better comes along (Q50). These results suggest that Uber provides a helpful "bridge" for some driver-partners until they can find another job that is a better match for their skills and interests.

Partnering with Uber appears to have affected driver-partners in other positive ways as well. Nine times as many said Uber had improved, rather than hurt, their sense of confidence (56 percent versus six percent); nearly six times as many said that it had made better, rather than worse, their overall quality of life (58 percent versus 10 percent); and more than five times as many said that it had strengthened, rather than weakened, their sense of financial security (61 percent versus 11 percent) (Q28).

The BLS contingent worker survey found that independent contractors were less likely to have health insurance coverage than traditional employees. About half (49 percent) of Uber's driver-partners currently receive employer-provided health insurance from their employer at another job or from a spouse or other family member's job (combination of Q42 and Q44). It is unclear how many additional driver-partners purchase health insurance from a health insurance exchange or obtain it from another source. Uber provides driver-partners with access to a service called Stride Health to help them select health insurance coverage that is appropriate for their situation. Almost 19,000 Uber driver-partners in the six eligible states have so far visited the Stride website. We leave for future work an examination of participation in state and federal health insurance exchanges.

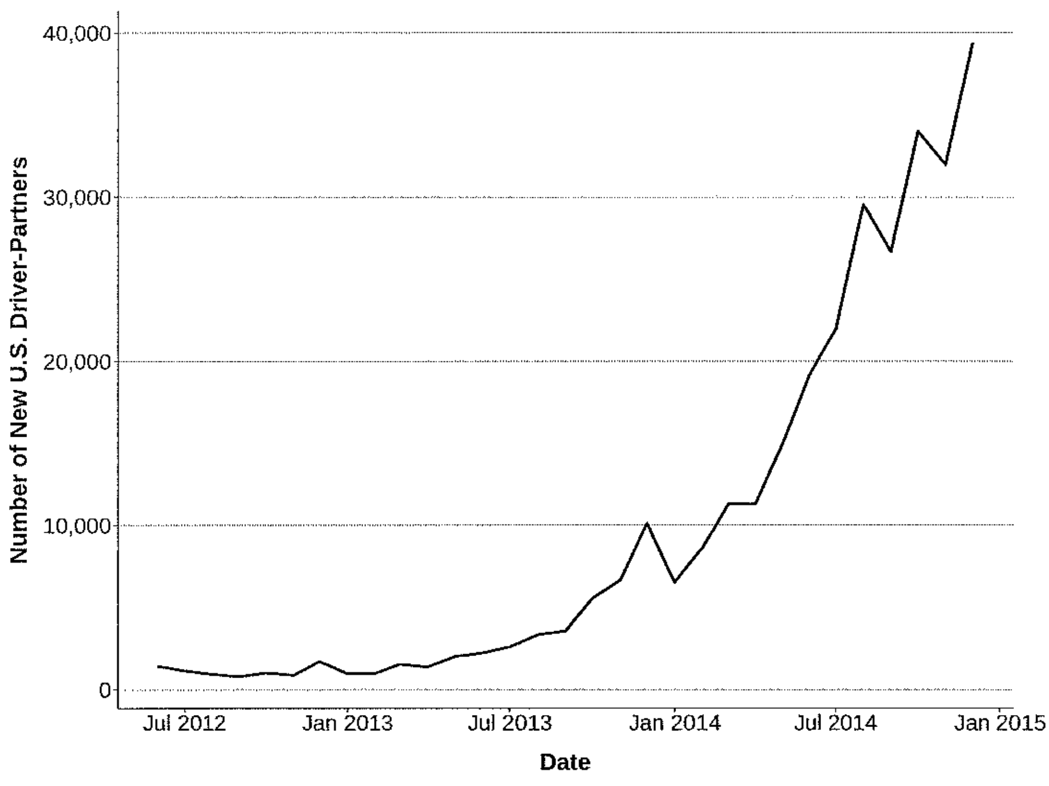
Overall, 78 percent of driver-partners said they are very satisfied or somewhat satisfied with Uber (Q45). In addition, 69 percent of driver-partners reported having a more favorable opinion of Uber currently than when they first started (Q46), suggesting that satisfaction grows with experience driving on the platform.

Completing the Picture with Uber Data

Uber stores comprehensive data on driver-partners' trips, fares, and time using the Uber app. Below, we summarize some of Uber's administrative data using aggregated, anonymized queries on Uber's proprietary databases to round out the analysis of the labor market for Uber's driver-partners.

Figure 3 shows the number of new driver-partners partnering with Uber each month in the United States. A new driver-partner is defined as someone who had not previously provided a trip using the Uber platform, and who provided his or her first trip in the month indicated. The number of new driver-partners is clearly growing exponentially. The number of new driver-partners partnering with Uber has more than doubled every six months for the last two years. Fewer than 1,000 new driver-partners started in January 2013. That number was more than 6,000 a year later in January 2014, more than 19,000 in June 2014, and almost 32,000 in November 2014. In December 2014, with the holiday boost in demand, almost 40,000 new driver-partners provided their first trips in the United States on the Uber platform.

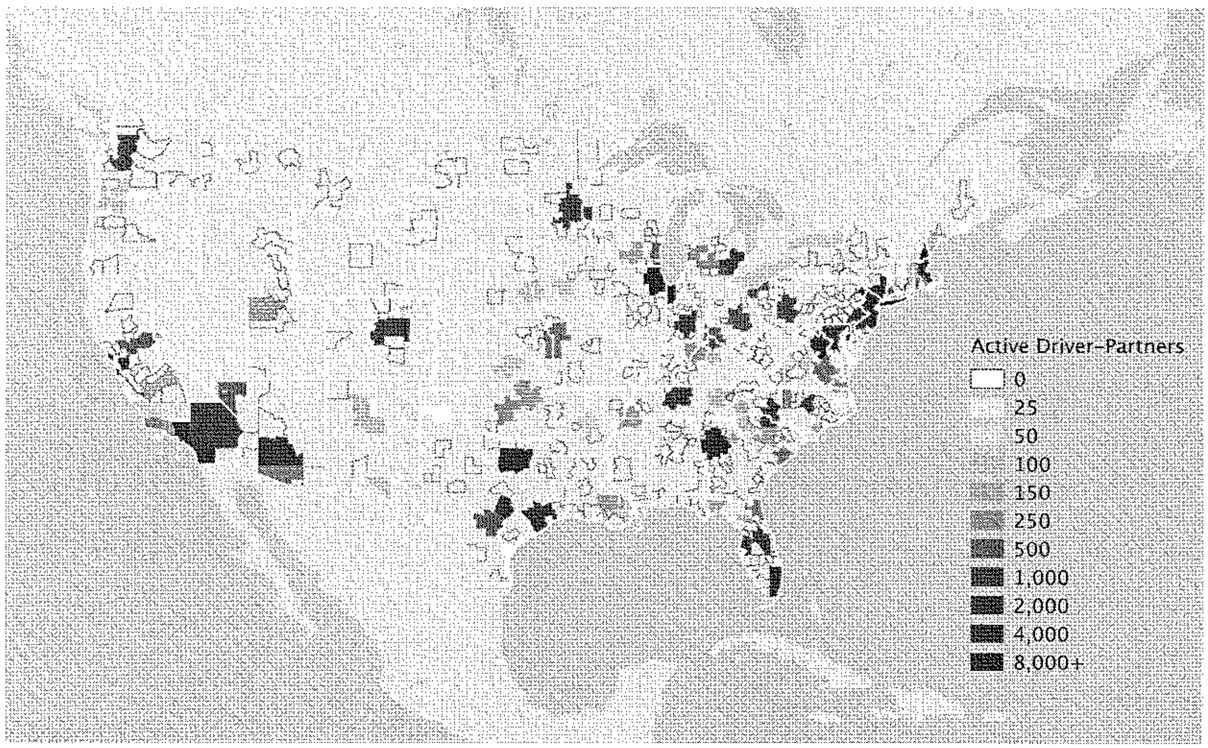
Figure 3: Number of New Driver-Partners Starting Each Month in the United States



Note: Figure based on U.S. UberBLACK and uberX driver-partners who have joined since June 2012 (303,985 individuals), based on Uber data.

The spectacular growth of the number of active driver-partners using Uber over the last few years is evidence that Uber provides a large number of workers a choice they prefer to other available options or not working at all. During the latest month for which we have data, December 2014, a total of 162,037 driver-partners completed four or more trips. As indicated in the graph in the introduction, the number of driver-partners who are active in a given month has grown exponentially since 2012. These driver-partners are distributed across the country in the many places in which Uber operates, as shown in the map in *Figure 4.*

Figure 4: Active Driver-Partners By Census MSA

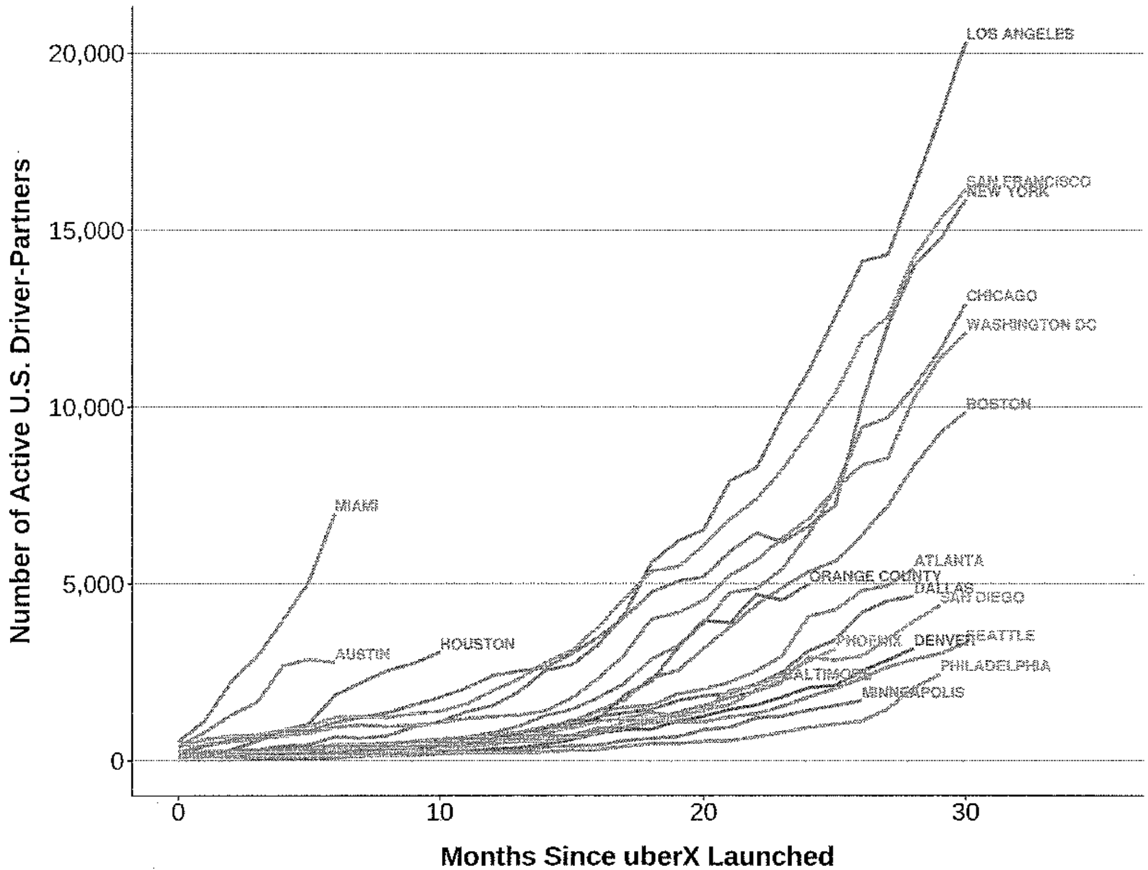


Note: The map indicates the number of Uber driver-partners who took at least four trips in November 2014, by Census MSA.

Figure 5 displays the growth in the number of Uber's driver-partners in each of the BSG metropolitan areas, indexed to the number of months since Uber started operating in the city.[23] The fastest growth in the number of driver-partners has been in Miami, Austin, and Houston, markets in which Uber only recently became fully operational.

[23] The way in which Uber classified New Jersey trips in its database has changed over time, so, for the sake of consistency, New Jersey is omitted from this chart. Also, Orange County is reported as part of Los Angeles.

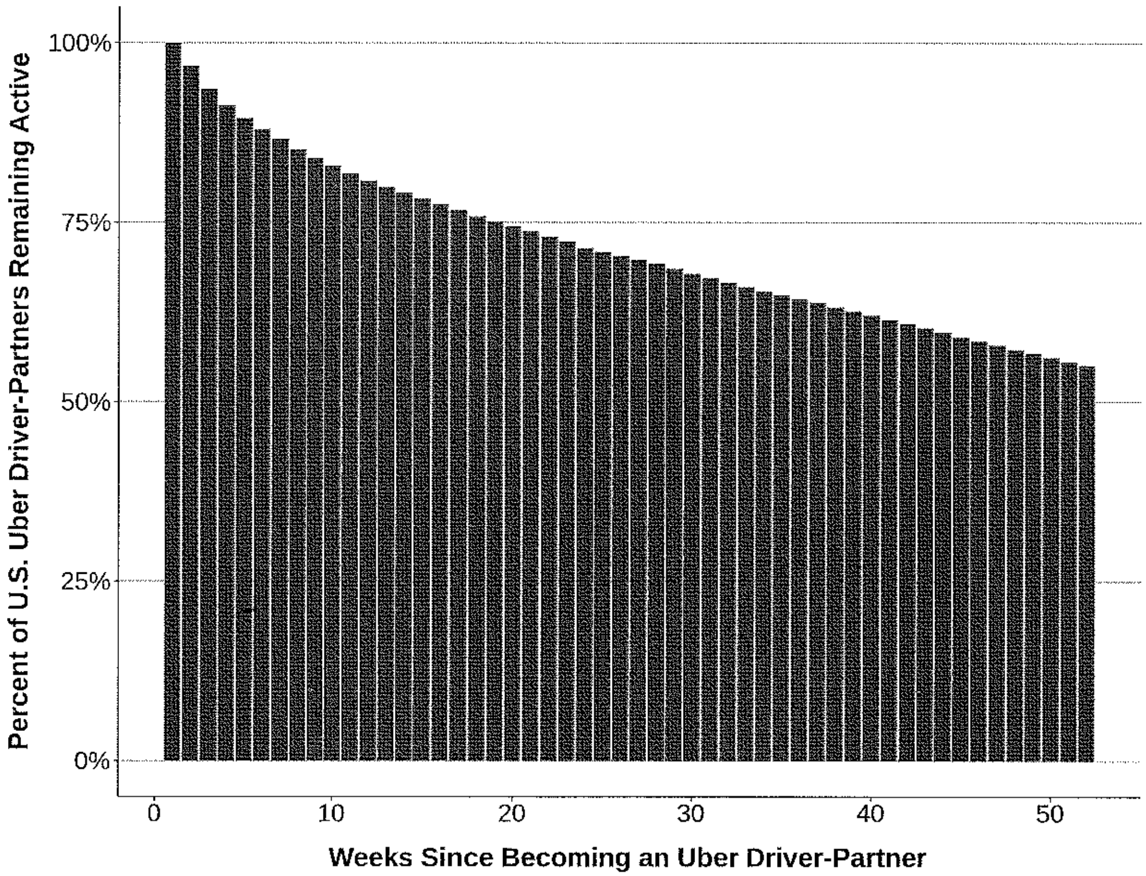
Figure 5: Active U.S. Driver-Partners Over Time, by City



Note: Figure reports the number of U.S. UberBLACK and uberX driver-partners making at least one trip in the specified month, indexed to the number of months since Uber began in the city or June 2012, whichever came later.

Because Uber offers a flexible option with low barriers to entry, a large number of workers try the service, and some discontinue using it after a period of time while others continue indefinitely. As described in the previous section, there are many reasons driver-partners vary their length of time using the platform. Those spending fewer hours may find that Uber is not a good match for their lifestyle or they may only use Uber when they are between jobs; others may find that it provides them with the flexible work schedule and source of income that they have been looking for and continue using the platform for much longer. *Figure 6* reports the weekly continuation rate for all driver-partners who started on the platform in 2013. (A driver-partner is designated as discontinuing in a week if he or she does not use the app for the subsequent six months.)

Figure 6: Continuation Rate for U.S. Drivers Over the Course of a Year



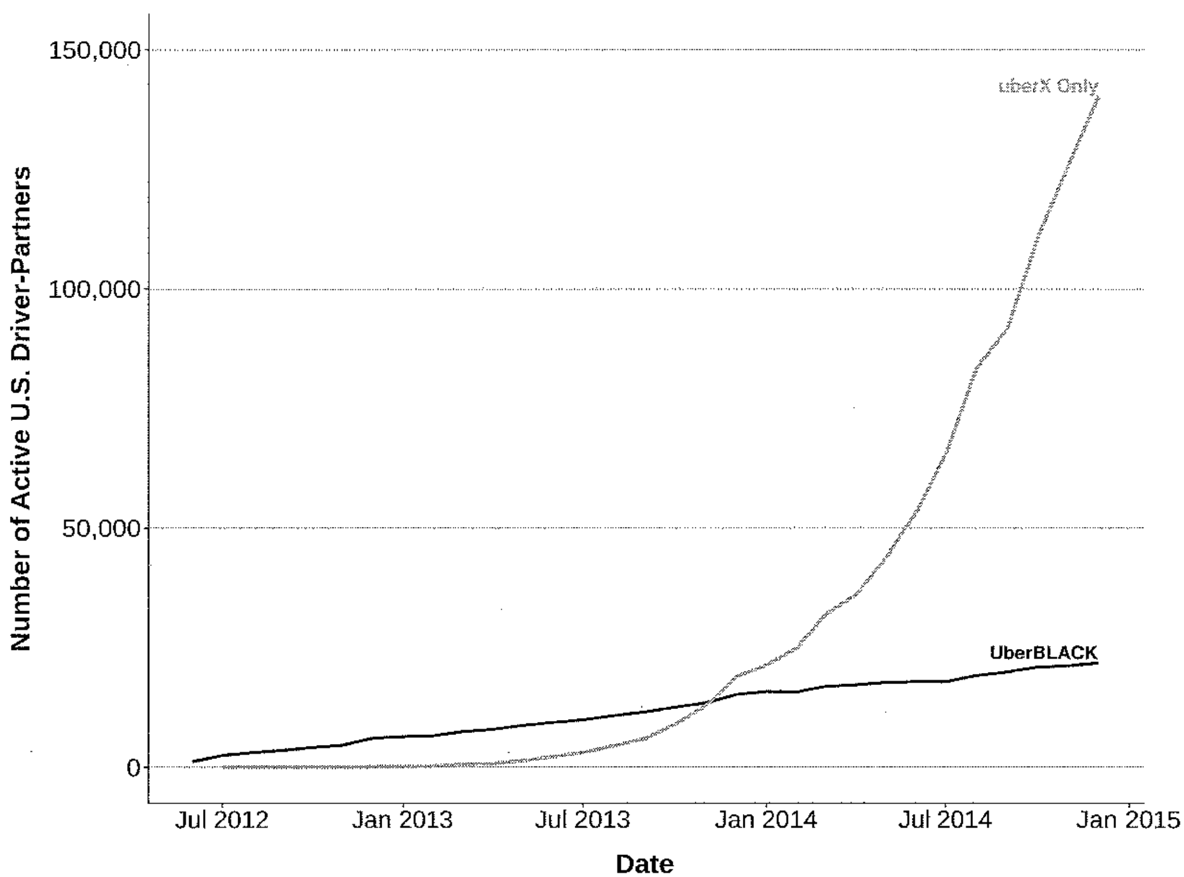
Note: Figure based on U.S. UberBLACK and uberX driver-partners who made their first trip between January and June of 2013 and had subsequently made at least four trips (11,267 individuals). A driver is classified as becoming inactive at the start of any period in which he or she does not record a trip for six or more months.

Within a month of becoming an active Uber driver-partner, 11 percent of drivers became inactive, defined as not using the service over the next 6 months. After half a year, 70 percent of those who started using Uber in the first half of 2013 were still actively using the system, and more than half of those who started in the first half of 2013 remained active a year after starting. These figures are consistent with an observation in the previous section: Uber provides a bridge for many who are seeking another position in the labor market, and it provides a longer-term option for others.

Uber's driver-partners can select into providing different types of car service. The Uber platform offers several tiered service levels to potential riders. Roughly speaking, throughout the United States, UberBLACK is the premium option. Driver-partners on UberBLACK are commercially licensed drivers with "black cars" that adhere to specific vehicle standards. Many driver-partners on UberBLACK are employees or contract workers for limousine companies that use Uber's technology. In contrast, in most markets (New York City being a notable exception), driver-partners on uberX, the lower cost product offered on the platform, may drive their personal automobiles, utilizing commercial insurance (with $1 million in liability and uninsured/underinsured motorist bodily injury coverage provided through the Uber platform) only when conducting commercial activity. As previously stated, uberX driver-partners must pass a background check prior to driving on the platform.

Figure 7 indicates that Uber's recent exponential growth in driver-partners is fueled by the spectacular growth in uberX driver-partners. UberX has grown rapidly because it is available in more American markets than UberBLACK, because of greater customer demand for a lower-cost service, and because of Uber's promotional efforts.

Figure 7: Active Uber Driver-Partners by Service



Note: Sample consists of all U.S. UberBLACK and uberX driver-partners making at least four trips in any month (284,898 individuals).

As previously noted, the BSG survey finds that 62 percent of Uber driver-partners are either working full-time or part-time on another job. Therefore, it is not surprising that a majority of Uber's driver-partners drive with Uber part time. The platform is conducive to a wide range of work schedules, and this is supported by the fact that because there is little discernable relationship between hourly earnings and hours spent on the platform. *Tables 2 and 3* illustrate this pattern for October 2014 for uberX and UberBLACK separately, which we selected as a month after Uber's summer fare cuts and before the holiday season to represent more normal market conditions. The tables report earnings per hour for Uber's driver-partners by amount of time spent driving per week in the six largest markets where Uber operates, and for the 20 BSG markets as a whole. Note that the tables do not include earnings from promotional offers and incentives (most often hourly and monthly price guarantees conditional on driving a certain number or set of hours) that Uber offers driver-partners from time to time, most often at the beginning of a driver-partner's career on the network or around the launch of a new Uber market.

Table 2: Distribution and Average Hourly Earnings of uberX Driver-Partners by Hours Worked, Oct. 2014

	1 to 15 hours/week		16 to 34		35 to 49		Over 50	
	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour
BOS	58%	$19.25	30%	$20.41	9%	$20.78	4%	$20.48
CHI	56%	$15.60	31%	$16.12	9%	$16.21	4%	$16.03
DC	53%	$16.61	31%	$17.46	10%	$17.70	6%	$17.41
LA	59%	$16.37	29%	$17.07	8%	$17.07	4%	$16.97
NY	42%	$26.03	35%	$28.47	16%	$29.65	7%	$29.61
SF	48%	$25.47	37%	$26.50	11%	$26.17	4%	$26.07
BSG Survey Uber Markets	57%	$16.37	29%	$17.24	9%	$17.56	5%	$16.65

Source: Uber. Data aggregated at the driver-partner-week level. Figures exclude incentive payments that are offered to new drivers in some markets.

In the combined set of 20 areas surveyed by BSG, more than half of uberX driver-partners chose to drive for less than 15 hours a week, and fully 86 percent chose to drive less than 35 hours a week. Yet the largest difference in hourly earnings across workers in the various hours categories was $1.19 (about seven percent) between those driver-partners driving 35 to 49 hours a week and those driving one to 15 hours a week.

Table 3: Distribution of UberBLACK Driver-Partners by Hours Worked and Average Hourly Revenue, October 2014

	1 to 15 hours/week		16 to 34		35 to 49		Over 50	
	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour	Percent of driver-partners	Earnings per hour
BOS	20%	$21.22	34%	$22.55	24%	$24.17	22%	$23.62
CHI	26%	$15.60	32%	$17.06	21%	$18.75	21%	$19.38
DC	28%	$21.40	34%	$23.82	21%	$24.62	17%	$25.04
LA	19%	$19.19	29%	$21.60	23%	$22.82	29%	$22.59
NY	53%	$25.38	30%	$27.48	11%	$29.54	7%	$30.64
SF	25%	$30.63	34%	$32.99	23%	$34.32	18%	$33.82
BSG Survey Uber Markets	29%	$20.87	32%	$20.85	19%	$21.67	20%	$20.76

Source: Uber. Data aggregated at the driver-week level. Figures exclude incentive payments that are offered to new drivers in some markets.

For driver-partners on UberBLACK, we also find little relationship between hours worked and earnings per hour in the 20 markets as a whole.[24] There appears to be a small upward relationship between hourly earnings and hours worked in Uber's older, larger markets, however. Explaining this difference is a topic for future research.

Uber's driver-partners take advantage of the flexibility offered by the low cost of entry on the platform. Consider *Table 4*, which illustrates the breakdown of driver-partners (combining both UberBLACK and uberX drivers) by hours worked per week in October 2014, comparing taxi and limo drivers in the ACS to Uber's administrative data. Taxi drivers and chauffeurs work much longer hours per week than Uber's driver-partners, with more than one-third of taxi drivers usually working 50 or more hours per week. To a considerable extent, this probably reflects the fact that the medallions required to operate a taxi are typically leased on a daily or weekly basis, which gives taxi drivers an incentive to work long hours over the duration of the lease. Uber driver-partners do not face this incentive, which enables them to flexibly select their hours.

[24] In many markets, UberBLACK driver-partners have the option to accept uberX and UberBLACK requests simultaneously. Data in this table is for all time on app and all trip requests accepted.

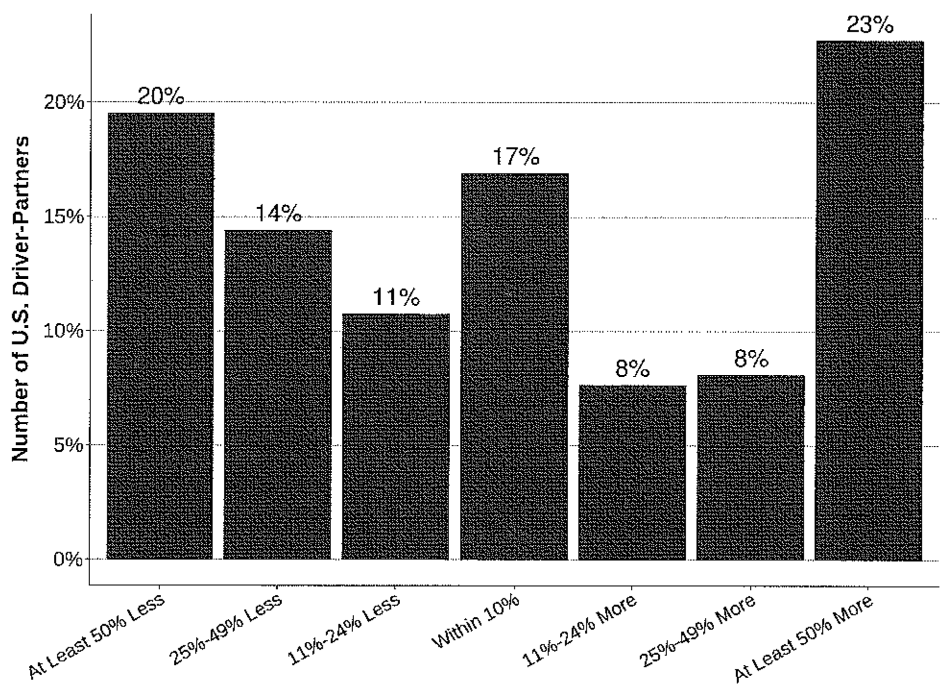
Table 4: Distribution of Uber's Driver-Partners and Taxi Drivers and Chauffeurs by Hours Worked

	Uber driver-partners	Taxi Drivers and Chauffeurs (ACS)
1-15 hours/week	51%	4%
16-34	30%	15%
35-49	12%	46%
50+ hours/week	7%	35%

Source: Uber and 2012-13 American Community Survey. Data for Uber driver-partners pertain to each week when they worked at least one hour in October 2014. ACS hours based on "usual hours worked per week past 12 months." All data are for BSG surveyed market areas.

Figure 8 shows that driver-partners vary the number of hours in which they use the Uber platform by a considerable amount from week to week. In any given week, well more than half (65 percent) of driver-partners drive more than 25 percent, or less than 25 percent, than the amount they drove in the previous week. Only 17 percent of driver-partners tend to drive within 10 percent of the amount of time that they drove in the previous week. The figure is consistent with driver-partners' responses to the BSG survey, which indicated that they valued the flexibility that driving with the Uber app provides.

Figure 8: Distribution of Changes in Work Hours from Week to Week



Note: Figure based on all pairs of weeks in which a U.S. UberBLACK or uberX driver-partner spent at least one hour on the Uber app in the initial week. Sample period is August 31, 2014 through November 22, 2014 (170,505 individuals).

Despite variations in hours on the platform and rider demand, driver-partner income would nonetheless be a fairly predictable function of hours worked if earnings per hour do not vary widely over time. *Table 5* shows the median driver's standard deviation of log earnings per hour across months in 2014 for the six largest markets and the 20 BSG markets combined. For the six largest markets, hourly earnings were fairly steady across months: the standard deviation was typically around 13 percent in these markets. Looking at all markets, the standard deviation was somewhat higher (19 percent), suggesting that factors beyond the number of hours the drivers worked have more of an effect on driver's incomes. Because the six largest markets have greater density and population than the other markets, there is probably a more consistent demand for Uber services. A measure of this consistent demand could be trips per hour in each city. Looking at the median number of trips per hour for each driver, we find that, in general, those markets with more trips per hour have a lower standard deviation in hourly earnings than those with fewer trips per hour. A deeper investigation of the variability of earnings for Uber's driver-partners is a topic for further research.

Table 5: Median Within-Driver Monthly Trips Per Hour and Median Monthly Standard Deviation of Within-Driver Log Hourly Earnings for Uber Driver-Partners in 2014

	Median Trips Per Hour	Median Monthly Standard Deviation of Within-Driver Log Hourly Earnings
BOS	1.67	0.127
CHI	1.55	0.131
DC	1.45	0.121
LA	1.44	0.156
NY	1.09	0.129
SF	1.70	0.137
BSG Survey Uber Market	1.26	0.194

Source: Uber. Data aggregated at the driver-month level. Sample consists of uberX and UberBLACK driver-partners who drove in at least two different months in 2014.

Several economists have recently studied high-frequency (daily) data on the earnings and work hours of taxi drivers to answer the question of whether drivers use an "income targeting" strategy that makes them susceptible to daily fluctuations in the prevailing rate of hourly earnings. In studying taxi driver income targeting, Camerer, et al. (1997) reported negative elasticities of labor supply with respect to the implicit wage rate, which they interpret as evidence of income targeting. Chou (2000) appeared to confirm these results using data from Singapore, and Crawford and Meng (2013) found additional evidence in a modified income targeting model. In essence, these studies find a negative slope when they regress hours worked on hourly earnings, which is inconsistent with standard intertemporal labor supply models.

Farber (2005, 2008), however, demonstrates that "division bias" in the regression models that these studies have estimated biases their estimates of the labor supply elasticity toward a negative number. This problem arises because in Camerer, et al. (1997) and other studies, a noisy estimate of hours is regressed on earnings divided by that same noisy measure of hours (the derived hourly earnings measure), mechanically inducing a negative bias. To avoid this problem, Farber (2014) uses five years of electronic NYC taxi micro-data and finds a positive labor supply elasticity when he instruments for each driver's wage with the wage of other drivers at that time.

Preliminary work by Michael Sheldon (2014) replicates and extends Camerer, et al.'s (1997) and Farber's (2014) results using Uber's proprietary driver-partner data. Most importantly, when he uses accurate data on time worked captured by the Uber app to measure hours to estimate Camerer, et al.'s type of regression of hours on hourly earnings (including individual fixed effects), he finds a positive labor supply elasticity (0.14). Sheldon goes on to demonstrate that he can replicate the finding of a negative elasticity found in earlier work by adding white noise to the measurement of driver shift hours, the measurement of which in the taxi industry is prone to substantial error. When he follows Farber and instruments for a driver's hourly earnings with the hourly earnings of other drivers at that time, he finds an even larger labor supply elasticity (0.22).

In light of these findings, we interpret the current state of the literature as providing little support for income-targeting among for-hire drivers, as opposed to traditional labor supply behavior. In addition, this conclusion is consistent with the BSG survey finding that only six percent of Uber's driver-partners said that they would "prefer to drive with Uber until [they] make a certain amount of money." Income targeting does not appear to be an important motivation in the short-term or long-term among for-hire drivers.

Since the Uber platform applies a new model to an existing industry, it is instructive to compare driver-partner earnings to those in similar occupations. Unfortunately, it is difficult to perform a perfect comparison between the earnings of driver-partners on the Uber platform and other professional drivers, e.g. taxi and limo, because of the limited availability of earnings data for those services. However, taxi drivers, limo drivers, and chauffeurs are classified together in government data sets such as the Occupational Employment Statistics (OES) survey, which tracks drivers who are employees (in contrast to Uber's driver-partners, who are independent contractors).

Table 6: Comparison of Average Hourly Uber Driver-Partner Revenue And Employee Taxi Drivers and Chauffeurs Wages

	Earnings Per Hour or Hourly Wages	
	Uber Driver-Partners (Earnings Per Hour)	OES Taxi Drivers and Chauffeurs (Hourly Wages)
BOS	$19.06	$12.31
CHI	$16.20	$11.87
DC	$17.79	$13.10
LA	$16.98	$11.73
NY	$30.35	$15.17
SF	$23.52	$13.72
BSG Survey Uber Market	$19.04	$12.90

Source: For Uber Driver-Partners: Uber. Data aggregated at the driver-month level. UberX and UberBLACK driver-partner that drove at least one hour a week during the month of October 2014. For OES Taxi Drivers and Chauffeurs: OES from May 2013. OES average for all areas is weighted by total drivers by city. This was the most recently available data.

As can be seen in *Table 6*, Uber's driver-partners generally receive higher earnings per hour than their general-population driver counterparts. In 16 of the 18 markets available, the average earnings per hour of Uber's driver-partners exceeded the average hourly wage of taxi drivers and chauffeurs. Of course, Uber's driver-partners are not reimbursed for driving expenses, such as gasoline, depreciation, or insurance, while employed drivers covered by the OES data may not have to cover those costs. These costs vary for each driver-partner, and drivers may be able to partially offset their costs by deducting work-related expenses from their income for tax purposes, including depreciation and/or leasing fees, gasoline, maintenance, insurance, mobile device and data fees, and license and registration fees depending on their particular tax situation. A detailed quantification of driver-partner costs and net after-tax earnings is a topic of future research. Nonetheless, the figures suggest that unless their after-tax costs average more than $6 per hour, the net hourly earnings of Uber's driver-partners exceed the hourly wage of employed taxi drivers and chauffeurs, on average.

Notice also that Uber's driver-partners tend to earn more in the markets where taxi drivers and chauffeurs tend to earn more. The Pearson correlation across the 19 areas with available data (Orange County and Los Angeles are combined in the OES) is 0.56. At least in the long run, the process of labor market equilibration in the presence of varying local labor market conditions should generate a positive correlation in the wages of those doing similar work in the same market.

Conclusion

This paper has provided the first comprehensive analysis of Uber's driver-partners, based on both survey data and administrative data. Several findings are worthy of emphasis and exploring in further research.

First, the Uber platform provides a great deal of flexibility to driver-partners. Responses to the BSG survey indicated that many driver-partners valued the flexibility to choose their hours of work and days of work. Furthermore, the administrative data indicate that a large share of driver-partners avail themselves of this flexibility and vary their hours from week to week. Compared with traditional taxi drivers, Uber driver-partners tend to work fewer hours per week. For example, taxi drivers and chauffeurs were five times more likely to work 50 or more hours per week (35 percent of taxi drivers and chauffeurs versus seven percent of Uber's driver partners). The finding that hourly earnings for Uber's driver-partners are essentially invariant to hours worked during the week also makes Uber an attractive option to those who want to work part-time or intermittently, as other part-time or intermittent jobs in the labor market typically entail a wage penalty.

Second, Uber's driver-partners are more similar in terms of age and education to the general workforce than to taxi drivers and chauffeurs. There are many possible explanations that could have contributed to this result. First, the U.S. economy was operating at less than full employment during the period studied, and more highly educated and younger workers may have had fewer alternatives available than is normally the case in this time period. Uber may have represented a particularly attractive bridge option for these workers. Second, entry barriers in traditional taxi and limo services may prevent a broader segment of the workforce from gaining such jobs. And third, a broad segment of the general public may be drawn to Uber over traditional taxi and chauffeur jobs because Uber permits greater flexibility in terms of scheduling. The fact that new drivers continued to partner with Uber at an accelerating rate in late 2014, when the economy strengthened and the unemployment rate fell below six percent, suggests that weakness in the economy was not the major reason why drivers partnered with Uber. In addition, most driver-partners were employed prior to joining Uber. These considerations suggest that Uber has attracted driver-partners with a wide range of backgrounds because they value the type of opportunity for flexible work that Uber provides.

Third, although it is difficult to compare the after-tax net hourly earnings of Uber's driver-partners and taxi drivers and chauffeurs taking account of all costs, it appears that Uber driver-partners earn at least as much as taxi drivers and chauffeurs, and in many cases more than taxi drivers and chauffeurs. The prospect of higher compensation is probably part of the explanation for why the number of Uber driver-partners has grown at an exponential rate (along with lower entry barriers and flexibility). Another aspect of Uber that can influence the pay of Uber's driver-partners vis-à-vis taxi drivers is that customers rate their driver when they take a trip with Uber, and drivers' ratings are made available to potential customers. This leads Uber's driver-partners to develop reputations, and to have an incentive to perform well to develop and maintain a good reputation. By contrast, taxi drivers typically are anonymous and customers are not aware of their reputations. Reputations matter in markets.[25] Driver-partners are rewarded for having a good reputation, which could lead Uber's driver-partners to earn more than taxi drivers. Furthermore, drivers who expect to do a good job and develop a strong reputation are more likely to be attracted to Uber than to traditional taxi service.[26] Estimating the impact of drivers' reputations on their earnings is an important topic for further research.

Lastly, although some have argued that the sharing economy is weakening worker bargaining power and responsible for much of the rise in inequality in the United States, the actual effect is much more complicated and less clear. First, there is little evidence of a secular rise in the percentage of workers who are self-employed, independent contractors, or part-time. As Bernhardt (2014; p. 15) concluded, "we all share a strong intuition that the nature of work has fundamentally changed, contributing to the deterioration of labor standards. Yet at least with aggregate national data, it has been hard to find evidence of a strong, unambiguous shift toward nonstandard or contingent forms of work – especially in contrast to the dramatic increase in wage inequality." Second, inequality increased dramatically in the United States long before the advent of the sharing economy, and has increased much less in many other countries that, unlike the United States, experienced a sharp rise in part-time work. Third, at least insofar as the advent of ride sharing services like Uber is concerned, the relevant market comparison is to other for-hire drivers, many of whom were independent contractors prior to the launch of Uber. Moreover, the availability of modern technology, like the Uber app, provides many advantages and lower prices for consumers compared with the traditional taxi cab dispatch system, and this has boosted demand for ride services, which, in turn, has increased total demand for workers with the requisite skills to work as for-hire drivers, potentially raising earnings for all workers with such skills. And finally, the growth of Uber has provided new opportunities for driver-partners, who, based on the BSG survey, seem quite pleased to have the option available.

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[25]See, for example, Cabral and Hortaçsu (2010) for research on the relationship between sellers' ratings and sales on eBay, which, like Uber, is an online marketplace that uses a ratings system to build reputations for both sellers and buyers.

[26]This sorting effect could partly explain why Uber's driver-partners are more highly educated than traditional taxi drivers and chauffeurs.

References

Bernhardt, Annette. "Labor Standards and the Reorganization of Work: Gaps in Data and Research." *UC Berkeley: Institute for Research on Labor and Employment*, January 2014. Available at http://www.irle.berkeley.edu/workingpapers/100-14.pdf and accessed January 12, 2015.

Benenson Survey Group (BSG). "Survey of Uber driver-partners." Internal Survey. December 2014. Available at http://www.bsgco.com/uber.

Bureau of Labor Statistics, U.S. Department of Labor. "Contingent and Alternative Employment Arrangements, February 2005." *U.S. Department of Labor*, July 27, 2005.

Bureau of Labor Statistics, U.S. Department of Labor. "Occupational Employment and Wages, May 2013, 53-3041 Taxi Drivers and Chauffeurs." U.S. Department of Labor, April 1, 2014. Web. Accessed January 10, 2015.

Camerer, Colin; Babcock, Linda; Lowenstein, George and Thaler, Richard. "Labor Supply of New York City Cabdrivers: One Day At a Time." *The Quarterly Journal of Economics*, May 1997, 112(2), pp 407-441.

Chou, Yuan K. "Testing Alternative Models of Labor Supply: Evidence from Taxi Drivers in Singapore." *University of Melbourne, Department of Economics Research Paper*, 2000, 768.

Cohany, Sharon R. "Workers in Alternative Employment Arrangements." *Monthly Lab. Rev.* 1999, 119(31).

Cabral, Luís and Ali Hortacsu. "The Dynamics of Seller Reputation: Theory and Evidence from eBay." *The Journal of Industrial Economics,* March 2010, 58(1), pp 54-78.

Crawford, Vincent P; Meng, Juanjuan. "New York City Cab Drivers' Labor Supply Revisited: Reference-Dependent Preferences with Rational Expectations Targets for Hours and Income." *The American Economic Review,* August 2011, 101(5), pp. 1912-1932.

Farber, Henry S. "Is Tomorrow Another Day? The Labor Supply of New York City Cabdrivers." *Journal of Political Economy*, 2005, 113(1), pp. 46-82.

Farber, Henry S. "Reference-Dependent Preferences and Labor Supply: The Case of New York City Taxi Drivers." *The American Economic Review*, June 2008, 98(3), pp. 1069-1082.

Farber, Henry S. "Why You Can't Find a Taxi in the Rain and Other Labor Supply Lessons from Cab Drivers." *NBER Working Paper*, October 2014, No. 20604.

Fox, Justin. "Where Are All the Self-Employed Workers?" *Harvard Business Review*, February 7, 2014. Available at https://hbr.org/2014/02/where-are-all-the-self-employed-workers/ and accessed January 12, 2015.

Kuttner, Robert. "The Task Rabbit Economy." *The American Prospect*, October 10, 2013.

OECD Publishing. "OECD Factbook 2014: Economic, Environmental and Social Statistics." May 6, 2014.

Polivka, Anne E. "Contingent and alternative work arrangements, defined." *Monthly Labor Review* 1999, 119(3).

Sheldon, Michael. "Income Targeting and the Ridesharing Market." Unpublished Manuscript. 2014. Available at https://sites.google.com/site/michaelsheldonhomepage/working-papers.

EXHIBIT
B-1

DRAFT

Chapter 30

VEHICLES FOR HIRE AMENDMENTS

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ARTICLE V. TRANSPORTATION NETWORK COMPANIES

Sec. 30-93. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

City of Portland (the City) means and includes the physical boundaries of the City of Portland as well as the municipal corporation and the Jetport director and his or her designee.

Digital platform means an electronic application or app, a website, or any other electronic system accessible by the members of the public by cell phone, computer or other electronic device to conduct financial transactions and other business.

Operation of a TNC vehicle means (i) any time a TNC driver is logged into a digital platform and is available to pick up passengers; (ii) any time a passenger is in the TNC vehicle; and (iii) any time the TNC driver has accepted a prearranged ride request through the digital platform and is en route to a passenger.

Prearranged ride means passenger transportation for compensation in a TNC vehicle arranged through a digital platform. "Prearranged ride" includes the period of time that begins when a TNC driver accepts a ride requested through a digital platform, continues while the TNC driver transports a passenger in a TNC vehicle, and ends when the passenger exits the TNC vehicle.

TNC insurance means a motor vehicle liability insurance policy that specifically covers liabilities arising from a TNC driver's operation of a TNC vehicle.

TNC driver means a person authorized by a transportation network company to use a TNC vehicle to provide prearranged rides through a Transportation Network Company's digital network. A driver need not be an employee of a Transportation Network Company.

TNC vehicle means a personal motor vehicle used by a driver in connection with providing services and/or transporting passengers for compensation from a Transportation Network Company.

Transportation Network Company or *TNC* means a corporation, partnership or other entity that uses a digital network to connect passengers with TNC drivers.

Sec. 30-94. License Required.

(a) No person or entity shall engage in the business of a transportation network company or as a TNC driver unless such person or entity has secured a license authorizing such business from the City. This license shall cover all TNC drivers and their vehicles, which will be used under the license. Only those drivers and vehicles listed on the license may be used by the TNC as or by a TNC driver.

(b) The annual license application forms shall be provided by the City and all of the requirements of this Article and Chapter 30, §§ 30-32 and 30-34 shall be met prior to issuance.

(c) The annual license fee for TNCs shall be $500.00 per vehicle as provided in Portland City Code §15-12.

(d) Pursuant to § 15-11 of this Code, licenses issued hereunder are not transferable. If a TNC license is denied or is revoked as a result of a disqualifying criminal conviction, as defined in § 30-16, for a class A, B or C crime, a TNC license shall not be issued to an immediate family member for the period of such disqualification. "Immediate family member" means a spouse, parent, sibling or child living in the same household as the applicant or licensee.

Sec. 30-95. General Operational Requirements for Transportation Network Companies and TNC driver.

(a) A transportation network company and a TNC driver shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC drivers using a TNC vehicle. No TNC driver shall transport a passenger unless a transportation network company has matched the TNC driver to that passenger through a digital platform. A TNC driver shall not solicit, accept, arrange, or provide transportation in any other manner or on a "hail" or "walk-up" basis.

(b) A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC driver shall not accept payment of fares directly from a passenger or any other person prearranging a ride.

(c) A transportation network company shall publish the following information on its public website and associated digital platform:

(1) The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare in advance of accepting/booking the ride;

(2) Information about its TNC driver screening criteria, including a description of the offenses that the

transportation network company will regard as grounds for disqualifying an individual from acting as a TNC driver;

(3) The means for a passenger or other person to report a TNC driver reasonably suspected of operating a TNC vehicle under the influence of drugs or alcohol;

(4) Information about the company's training and testing policies for TNC drivers;

(5) Information about the company's standards for TNC vehicles; and

(6) A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

(d) A transportation network company shall associate a TNC driver with one or more personal vehicles and shall authorize a TNC driver to transport passengers only in a vehicle specifically associated with a TNC driver by the transportation network company.

(e) A TNC driver shall carry and visibly display at all times while operating a TNC vehicle proof of coverage under the TNC insurance policy and each personal automobile insurance policy covering the vehicle. The TNC driver shall present such proof of insurance upon request to the City, a law-enforcement officer or any person involved in an accident that occurs during the operation of a TNC vehicle. The transportation network company shall require the TNC driver's compliance with the provisions of this subsection.

(f) Prior to a passenger's entering a TNC vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC driver, the make and model of the TNC vehicle, and the license plate number of the TNC vehicle.

(g) A transportation network company shall provide to each of its TNC drivers a credential that includes the following information:

(1) The name or logo of the transportation network company;

(2) The name and a photograph of the TNC driver; and

(3) The make, model, and license plate number of each TNC vehicle associated with the TNC driver and the state issuing each such license plate.

The TNC driver shall carry the credential at all times during the operation of a TNC vehicle and shall present the credential upon request to law-enforcement officers, the City or a passenger of the vehicle.

(h) A transportation network company and its TNC driver shall make the following information available through its digital platform immediately upon request by the City and/or to law-enforcement officers:

(1) The name of the transportation network company;

(2) The name of the TNC driver and the identification number issued to the TNC driver by the transportation network company;

(3) The license plate number of the TNC vehicle and the state issuing such license plate; and

(4) The location, date, and approximate time that each passenger was or will be picked up and his or her destination.

(i) Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

(1) A map of the route taken;

(2) The date and the times the trip began and ended;

(3) The total fare, including the base fare and any additional charges and/or surge-pricing increases incurred for distance traveled or duration of the prearranged ride;

(4) The TNC driver's first name and photograph; and

(5) Contact information by which additional customer support may be obtained.

(j) The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC drivers of such policy. TNC drivers shall comply with all other applicable laws regarding nondiscrimination against passengers or potential passengers.

(k) A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

(l) A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

(m) All TNC drivers shall submit to random vehicle inspections by the City or a member of law enforcement, in addition to the City's required annual inspection.

(n) All TNC vehicles shall be at all times clean and in good repair inside and out. "Clean and in good repair" shall mean and include, without limitation, as specified in § 30-18(a)(2).

(o) TNC vehicles shall at all times be in compliance with the laws of the State of Maine and rules and regulations enacted pursuant thereto relating to passenger vehicles.

(p) Smoking is not permitted at any time in any TNC vehicle.

(q) TNC drivers shall conduct themselves in a courteous and professional manner at all times. When transporting passengers, TNC drivers shall also be neat and clean in appearance. All articles of clothing shall be clean and in good repair.

Sec. 30-96. Requirements for TNC Drivers.

(a) Before authorizing an individual to act as a TNC driver, a transportation network company shall confirm that the person is at least 18 years old and possesses a valid driver's license.

(b)(1) Before authorizing an individual to act as a TNC driver, and at least once every two years after authorizing an individual to act as a TNC driver, a transportation network company shall obtain a national criminal history records check of that person.

(2) Before authorizing an individual to act as a TNC driver, and at least once annually after authorizing an individual to act as a TNC driver, a transportation network company shall obtain and review a national driving history research report on that person from the individual's state of licensure.

(3) Before authorizing an individual to act as a TNC driver, and at least once every two years after authorizing a person to act as a TNC driver, a transportation network company shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.

(4) The Transportation Network Company shall verify on its annual City license application that each TNC driver has met all of the requirements of this section.

(c) A TNC driver shall inform each transportation network company that has authorized him or her to act as a TNC driver of any event that may disqualify him or her from continuing to act as a TNC driver, including any of the following: a change in the registration status of the TNC vehicle; the revocation, suspension, cancellation, or restriction of the TNC driver's license; a change in the insurance coverage of the TNC vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

Sec. 30-97. Requirements for TNC Vehicles.

(a) A TNC vehicle shall:

(1) Be a personal vehicle;

(2) Be validly titled and registered in the State of Maine or in another state;

(3) Receive an annual inspection of the vehicle by the City; and have a valid Maine safety inspection and carry proof of that inspection in the vehicle; and

(4) Be covered under a TNC insurance policy as described in § 30-98 of this Article.

(b) No TNC driver shall operate a TNC vehicle unless that vehicle meets the requirements of this section.

(c) Before authorizing a vehicle to be used as a TNC vehicle, a transportation network company shall confirm that the vehicle meets the requirements of subsection (a) and shall provide the City with verification on its annual license application that the requirements of this section have been met.

Sec. 30-98. TNC insurance.

(a) At all times during the operation of a TNC vehicle, a transportation network company shall keep in force TNC insurance as provided in this section.

(b) The following requirements shall apply to TNC insurance from the moment a TNC driver accepts a prearranged ride request on a transportation network company's digital platform until the TNC driver completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

(1) TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be $1 million per occurrence for each driver of a TNC vehicle.

(2) TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage per occurrence. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be $1 million per occurrence.

(3) TNC insurance shall provide primary comprehensive collision coverage equal to that in the policy insuring the listed driver's vehicle.

Sec. 30-99. Recordkeeping and reporting requirements for transportation network companies.

(a) Records maintained by a transportation network company shall at a minimum include:

(1) True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC driver;

(2) True and accurate results of the national driving history research report for each individual that the transportation network company authorizes to act as a TNC driver;

(3) Driver's license records of TNC drivers, including records associated with participation in a driver record monitoring program;

(4) True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC driver;

(5) Proof that the transportation network company obtained certification from the TNC driver that the TNC driver secured the consent of each owner, lessor, and lessee of the vehicle for its registration as a TNC vehicle and for its use as a TNC vehicle by the TNC driver; and

(6) A transportation network company shall retain all records required under this subsection for a period of three years and shall make these records available to the City or a law enforcement officer upon request.

(b) A transportation network company shall maintain the following records and make them available upon request to the City or a law-enforcement officer to investigate and resolve a complaint or respond to an incident:

(1) Data regarding TNC driver activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride;

(2) Records regarding any actions taken against a TNC driver;

(3) Contracts or agreements between the transportation network company and its TNC drivers;

(4) Information identifying each TNC driver, including the TNC driver's name, date of birth, Social Security number and driver's license number and the state issuing the license; and

(5) Information identifying each TNC vehicle the transportation network company has authorized, including the vehicle's make, model, model year, vehicle identification number, and license plate number and the state issuing the license plate.

(c) Except as required under this section, a transportation network company shall not disclose any personal information about a user of its digital platform unless:

(1) The transportation network company obtains the user's consent to disclose the personal information;

(2) The disclosure is necessary to comply with a legal obligation; or

(3) The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

Sec. 30-100. Zero-Tolerance Policy.

(a) A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC drivers while operating the TNC vehicle and shall include a notice concerning the policy on its website and associated digital platform.

Sec. 30-101. TNC Driver Access to the Jetport.

(a) No transportation network company or TNC driver shall conduct any operation on the property of or into the Jetport unless such operation is authorized by the City.

(b) TNC Driver access to the Jetport shall be subject to the Ground Transportation Rules adopted and revised by the Jetport Director.

Sec. 30-102. Order of TNC Vehicle From Service.

A TNC vehicle can be ordered from service as specified in Chapter 30, § 30-24.

Sec. 30-103. Standards for Denial of License.

In addition to those standards set forth in Chapter 15 and Chapter 30, §§ 30-33, 30-36 and 30-37, a TNC license or a TNC driver license shall be denied if any of the requirements of this Article are not met.

Sec. 30-104. Penalties.

In addition to the penalties allowed in Chapter 1, § 1-15, if a TNC and/or a TNC driver violates any of the provisions of this Article or the City Code it may be subject to penalties as provided in Chapter 30, § 30-38.

Sec. 30-105. Notice and Opportunity for a Hearing.

A person or entity holding a TNC license and/or a TNC driver license shall be entitled to notice and an opportunity for a hearing prior to any revocation or suspension of a license as provided in Chapter 30, § 30-38.1.

Sec. 30-106. Appeals.

A person or entity holding a TNC license and/or a TNC driver license shall be entitled to appeal any denial, suspension or revocation of a license as provided in Chapter 30, § 30-38.2.

Sec. 30-107. Severability.

The provisions of § 1-14 of this Code shall apply to this Article.

EXHIBIT B-2

Chapter 30 VEHICLES FOR HIRE*

***Cross reference(s)**--Operation of buses in parks, § 18-20; streets, sidewalks and other public places, Ch. 25; traffic and motor vehicles, Ch. 28.

ARTICLE I. IN GENERAL

Sec. 30-1. Reserved.
Sec. 30-2. Reserved.
Sec. 30-3. Reserved.
Sec. 30-4. Reserved.

Sec. 30-5. Applicability to transportation of disabled persons.

This chapter shall not apply to any vehicle used for the transportation of passengers for hire which meets each and every one of the following requirements:

(a) The vehicle is equipped with a ramp or lift mechanism designed to accomplish wheelchair access;

(b) The vehicle, at all times when used for hire, is transporting one (1) or more physically disabled persons; provided, however, not all persons within the vehicle need be physically disabled provided they are accompanying a physically disabled person;

(c) The vehicle is designed and operated to provide only non-emergency transportation to passengers who are wheelchair-bound or otherwise restricted in mobility due to physical incapacity, injury, sickness or other medical or age-related reason. For purposes of this chapter, non-emergency medical transportation vehicles are taxicabs, except that any motor vehicle utilized by a regional or nationally affiliated transportation agency that is registered and in good standing as a Maine non-profit corporation or is a public state or local agency, and that performs a background check on its drivers shall be excluded from this definition and the provisions of Article II. Any person or business who is unlicensed and claims to qualify for this exception bears the burden of proof to demonstrate that the exception is applicable; and

(d) The vehicle is operated for hire only by prearrangement.

Any doubt as to the applicability of the exemption created by this section shall be resolved against the application of this section. Any vehicle operated for hire, although designed for handicapped use, when not so used, shall be subject to the applicable provisions of this chapter.
(Ord. No. 534-86, 5-5-86; Ord. No. 286-07/08, 6-16-08)

Sec. 30-6. Reserved.
Sec. 30-7. Reserved.
Sec. 30-8. Reserved.
Sec. 30-9. Reserved.
Sec. 30-10. Reserved.
Sec. 30-11. Reserved.
Sec. 30-12. Reserved.
Sec. 30-13. Reserved.
Sec. 30-14. Reserved.
Sec. 30-15. Reserved.

ARTICLE II. TAXICABS; LIVERIES*

***Cross reference(s)--**Operation of buses in parks, § 18-20; streets, sidewalks and other public places, Ch. 25; traffic and motor vehicles, Ch. 28.

DIVISION 1. GENERALLY

Sec. 30-16. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 or in this section shall apply unless the context clearly indicates that a different meaning is intended.

Compensation means delivering or providing any money, item of value, credit card charge slips, other pecuniary consideration or compensation, reward, donation, tip or any other remuneration, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement or as a surcharge.

Director means the designee of the city manager.

Disqualifying criminal offense means and include any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but shall not include any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted.

For hire means the transportation for compensation of passengers.

License inspector means and includes any person designated by the director to perform inspections of taxicabs.

Limousine means any vehicle designed to carry 5 or more passengers behind the driver’s seat which is of a type customarily designated as a luxury “stretch limousine” and is used for the transportation of passengers for hire solely on a reserved hourly or flat rate basis.

Livery, except as provided in section 30-17A below, means any motor vehicle designed to carry 3 or more passengers behind the driver’s seat which is used for the transportation of passengers for hire on a prior reserved hourly or flat rate basis. Livery vehicles shall not be available for hire on a “hail” or walk-up basis by passengers on the street and shall not include a limousine.

Metered zone means and includes the Cities of Portland, other than Peaks Island, South Portland and Westbrook and the Towns of

Cape Elizabeth, Falmouth and Scarborough.

Taxicab means and includes any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passengers; except that the provisions of this article shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab or other vehicle for hire which is operated within the City of Portland in response to:

(a) A call to convey a passenger from the city to such other municipality; or

(b) A request to convey a passenger from the city to such other municipality when such request is made at the point of delivery in the city of a passenger from such other municipality; or

(c) A request to convey a passenger from such other municipality to the city.

"Taxicab" does not include a limousine or livery vehicle as defined above, or a vehicle which operates solely on a fixed schedule and route such as, but not limited to, a bus.

To operate means and includes to drive, or regularly to cause, induce, permit or suffer another to drive, whether or not such other person acts in the capacity of an agent, servant, employee, lessee or independent contractor.
(Code 1968, § 902.2; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No.57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08; Ord. No.188-08/09, 4-6-09; Ord. No. 26-10/11, 8-16-10)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 30-17. Applicability.

(a) All provisions of this Article shall apply to taxicabs and liveries which operate between any of the municipalities within the metered zone and the city, except that livery vehicles shall not be required nor allowed to have taximeter and the provisions of section 30-21 shall not apply to liveries. This article shall not apply to the Casco Bay Islands except as provided herein for Peaks Island.

(b) Limousines operating within the city or based in the city are exempt from the provisions of this Article.

(c) Livery operators which hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the liveries covered by such interstate operating authority are exempt from this Article. Failure to have a written prior reservation record at the time of pick-up, drop-off or conveyance of a passenger creates a rebuttable presumption that the vehicle and operator are required to be licensed as a taxicab under this Article. No livery shall operate as a taxicab nor accept passengers on a "hail" or walk-up basis, except as provided herein for a Peaks Island livery, even if such livery is covered by interstate operating authority or is licensed as a livery under this Article.
(Ord. No. 57-04/05, 10-4-04; Ord. No. 188-08/09, 4-6-09)

Sec. 30-17A. Service on Peaks Island.

(a) A vehicle providing transportation for hire services exclusively on Peaks Island, the destination and route of which are under the direction and control of the passengers, must be licensed as a livery hereunder and driven by a licensed livery driver. Such vehicle and driver shall comply with all requirements of this ordinance, except as follows:

(1) Vehicle signage shall be on both front doors of the vehicle, stating the company name and "Peaks Island Livery Only"; the vehicle shall be licensed to operate solely on Peaks Island;

(2) The vehicle license fee shall be one-half of the regular license fee for a livery vehicle. All other fees shall be the same;

(3) The Peaks Island livery shall be available for hire on a "hail" or walk-up basis by passengers on the Island;

(4) Rates shall be negotiated with the passenger prior to provision of service, subject to a maximum rate not to exceed five dollars ($5.00) per passenger per trip, which maximum fare shall be conspicuously posted on the exterior of both the rear doors of the livery and inside the vehicle;

(5) The Peaks Island livery driver shall not be required to keep a log pursuant to section 30-25.

(b) Except as provided in this section, the Peaks Island livery and driver shall comply with all other requirements of this chapter.
(Ord. No. 188-08/09, 4-6-09; Ord. No. 26-10/11, 8-16-10)

Sec. 30-18. Equipment.

(a) *General requirements.*

(1) All taxicabs and liveries shall submit to random vehicle inspections by the license inspector or the inspector's designee or a member of the Portland police department, in addition to the city's required annual inspection.

(2) Taxicabs and liveries shall be at all times clean and in good repair inside and out. "Clean and in good repair" shall mean and include, without limitation, the following:

a. No visible tears in carpeting;

b. No dents larger than six (6) inches in diameter;

c. No tears in seat upholstery;

d. No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger;

e. No missing trim or body work;

f. No cracks in windshield or windows;

g. Seat belts for all passenger seats visible and in working order;

h. No missing hubcaps;

i. No visible primer paint;

j. No rust greater than one (1) inch in diameter; and

k. An operational jack and inflated spare tire.

(3) Taxicabs and liveries shall be maintained at all times in

compliance with the laws of the state relating to passenger vehicles and the rules and regulations of the state enacted pursuant thereto.

(4) *Taximeters.* Taxicabs, other than those which operate exclusively on the islands, shall be equipped with taximeters which have been tested, approved and sealed by the state sealer of weights and measures, and which shall indicate fare and mileage by means of legible figures which are electrically illuminated during the period between sunset and sunrise, which fare shall be computed in accordance with the rate card and shall be calibrated the same fraction of a mile as the maximum fare provided in section 30-21(b)(1). Taximeters shall be so placed that the figures are in plain view of all passengers. Taximeters shall be connected directly to and be driven directly from the transmission by means of flexible shafts and flexible housing so connected and sealed as to not be subject to tampering.

(5) *Exterior light.* Every taxicab shall be equipped with an exterior light affixed to the roof thereof which shall be covered with a translucent fixture marked with the word "Taxi" in legible lettering and which shall be operated during the period between sunset and sunrise. A livery vehicle is prohibited from having an exterior light.

(6) *Notice to the Public.* Every taxicab and livery shall conspicuously display the following rules and regulations to notify the public of the requirements of all taxicab and livery vehicles;

a. For taxicabs only, maximum fare schedule;

b. Smoking is not permitted in any taxicab or livery vehicle at any time;

c. Taxicab or livery driver permit, with picture i.d. shall be prominently displayed within the vehicle;

d. The operator of each taxicab or livery shall conduct himself in a courteous and professional manner at all times;

e. No person other than the driver is permitted to remain in the taxicab or livery at any time without the express consent of all passengers.

f. Effective July 1, 2008, the director shall supply appropriate signage for each taxicab and livery and shall designate the location of such signage in the vehicle.

ANY VIOLATION OF THESE RULES AND REGULATIONS BY THE TAXICAB OR LIVERY DRIVER OR OWNER MAY BE REPORTED BY CALLING (207) 756-8310 OR BY WRITING TO:

TAXICAB LICENSING
C/o Manager of Transportation Policy
City of Portland
389 Congress Street
Portland, Maine 04101

Please include your name, address and telephone number to allow adequate follow-up by the city.

(b) *Identification.* Every taxicab shall be conspicuously, professionally and permanently marked in letters not less than one and one-half (1 1/2) inches in height with the word "Taxicab" and the owner's name or trade name or, in lieu of such name or trade name, with a design or monogram containing the owner's name or trade name. Such design or monogram shall be not less than eight (8) inches in diameter. The identification required hereunder shall be placed, at minimum, on the two front doors of the vehicle. Livery vehicles are required to be similarly marked as “Livery”, and the words “taxi”, “cab” or “taxicab” cannot be used in such marking.
(Code 1968, § 902.7; Ord. No. 231-80, 12-22-80; Ord. No. 643-81, § 1, 5-4-81; Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 1, 7-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No.286-07/08, 6-16-08)

Sec. 30-19. Conduct of driver.

When transporting passengers, all licensees shall be neat and clean in appearance. All articles of clothing shall be clean and in good repair.
(Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 2, 7-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-20. Smoking in vehicle.

Smoking is not permitted in any taxicab or livery vehicle at

any time, including times when there are no passengers in the vehicle or when the vehicle is not in operation as a taxicab or livery.
(Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 286-07/08, 6-16-08)

Sec. 30-21. Taxicab fares for service.

The maximum fares for taxicabs shall be as follows:

(a) *Within the metered zone.* Except as otherwise provided herein, the maximum fare for taxicab service solely which begins or ends in the city and is within the metered zone shall be one dollar and ninety cents ($1.90) for the first one-tenth of a mile (the "drop" rate) or a fraction thereof and thirty cents ($0.30) for each one-tenth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by the taximeter. There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. In all other cases, each passenger shall pay a separate fare, based upon the total taximeter rate to their individual destinations.

(b) *Outside the metered zone.* If a trip begins or ends within the city and the other point of destination is outside the metered zone, the passenger and driver shall agree upon the fare before the trip commences; otherwise the passenger shall be under no obligation to pay any fare.

(c) *Minimum jetport fare.* The minimum fare for pickup at the Portland International Jetport is five dollars ($5.00) even if the taximeter fare is less. The taximeter shall be used for all such pickups.

(d) *Waiting time.* A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the passenger has requested the taxicab to call, or five (5) minutes after the taxicab actually calls, whichever is later. The charge for such waiting time shall be forty cents ($0.40) per minute.

(e) *Sight-seeing.* Taxicabs may be employed for purposes of sight-seeing only according to a published route and rate which shall be provided to the passenger prior to commencement of the trip.

(f) *Bags and parcels.* No charge shall be made for the transportation of the bags or parcels of a passenger.
(Code 1968, § 902.8; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, §§ 1, 2, 4-6-81; Ord. No. 471-84, 3-7-84; Ord. No. 332-88, 4-20-88; Ord. No. 63-89, 7-17-89; Ord. No. 303-92, 4-6-92; Ord. No. 249-97, 4-23-97; Ord. No. 56-04/05, 9-8-04; Ord. No. 57-04/05, 10-4-04; Ord. NO. 286-07/08, 6-16-08; Ord. No. 188-08/09, 4-6-09)

Sec. 30-22. Rates to be displayed by taxicabs.

(a) *Rate and information card.* The director shall issue, together with each taxicab business license, a rate and information card which sets forth the foregoing rates in clear, legible letters and a description of the metered zone. The rate and information card shall be clearly visible to passengers at all times when the taxicab is in service.

(b) *Statement of rates.* The maximum rate of fares charged by the taxicab pursuant to this article and any lesser rate actually charged by the taxicab shall be advertised on both back doors of the taxicab in lettering of a size to be approved by the director.

(c) *Statement of discounts.* Notice of any lesser rates routinely offered shall be displayed in clear and legible letters immediately adjacent to the rate and information card.
(Code 1968, § 902.9; Ord. No. 231-80, 12-22-80; Ord. No. 643-81, §§ 2, 3, 5-4-81; Ord. No. 471-84, 3-7-84; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-23. Display of license.

Every driver licensed hereunder shall display his or her taxicab or livery driver's license in the manner described by the director when the cab or livery is in service. The license shall be surrendered upon revocation, suspension or expiration of the taxicab or livery driver's license.

An annual inspection and registration decal, to be issued by the director upon annual inspection commencing May 1, 1999, shall be affixed to the left lower corner of the windshield of each taxicab or livery licensed by, and operated in, the City of Portland. It shall be a violation of this ordinance to fail to display such inspection and registration decal. A license inspector or law enforcement officer shall immediately order the removal from

service of any taxicab or livery that fails to display this decal or may immediately impound the taxicab operated without the required decal. A penalty of $100.00 shall be paid by the owner of any taxicab or livery vehicle for each day it is operated without the required decal.
(Code 1968, § 902.10; Ord. No. 231-80, 12-22-80; Ord. No. 278-90, 3-19-90; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-24. Order of taxicab or livery vehicle from service.

(a) The license inspector or any law enforcement officer may require any licensee to present a taxicab or livery for inspection whenever the inspector or officer deems such inspection necessary because of a serious threat to the health or safety of passengers and may, in writing, order a taxicab or livery business licensee to remove from service any taxicab or livery which is in violation of this article; provided that a re-inspection shall be scheduled as soon as possible but in no case more than three (3) business days thereafter. There shall be a charge of fifty dollars ($50.00) for each re-inspection of any taxicab or livery ordered removed from service hereunder.

(b) The license inspector or any law enforcement officer shall order a taxicab or livery business licensee or taxicab operator to immediately remove from service, or shall immediately impound, any taxicab or livery which does not exhibit a taxicab or livery decal issued pursuant to Section 30.23.

Any licensee aggrieved by an order made under this section may appeal at any time to the city director who shall, as soon as possible, and in no case more than five (5) business days thereafter, determine whether such taxicab or livery is in violation of this article and shall either affirm the order of the license inspector or law enforcement officer or give the licensee written permission to return the taxicab or livery to service. Notwithstanding any other provision of this article or chapter 15, the license of any licensee charged with operating a taxicab or livery which the license inspector has ordered out of service shall be suspended in accordance with section 15-8(b)(3), and shall either be suspended or revoked upon a finding, after notice and hearing, that the violation has in fact been committed.
(Code 1968, § 902.13; Ord. No. 231-80; 12-22-80; Ord. No. 306-82, § 4, 1-4-82; Ord. No. 484-83, § 1, 4-20-83; Ord. No. 303-92, 4-6-92; Ord. No. 124-96, § 1, 11-4-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-25. Log; customer receipt.

(a) Each person licensed as a taxicab or livery business or driver hereunder shall maintain a log of all calls received and services provided, specifying the date, time, name, if available, and the pickup and drop-off location of each transport which either begins or ends within the metered zone. Such log shall be provided to the director or law enforcement officer upon request or may be examined by said director or officer during regular business hours of the business.

(b) Each person licensed as a taxicab or livery business or driver hereunder shall provide a receipt to any customer upon that customer's request. Such receipt shall show, at minimum, the date and time of the service provided, the name of the taxicab or livery company, and the cost thereof.
(Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-26. Notice of violation; waiver of administrative hearing.*

The director, the license inspector or any authorized law enforcement officer may, prior to commencement of an administrative hearing, issue a notice of violation to any person charged with a violation of this article. Such notice shall be in a form approved by the city manager.
(Ord. No. 306-82, § 4, 1-4-82; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04;Ord. No. 286-07/08, 6-16-08)

***Editor's note:** the waiver provision is now in § 30-38.

Sec. 30-27. Penalty.

Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The city may enjoin or abate any violation of this article by appropriate action. In addition to the penalty set forth in section 1-15 of this Code, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorney's fees and reasonable and necessary investigative fees.
(Ord. No. 303-92, 4-6-92; Ord. No.57-04/05, 10-4-04)

Sec. 30-28. Severability.

The provisions of section 1-14 of this Code shall apply to this article.

(Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-29. Reserved.
Sec. 30-30. Reserved.

DIVISION 2. LICENSES*

***Cross reference(s)**--Licenses and permits generally, Ch. 15.

Sec. 30-31. Required.

(a) *Business license.* Each taxicab or livery business, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab or livery license from the director prior to permitting the operation of any taxicab or livery vehicles in the city. A taxicab or livery business license shall be obtained which covers all vehicles which will be used under the license. As provided in Chapter 15, there shall be a fee of three hundred dollars ($300.00) per vehicle listed on the business license. Only those vehicles listed on the business license may be used by the licensee as a taxicab or livery vehicle in the city. Vehicles can only be sued for one purpose, i.e. either a taxicab or livery, and can only be listed on one license.

(b) *Driver's license.* No person shall operate a taxicab or livery vehicle within the city unless such taxicab or livery is covered by a business license and the driver thereof is currently licensed by the city to operate a taxicab or livery.

(c) *Licenses non-transferable.* Pursuant to section 15-11 of this Code, licenses issued hereunder are not transferable. If a taxicab or livery business license is denied or is revoked as a result of a disqualifying criminal conviction of the applicant or licensee for a class A, B or C crime, a taxicab or livery business license shall not be issued to an immediate family member for the period of such disqualification. "Immediate family member" means a spouse, parent, sibling or child living in the same household as the applicant or licensee who committed the disqualifying criminal conviction.
(Code 1968, § 902.1; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-32. Application.

(a) Applications under this division shall be filed in accordance with chapter 15. In addition to the requirements of that chapter:

(1) *Taxicab or livery business licenses.* Every application shall contain the following:

a. Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the applicant. If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.

b. A record of any disqualifying criminal conviction of any officer of, or person having an actual business ownership in, the applicant, or a statement that no such conviction exists shall be provided.

c. The make, type, year, serial number and license plate number of each vehicle for which a taxicab or livery business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.

d. A detailed description of the graphic design, insignia, wording and coloring which will appear upon the vehicle, if licensed, shall be included.

e. An appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the director.

f. A person or business may obtain both a livery and taxicab business license, but there shall be a separate application form and fee for each such license. A vehicle shall not be licensed nor used both as a taxicab and a livery vehicle.

(2) *Taxicab or livery drivers' licenses.* The taxicab or livery driver's license application shall:

a. State the age of the applicant;

b. State current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available;

c. Contain a complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists;

d. Contain a record of convictions for reckless driving, driving to endanger, operating or attempting to operate under the influence during the year preceding the application;

e. State whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation or revocations; and

f. The application shall contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the above items permission to release the same to the director and shall be accompanied by two (2) photographs of the applicant of such size as the director may specify.

g. An applicant may obtain both a taxicab and a livery driver’s license but there shall be separate application forms and fees for each such license. No person shall drive a taxicab or livery without having the appropriate license hereunder.

(3) Every business licensed hereunder must maintain current records of the names, home addresses and telephone numbers of all of their drivers and must supply this

information promptly to the director upon request. Every driver required to be licensed hereunder must have a current license for the vehicle he or she drives, and must provide the director with current contact information, including name, home and work address and home, work and cell telephone numbers and any e-mail address available. The driver shall promptly notify the director of any change in the contact information.

(Code 1968, § 902.3; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-33. Standards for denial.

(a) In addition to those standards set forth in chapter 15, a license under this division shall be denied to the following persons:

(1) *Taxicab or livery business licenses:*

a. A corporation which is not licensed to do business in the state;

b. An applicant other than the registered owner of the vehicle;

c. A corporation if any principal officer thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;

d. An applicant, other than a corporation, if such applicant, any principal officer, or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction; and

e. Any applicant whose taxicab or livery business license has been revoked within the three (3) years preceding the application.

The director shall make and keep a written record of every decision to deny an application for a taxicab or livery business license in the manner required by Title 1 M.R.S.A., Chapter 13.

(2) *Taxicab or livery drivers' licenses:*

a. An applicant who has not attained the age of eighteen (18) years;

b. An applicant who has a disqualifying criminal conviction, based upon the following:

1. For a period of one (1) year from the date of the discharge of the sentence for the most recent conviction for a Class D or E crime, or an equivalent offense in any other jurisdiction, that falls into any one of the following categories: theft, robbery, burglary, assault, sex crimes, drugs, prostitution, weapons, or any major traffic offense except those specified in paragraph d below. In addition to the foregoing, this same one (1) year disqualification applies to an applicant who has a record of repeated minor traffic offenses which are not criminal violations. "Repeated minor traffic offenses" hereunder means more than two motor vehicle moving traffic violations within the twelve (12) months prior to the date of application, or more than five (5) moving traffic violations within the thirty-six (36) months prior to the date of application, with at least one of those offenses occurring within the twelve (12) months prior to the date of application. In the case of these non-criminal traffic offenses, the twelve (12) month disqualification period shall begin as of the date of the finding of violation of the most recent offense. Notwithstanding the foregoing, any motor vehicle moving violation which results in bodily injury or property damage shall be considered a major offense hereunder.

2. For a period of one (1) year from the date of reinstatement of a license which has been suspended or revoked in any jurisdiction, with the following exceptions:

i. Where a license suspension results from the failure to file insurance with the Secretary of State pursuant to 29-A M.R.S.A. Chapter 13 (or other applicable law) or an order of court, the applicant must provide the director with (1) proof of valid insurance; and (2) documentation of the reinstatement of the applicant's driver's license. Following such proof, the license suspension shall not disqualify the applicant from receiving a taxicab or livery driver's license, provided there is no other disqualifying condition.

ii. Where a license suspension results from the failure to pay child support pursuant to 19-A M.R.S.A. Chapter 65 (or other applicable law) or an order of the court, the applicant must provide the director with documentation of re-instatement of the applicant's driver's license. Following such proof, the license suspension shall not disqualify the applicant from receiving a taxicab or livery license, provided there is no other disqualifying condition.

3. For a period of three (3) years from the date of the discharge of the sentence for the most recent conviction for a Class C crime, or an equivalent offense in any other jurisdiction.

4. For a period of four (4) years from the date of discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquor or drugs more than one (1) time in the preceding ten (10) year period, regardless of the class of the offense and regardless of any lesser disqualification which might otherwise apply hereunder.

5. For a period of five (5) years from the date of the discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquor or drugs, which act was committed while

operating any vehicle licensed under this chapter, or which act resulted in bodily injury.

6. For a period of five (5) years from the date of the discharge of the sentence for the most recent conviction for a Class B crime, or an equivalent offense in any other jurisdiction.

7. For a period of ten (10) years from the date of the discharge of the sentence for the most recent conviction for a Class A crime, or an equivalent offense in any other jurisdiction.

8. For a period of ten (10) years from the date of the discharge of the sentence for the most recent conviction if either of the following conditions occur:

   i. The applicant has received more than two (2) criminal convictions for Class B, C or D crimes, or any combination of such crimes within the preceding ten (10) year period; or

   ii. The applicant has utilized a weapon of any type in the commission of a crime.

Where an applicant for a taxicab or livery driver's license or a licensee has more than one (1) disqualifying criminal conviction within the previous ten (10) years, the applicant shall be disqualified for the longest applicable period of time. If an applicant receives a subsequent disqualifying criminal conviction during a period of disqualification for another offense, the disqualification period for the subsequent offense shall run from the date of the discharge of the sentence for the subsequent conviction. If the disqualification period for the subsequent offense extends beyond the initial disqualification period, then the applicant shall remain disqualified for such additional time period.

(b) The periods of disqualification set forth in subsection (a) above, other than subsection (2) b.8. above may be reduced by six (6) months if the applicant can show that after the conviction he or she did at least one (1) of the following:

(1) Successfully completed a drug or alcohol rehabilitation program, as evidenced by a certificate of completion of the program or a letter from an official of the program;

(2) Successfully completed a domestic violence therapy program or treatment if the disqualifying criminal conviction involved domestic violence, as evidenced by a certificate of completion of the program, a letter from an official of the program or a letter from a licensed counselor or therapist; or

(3) Made restitution for the crime committed, as evidenced by appropriate court documentation or probation records.

(c) The director shall make and keep a written record of every decision to deny an application for a taxicab or livery driver's license in the manner required by Title 1 M.R.S.A., Chapter 13.

(d) "Date of discharge" as used herein means the date upon which the sentence has been completed, including any probation or parole period, and the person has been discharged from the criminal justice system for the violation.
(Code 1968, § 902.4; Ord. No. 231-80, 12-22-80; Ord. No. 296-82, §§ 1, 2, 12-20-82; Ord. No. 303-92, 4-6-92; Ord. No. 144-96, 1-17-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-34. Conditions precedent to issuance.

Prior to issuance of any taxicab or livery vehicle license, and in addition to all other requirements of chapter 15 or this division, the following must occur:

(a) For any business license: The applicant must file with the director a copy of the applicant's valid state certificate of registration of the vehicle to be licensed, a copy of the insurance certificate for the vehicle along with a certificate that lists the City of Portland as a certificate holder and providing for prior notice to the city of cancellation of the insurance policy, a valid certificate of inspection issued by the state sealer of weights and measures in the case of a taxicab only, and a certificate issued by the license inspector that the vehicle to be licensed complies with the safety and equipment requirements of this article. A copy of the current insurance certificate for the vehicle shall be kept in the vehicle at all times. In the case of a certificate that covers more than one (1) vehicle, a photocopy of the insurance certificate shall be kept in each vehicle.

(b) For any driver's license: The applicant must file with the director a copy of a valid State of Maine driver's license. In addition, the director shall obtain a current criminal history report from the state bureau of identification and a driving record from the state department of motor vehicles; except that pending receipt of the criminal history report from the state bureau of identification a temporary taxicab or livery license may be issued to any applicant provided that the director has received both the applicant's driving record from the department of motor vehicles and a copy of the applicant's criminal history record from the Portland Police Department which criminal history record does not contain notation of an arrest or disqualifying criminal conviction.

(Code 1968, § 902.5; Ord. No. 231-80, 12-22-80; Ord. No. 461-87, 4-22-87; Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 3, 7-6-92; Ord. No. 248-97, 4-9-97; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04;Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-35. Fees.

Fees shall be as provided under chapter 15, except that a portion of the issuance fee (prorated on a weekly basis) shall be refunded upon surrender of the license if the licensee dies, or becomes permanently disabled, from conducting the taxicab business or driving a taxicab or livery vehicle.
(Code 1968, § 902.6; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-35.5. Transfer.

Notwithstanding any other provision of this article or chapter

15, and in lieu of any other fee, a taxicab or livery business license may be transferred to another vehicle for the unexpired term thereof upon payment of a fee of twenty-five dollars ($25.00), and upon relinquishment to the director of the decal previously issued to the corresponding taxicab or livery vehicle, provided that the license application filed pursuant to sections 15-5 and 30-32(a) shall be supplemented as required by section 15-13.
(Code 1968, § 902.6; Ord. No. 231-80, 12-22-80; Ord. No. 306-82, § 1, 1-4-82; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-36. Automatic revocation or suspension.

(a) *State of Maine driver's license.* No taxicab or livery driver's license shall be effective for the purposes of this division during any period in which the state driver's license of the licensee is suspended or revoked.

(b) *Obligation of taxicab or livery driver.* It is the obligation of the licensed taxicab or livery driver to notify the director of any suspension or revocation of his or her state driver's license and to return his or her taxicab or livery driver's license to the director within fourteen (14) calendar days of such suspension or revocation. It is a violation of this ordinance for a licensee to continue to operate a taxicab or livery vehicle after suspension of his or her state driver's license and the taxicab or livery driver's license shall be suspended for up to a maximum of one year from the date of the finding by the director of such violation by a licensee, in addition to any other penalty which may apply under this article. A copy of this paragraph shall be printed on the city's taxicab and livery driver's license application.

(c) *Obligation of business licensee.* It is a violation of this ordinance for a business licensee to knowingly employ a driver who does not hold a valid state driver's license or a driver's license required hereunder and to permit him or her to operate a vehicle licensed hereunder, and such business licensee shall be subject to a suspension of all licenses issued hereunder to that person for the duration of each current license and up to one (1) year thereafter for each license. Any person permitted or suffered to drive any taxicab or livery vehicle of the business licensee shall be considered to be "employed" by said business licensee for purposes of this paragraph, however that person is designated, including but not limited to, an employee, independent contractor, lessee.

(Code 1968, § 902.11; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. NO. 294-04/05, 6-20-05)

Sec. 30-37. Grounds for suspension or revocation.

(a) *Any license.* In addition to the grounds for suspension or revocation of licenses set forth in chapter 15 and in this article and the grounds for denial set forth in this article which shall also be grounds for suspension or revocation of a license, either a taxicab or livery business license or a taxicab or livery driver's license shall be subject to suspension or revocation upon a determination that the licensee:

(1) Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger;

(2) Knowingly conveyed any passenger to a place other than that which the passenger specified;

(3) Solicited or caused another person to solicit taxicab or livery passenger business in any manner whatsoever;

(4) In the case of a livery, picked up or attempted to pick up a passenger on the street or in a public place, without an agreement arranged in advance for such pick-up; the burden shall be on the livery business or driver licensee to show the existence of such a pre-arranged agreement;

(5) Transported any person other than the passenger first engaging the taxicab or livery without the express consent of such passenger;

(6) Drove a taxicab or livery when not clean and neat in appearance;

(7) Permitted any person other than the driver and a passenger or passengers to remain in the taxicab or livery at any such time, except a trainee, if a licensed taxicab or livery driver;

(8) Refused to transport any orderly person upon request unless, in the case of a single taxicab or livery business the taxicab or livery vehicle is engaged, or in the case of a taxicab or livery business operating more than one (1) taxicab or livery vehicle, all vehicles

operated by such business and then in service are engaged (if no taxicab or livery vehicle is available at the time when a request for taxicab or livery service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab or livery using such dispatch service unless the caller expressly declined to make such arrangement);

(9) In the case of a taxicab, charged more than the maximum fare specified in this article;

(10) Failed to notify the director of any change of any material fact set forth in the application for such license; or

(11) Removed from a taxicab or livery, or obscured, or caused to be removed from a taxicab or livery, or caused to be obscured, the notice and decal required by sections 30-22 and 30-23 or any other notice hereunder required to be posted in the vehicle;

(12) Smoked or permitted another to smoke in the taxicab or livery.

(b) *Drivers' licenses only.* In addition to the provisions of subsection (a), a taxicab or livery driver's license shall be suspended or revoked upon the determination that the driver:

(1) Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers;

(2) Failed to notify the director of any conviction for reckless driving, driving to endanger, operating a motor vehicle under the influence of intoxicating liquor or drugs, attempting to operate under the influence, or an equivalent offense in any other jurisdiction, or suspension or revocation of the privilege to operate a motor vehicle;

(3) Failed to notify the director of any conviction or imprisonment within the then current license year.

(c) *Business licenses.* In addition to the provisions of subsection (a), a taxicab or livery business license shall be suspended or revoked upon a determination that:

(1) There have been repeated violations by the driver or drivers employed by the licensee which resulted in four (4) or more suspensions of the same driver, or eight (8) or more suspensions of employees of the same person holding more than one (1) business license hereunder, establishing a pattern of conduct by the holder of the taxicab or livery business license(s);

(2) The taxicab or livery business licensee or any person employed by such licensee has operated a taxicab or livery without a current and valid taxicab or livery driver's license for such vehicle; or

(3) Any taxicab, livery, taxicabs or liveries covered by the taxicab or livery business license have been the subject of one (1) or more violation notices for failure to comply with the standards set forth in Section 30-18.

(d) "Employed by" or "employee" as used in this Article shall include but not be limited to, any employee, independent contractor, lessee or person permitted or suffered to drive any taxicab or livery vehicle of the business licensee.
(Code 1968, § 902.12; Ord. No. 231-80, 12-22-80; Ord. No. 306-82, § 6, 1-4-82; Ord. No. 450-86, § 1, 3-17-86; Ord. No. 277-90, 3-19-90; Ord. No. 303-92, 4-6-92; Ord. No. 124-96, § 2, 11-4-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-38. Penalties.

(a) *Maximum suspensions*. Except where a longer suspension or revocation is provided herein, the maximum suspensions of taxicab or livery drivers' licenses or business licenses for violations of this chapter or chapter 15 shall be as follows:

5 days for the first violation;
14 days for the second violation;
30 days for the third violation;

within a one-year period; provided that the minimum suspension for a violation of section 30-37(b)(2) or (b)(3) shall be for the duration of the current license period, and no license may be issued for a minimum of one (1) full calendar year from the date of suspension; such suspension or revocation to be in addition to the amount of time specified for any suspension incurred pursuant to subsection (d) below. If the director determines that the violation of section 30-37(b)(2) or (3) or section 15-8(a)(1) was knowing or willful, the suspension shall be for the duration of the current license period plus two (2) full calendar years plus the time applicable to the disqualifying criminal conviction.

(b) *Civil penalty.* In addition to, or instead of suspension of a license for the first 3 violations within a one year period, the city may impose a civil penalty of seventy-five dollars ($75.00) for the first violation; one hundred and twenty-five dollars for the second violation ($125.00) and two hundred and fifty dollars ($250.00) for the third violation.

(c) *Waiver fee.* In the event a licensee wishes to waive his right to an administrative hearing prior to imposition of a suspension and/or a civil penalty for a first violation, the licensee may do so by payment of a waiver fee of fifty dollars ($50.00) which shall be the penalty for such first violation. Such payment of the waiver fee shall constitute an admission of the violation and shall be recorded as a first violation. This provision shall not apply to any violation which has a mandatory suspension hereunder nor to any violation which is also a violation of state law. If a single incident results in more than one violation hereunder, only one of those violations shall be considered a first violation for purposes of this subsection, and additional penalties may be imposed for the additional violations arising from that incident.

(d) *Revocation.* Four (4) violations within a one-year period shall result in revocation of the taxicab or livery driver's license or business license, or both, and right to apply for a license for a minimum period of three (3) years form the date of revocation, unless a longer period of disqualification for such violations is provided in this article.

(e) In the event a taxicab or livery driver is found to be in violation of any of the standards for denial of a driver’s license under section 30-33(a) (2) above, any license issued to such person shall be immediately revoked for the duration of the term of the license in addition to the disqualification provided in said subsection, with the exception of the violations in subsection 30-33(a)(2)b., paragraph 2., sub-paragraphs i. and ii. for which the suspension shall be for the period of time the state driver’s license is suspended.

(f) *Violations cumulative.* If a person or business has more than one license under this article, violations under any of those licenses shall be cumulative for purposes of determining the number of violations by such person and/or business.
(Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 4, 7-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.1. Notice and opportunity for a hearing.

(1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after an opportunity for a hearing.

(2) In the case of the suspension or revocation of a license, a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included along with a notice of the right to a hearing. Unexcused failure of a licensee (or applicant) to appear at the hearing shall be deemed a waiver of the rights to said hearing.

(3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the director may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the director shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.

(4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.

(5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to

licensee of the generalized statement of complaint.

(6) The foregoing process of notice and an opportunity to be heard shall apply to the denial of a license, provided, however, the applicant shall have no right to operate unless and until the denial is finally overturned.

(Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.2. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the director by filing a notice of appeal and the fee of twenty-five dollars ($25.00) with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee, other than the director, to act as hearing officer in the appeal. The hearing officer shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the director may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the director shall make a written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the director and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation and authorized hereunder. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

(c) *Appeal to the superior court.* Any person aggrieved by a decision of a hearing officer on appeal may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

(Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.3. General provisions to apply.

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.
(Code 1968, § 902.14; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 286-07/08, 6-16-08)

Reserved. Sec.30-38.4.
Reserved. Sec.30-38.5.

ARTICLE III. HORSE-DRAWN CABS

DIVISION 1. GENERALLY

Sec. 30-39. Definitions.

For purposes of this article, the following definitions shall apply, unless the context clearly implies otherwise:

Horse-drawn cab means any horse-drawn vehicle used for the transportation of passengers for hire.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or any portion thereof.

To operate means to drive, or to cause or permit another to drive.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-40. Exemptions.

This article shall not apply to the following:

(a) Horse-drawn cabs operated by or in conjunction with the sponsor of any street festival, celebration, or other special event authorized by the city council;

(b) Horse-drawn cabs operated for destination service only, by private prearrangement, in conjunction with special or ceremonial occasions, such as weddings or official visits.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 1, 5-7-84)

Sec. 30-41. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this chapter.
(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 2. LICENSES

Sec. 30-42. Required.

No person shall operate a horse-drawn cab on any street or way or in any public place without a horse-drawn cab license. A separate license shall be required for each such vehicle.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-43. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for horse-drawn cab licenses shall contain the following:

(a) A complete listing of all operators to be employed by or associated with the applicant, giving their full names, ages, and present addresses, and including a complete statement of their health and physical conditions;

(b) A complete record of disqualifying criminal convictions, if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant; and

(c) A detailed description of each horse, vehicle, and other equipment to be used by the applicant, including a photograph of each such horse and the plans and specifications of each such vehicle, a veterinarian's certificate of health for such horse, and the address or location at which each such horse and vehicle is to be kept or stored while not in service.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-44. Licensing authority.

Notwithstanding any provisions of chapter 15 to the contrary, the director of waterfront and transportation facilities, or his her designee, (referred to hereafter as the "director") shall be the licensing authority for horse-drawn cab licenses.
(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-45. Conditions precedent to issuance.

Prior to the issuance of any horse-drawn cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the director the following:

(a) A certificate issued by the license inspector that the vehicle to be licensed and all operators thereof comply with the rules made under authority of this article by the director; and

(b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in an amount of not less than three hundred thousand dollars ($300,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the director. Such certificate shall state that the issuing agent shall notify the director in writing no less than thirty (30) days prior to the cancellation thereof.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 2, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-46. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension, or revocation of licenses, a horse-drawn cab license may be denied, suspended, or revoked on any of the following grounds:

(a) The applicant or licensee or any operator is less than eighteen (18) years of age or has had a disqualifying criminal conviction at any time within the immediately preceding five (5) years;

(b) Charging more than the fare established by this article;

(c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer; or

(d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-47. For sight-seeing only; fixed routes; no stopping.

No licensed horse-drawn cab shall be operated except for sight-seeing trips following a fixed route and beginning and ending at the same location. Such routes and locations shall be as designated and assigned from time to time by the city traffic engineer, who shall also have authority to erect appropriate signs or markers, and to impose such conditions on the use of such routes and locations as he deems proper, including limiting the same of such vehicles in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in obedience to traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-48. Not to obstruct traffic; police orders.

No licensed horse-drawn cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer, or the city traffic engineer, may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-49. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed horse-drawn cabs.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-50. Maximum fare; rate card to be displayed in vehicle.

The fare for any trip in any licensed horse-drawn cab shall not exceed five dollars ($5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the director and bearing the following statement shall be displayed in the interior of each such vehicle so as to be clearly visible to all passengers at all times while such vehicle is in service:

PASSENGER INFORMATION

> The maximum fare for any trip in this vehicle if $5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the director of waterfront and transportation facilities of the City of Portland (telephone: 874-6900), or write to:
>
> Director of Waterfront and Transportation Facilities
> City of Portland
> 40 Commercial Street
> Portland, Maine 04101
>
> Please include your name, address and telephone number to allow adequate follow-up by city.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 3, 5-7-84; Ord. No. 173-05/06, 4-6-06)

Sec. 30-51. Display of plate and badge.

A plate, to be issued by the director and bearing an identification number, shall be displayed in a conspicuous place on the exterior of each licensed horse-drawn cab at all times while in service. A badge, to be issued by the director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his person by each such operator at all times

while on duty.
(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-52. Solicitation of business.

No person shall solicit business in any manner for any licensed horse-drawn cab while on route. Solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct or commotion detrimental to the image or reputation of the trade or the public safety or convenience.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-53. Passengers to be seated and well-behaved.

No operator of any licensed horse-drawn cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request.
(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 4, 5-7-84)

Sec. 30-54. Care and treatment of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be well fed, watered, and neatly groomed at all times while in service. No person shall feed, water, or groom any such horse while on route. No person shall physically abuse or mistreat any such horse.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-55. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed horse-drawn cab shall be courteous, well dressed, and neatly groomed at all times while on duty, and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 5, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-56. Design and appearance of vehicles; rule-making authority.

Every licensed horse-drawn cab shall be kept clean and neat in appearance at all times while in service. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the design and construction of such vehicles.
(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-57. Unsafe vehicles; inspections; ordering from service.

No licensed horse-drawn cab shall be operated at any time while unsafe, defective, or in disrepair. Any police officer, or the license inspector, may inspect any such vehicle at all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service or to remain out of service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, or the license inspector, and a finding that such repair has been made or that such defect or unsafe condition has been corrected.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-58. Control of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be kept under complete control by the operator of such vehicle at all times while in service and shall not be allowed to kick, run, race, rear up, or otherwise endanger the safety of passengers or others.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-59. Keeping of horses; storage of vehicles and equipment.

No horse, vehicle, or other equipment used in the operation of any licensed horse-drawn cab shall be kept or stored on any street or way or in any public place while not in service.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-60. Horse droppings.

Every operator of any licensed horse-drawn cab shall promptly remove all droppings left on any street or way or in any public place by any horse in his charge and shall directly dispose of same in a safe, lawful, and inoffensive manner. Suitable containers, shovels, and brooms shall be supplied by him and kept at hand at all times for such purposes.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-61. Reserved.
Sec. 30-62. Reserved.
Sec. 30-63. Reserved.
Sec. 30-64. Reserved.
Sec. 30-65. Reserved.
Sec. 30-66. Reserved.
Sec. 30-67. Reserved.
Sec. 30-68. Reserved.
Sec. 30-69. Reserved.
Sec. 30-70. Reserved.
Sec. 30-71. Reserved.
Sec. 30-72. Reserved.
Sec. 30-73. Reserved.
Sec. 30-74. Reserved.

ARTICLE IV. BICYCLE CABS*

***Editor's note--**Ord. No. 133-98, adopted Oct. 19, 1998, repealed art. IV of this chapter, relative to bicycle cabs, which consisted of §§ 30-75--30-92 and derived from Ord. No. 228-95, adopted Apr. 3, 1995.

DIVISION 1. GENERAL PROVISIONS

Secs. 30-75. Definitions.

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Bicycle cab means any vehicle that is powered by means of a person operating a two- or three-wheeled non-motorized vehicle and that also includes a separate seating area for passengers.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or portion thereof.

To operate means to pedal, push or otherwise cause the bicycle to move.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-76. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this article.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 2. LICENSES

Sec. 30-77. Required.

No person shall operate a bicycle cab on any street or way or in any public place without a bicycle cab license. A separate license shall be required for each vehicle. Any license issued to an operator who is less than eighteen (18) years old shall be restricted to operation between the hours of 8 a.m. to 6 p.m.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-78. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for bicycle cab licenses shall contain the following:

(a) A complete listing of all operators to be employed by or associated with the applicant, giving each person's full name, age and present address.

(b) A complete record of disqualifying criminal convictions or civil offenses as defined in Section 30-33(b)(3-6), if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant.

(c) A detailed description of each bicycle cab and any other equipment to be used by the applicant, including a photograph of each bicycle cab and the specifications of each such vehicle.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-79. Licensing authority.

Notwithstanding any provision of chapter 15 to the contrary, the director of waterfront and transportation facilities, or his or her designee, (referred to hereafter as the "director") shall be the licensing authority for bicycle cab licenses.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-80. Conditions precedent to issuance.

Prior to the issuance of any bicycle cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the director the following:

(a) A certificate issued by the license operator that the bicycle cab to be licensed and all operators thereof comply with the rules made under authority of this article by the director; and

(b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle or other liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the bicycle cab to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars ($400,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the director. Such certificate shall state that the issuing agent shall notify the director in writing no less than thirty (30) days prior to the cancellation thereof. For bicycle cabs that propose to operate in any city park or other public place, the City shall be included in the policy as an additional named insured.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-81. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension or revocation of license, a bicycle cab license may be denied, suspended or revoked on any of the following grounds:

(a) The applicant or licensee or any operator is less than seventeen (17) years of age or has had a disqualifying criminal conviction or civil offense as provided in Section 30-33(b)(3-6).

(b) Charging more than the fare established by this article.

(c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer.

(d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-82. Operation limited to roadways; carrying of passengers; prohibited locations.

Licensed bicycle cabs shall be operated within roadways only. Bicycle cabs shall not be operated upon sidewalks or bicycle paths, except those paths specifically designated for that purpose by the Director of Parks and Recreation. Bicycle cabs may carry passengers to locations chosen by the passengers or may follow an agreed-upon route for sightseeing purposes. The city traffic engineer shall have the right to prohibit bicycle cabs from streets or roadways where the operation of such cabs will present a threat to the safety of the bicycle cab operator and passengers or to other users of the street or roadway. The traffic engineer also shall have the authority to erect appropriate signs or markers, and to impose such conditions on the use of routes and locations as he or she deems proper, including limiting the number of such bicycle cabs in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in accordance with

traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person. In no event shall a bicycle cab utilize a designated taxicab stand for any purpose whatsoever, unless required for an immediate response to an emergency situation. Bicycle cabs shall not be permitted at the Jetport.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-83. Not to obstruct traffic; police orders.

No licensed bicycle cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer or the city traffic engineer may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-84. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed bicycle cabs.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-85. Maximum fare; rate card to be displayed on vehicle.

The fare for any trip in any licensed bicycle cab shall not exceed five dollars ($5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the director and bearing the following statement shall be displayed on each vehicle in such a manner as to be visible to passengers riding in the bicycle cab at all times while such vehicle is in service:

PASSENGER INFORMATION

> The maximum fare for any trip in this vehicle is $5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the

director of waterfront and transportation facilities of the City of Portland at (207) 874-6900, or write to:

Director of Waterfront & Transportation Facilities
City of Portland
40 Commercial Street
Portland, Maine 04101

Please include your name, address and telephone number to allow adequate follow-up by the city.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-86. Display of plate and badge.

A plate, to be issued by the director and bearing an identification number shall be displayed in a conspicuous place on each licensed bicycle cab at all times while in service. A badge, to be issued by the director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his or her person by each such operator at all times while on duty.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-87. Solicitation of business.

No person shall solicit business in any manner for any licensed bicycle cab while on route. Prohibited solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct detrimental to the image or reputation of the trade or the public safety or convenience.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-88. Passengers to be seated and well-behaved.

No operator of any licensed bicycle cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request, unless such person requests transportation to a destination that exceeds the distance that the operator determines he or she can practicably travel.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-89. Care and maintenance of bicycle cab.

Each licensed bicycle cab shall be at all times clean and in good repair.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-90. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed bicycle cab shall be courteous at all times when on duty and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-91. Unsafe vehicles; inspections; order from service.

No licensed bicycle cab shall be operated at any time while unsafe, defective or in disrepair. Any police officer or the license inspector may inspect any such vehicle at any and all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, the license inspector or the director, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-92. Storage of vehicles and equipment.

No bicycle cab or related equipment shall be kept or stored on any street or way or in any public place while not in service.
(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Editor's note—Ord. No. 133-98, adopted Oct. 19, 1998, repealed Art. IV of this

chapter, relative to bicycle cabs, which consisted of §§30-75—30-92 and derived from Ord. No. 228-95, adopted Apr. 3, 1995. Art. IV was reinstated on June 15, 2000.

EXHIBIT
C

TRANSPORTATION NETWORK COMPANY SERVICES

The purpose of this Chapter is to ensure the safety, reliability and cost-effectiveness of Transportation Network Company (TNC) Services within the jurisdiction of Portland and to preserve and enhance access to these important transportation options for residents and visitors to the Portland.

SECTION 1. DEFINITIONS. As used in this Chapter:

"Transportation Network Company" or "TNC" shall mean an entity licensed pursuant to this Chapter and operating in Portland that uses a digital network or software application service to connect passengers to Transportation Network Company Services provided by Transportation Network Company Drivers. A TNC is not deemed to own, control, operate or manage the vehicles used by TNC Drivers, and is not a taxicab association or a for-hire vehicle owner.

"Transportation Network Company (TNC) Driver" shall mean an individual who operates a motor vehicle that is:
(a) Owned, leased or otherwise authorized for use by the individual;
(b) Not a [TAXICAB OR FOR-HIRE VEHICLE]; and
(c) Used to provide Transportation Network Company Services.

"Transportation Network Company (TNC) Services" shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver's vehicle, and end when the passenger exits the TNC Driver's vehicle. TNC Service is not taxicab, for-hire vehicle or street hail service.

SECTION 2. NOT OTHER CARRIERS. TNCs or TNC Drivers are not common carriers (as defined in Portland Code XXX) contract carriers or motor carriers, nor do they provide taxicab or for-hire vehicle service.

SECTION 3. TNC PERMIT REQUIRED.

(a) A person shall not operate a TNC in Portland without first having obtained a permit from the City of Portland.

(b) The City of Portland shall issue a permit to each applicant that meets the requirements for a TNC set forth in this Chapter, and pays an annual permit fee of $500 to the City of Portland.

SECTION 4. AGENT. The TNC must maintain an agent for service of process in the State of Maine.

SECTION 5. FARE CHARGED FOR SERVICES. A TNC may charge a fare for the services provided to passengers; provided that, if a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC Driver's vehicle.

SECTION 6. IDENTIFICATION OF TNC VEHICLES AND DRIVERS. The TNC's software application or website shall display a picture of the TNC Driver, and the license plate number of the motor vehicle utilized for providing the TNC Service before the passenger enters the TNC Driver's vehicle.

SECTION 7. ELECTRONIC RECEIPT. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:
(a) The origin and destination of the trip;
(b) The total time and distance of the trip; and
(c) An itemization of the total fare paid, if any.

SECTION 8. INSURANCE. The TNC or TNC Driver shall maintain an automobile liability insurance policy that:

(a) Provides liability coverage of at least $1,000,000 per accident for bodily injury and property damage involving a TNC Driver's operation of a motor vehicle while providing TNC Services;

(b) Provides coverage of at least $50,000 per person for bodily injury and at least $100,000 for personal injury of two or more persons per accident, and at least $25,000 for property damage per accident, during the time that a TNC Driver is logged into the TNC's digital network but is not providing TNC Services. This subsection (b) may be satisfied by a combination of insurance policies maintained by the TNC or TNC Driver.

(c) An insurance policy required by this Section 8 may be placed with an insurer licensed under [MAINE ADMITTED CARRIER STATUTE] or with a surplus lines insurer eligible under [MAINE ELIGIBLE SURPLUS LINES STATUTE].
(d) Any insurance policy required by this Section 8 will satisfy the financial responsibility requirement for a motor vehicle under [MAINE FINANCIAL RESPONSIBILITY STATUTE].

(e) If an accident occurs involving a motor vehicle that is being used to provide TNC Services, the TNC Driver shall provide proof of insurance information to the other parties involved in the accident regarding liability insurance coverage for the TNC Driver's motor vehicle at the time of the accident. The TNC Driver shall also notify the TNC of the accident.

SECTION 9. ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.

(a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a TNC Driver is providing TNC Services or is logged into the TNC's digital network but is not providing TNC Services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC Driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

SECTION 10. TNC DRIVER REQUIREMENTS.

(a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC shall:

(1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database;

(3) Obtain and review a driving history research report for such individual.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time of fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

(3) Is a match in the National Sex Offender Registry database;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Services; or

(7) Is not at least 19 years of age.

SECTION 11. VEHICLE SAFETY AND EMISSIONS. The TNC shall require that any motor vehicle(s) that a TNC Driver will use to provide TNC Services meets [MAINE'S VEHICLE SAFETY AND/OR EMISSIONS REQUIREMENTS FOR A PRIVATE MOTOR VEHICLE.]

SECTION 12. NO STREET HAILS. A TNC Driver shall exclusively accept rides booked through a TNC's digital network or software application service and shall not solicit or accept street hails.

SECTION 13. NO CASH TRIPS. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash payments from passengers. Any payment for TNC Services shall be made only electronically using the TNC's digital network or software application.

SECTION 14. NO DISCRIMINATION; ACCESSIBILITY.

(a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify TNC Drivers of such policy.

(b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(e) A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC Service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

SECTION 15. RECORDS. A TNC shall maintain:

(a) individual trip records for at least one (1) year from the date each trip was provided; and

(b) TNC Driver records at least until the one year anniversary of the date on which a TNC Driver's activation on the TNC digital network has ended.

SECTION 17. PERSONALLY IDENTIFIABLE INFORMATION. A TNC shall not disclose a passenger's personally identifiable information to a third party unless: the passenger consents, disclosure is required by a legal obligation, or disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms. In addition to the foregoing, a TNC shall be permitted to share a passenger's name and/or telephone number with the TNC Driver providing TNC Services to such passenger in order to facilitate correct identification of the passenger by the TNC Driver, or to facilitate communication between the passenger and the TNC Driver.

All Uber ridesharing and livery partners must go through a rigorous background check that leads the industry. The three-step screening we've developed across the United States, which includes county, federal and multi-state checks, has set a new standard. These checks go back 7 years, the maximum allowable by California law. We apply this comprehensive and new industry standard consistently across all Uber products, including uberX.

Screening for safe drivers is just the beginning of our safety efforts. Our process includes prospective and regular checks of drivers' motor vehicle records to ensure ongoing safe driving. Unlike the taxi industry, our background checking process and standards are consistent across the United States and often more rigorous than what is required to become a taxi driver.

What exactly is involved in Uber's background checks?

All drivers are screened against:

- County courthouse records going back 7 years for every county of residence
- Federal courthouse records going back 7 years
- Multi-State Criminal Database going back 7 years
- National Sex Offender Registry screen
- Social Security Trace (lifetime)
- Motor Vehicle Records (historical and ongoing)

Criteria for drivers to pass through Uber's screening, going back seven years:

- No DUI or other drug related driving violations or severe infractions
- No Hit and Runs
- No fatal accidents
- No history of reckless driving
- No violent crimes
- No sexual offenses
- No gun related violations
- No resisting/evading arrest
- No driving without insurance or suspended license charge in the past 3 years

The bottom line

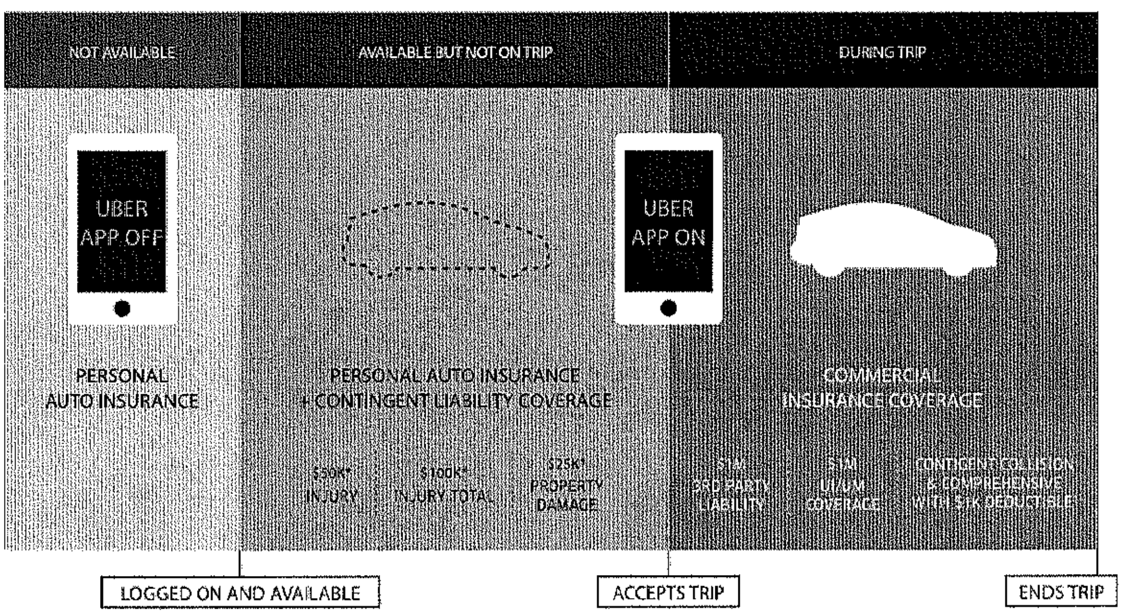
Uber works hard to ensure that we are connecting riders with the safest rides on the road. We are currently undergoing an audit by former Mayor of New York City Rudolph W. Giuliani and his security team at Giuliani Partners, who will review Uber's driver background check process and related systems. The result will be a checkup on existing processes and a series of recommendations for potential improvement – which Mayor Giuliani will work with us to implement – as we continue to build and scale strong, industry-leading safety systems. Mayor Giuliani's review will be rigorous and span months, and we are confident he will bring his renowned toughness to this review.

Since Uber started offering a ridesharing option in the U.S. more than a year ago, our commitment has been to provide riders with the best possible user experience – one they weren't getting from a taxi. In that time, we have revolutionized how people move around their cities with access to the lowest cost, most reliable, safest ground transportation out there. Our uberX offering is almost 50% cheaper than taxis in some cities and has seen massive growth as a result.

Safety is and always has been our top priority. First, we make sure all ridesharing drivers undergo background checks that are among the most stringent in the industry. Second, all ridesharing transportation partners are covered by best-in-class commercial insurance coverage in the event of an accident.

From the time a driver accepts a trip request through our app until the completion of the ride, our partners have $1 million of coverage for driver liability. We were also the first ridesharing request service to include $1 million of coverage for uninsured/underinsured motorists, meaning that passengers and drivers are also covered for injuries when another party is at fault and lacks sufficient insurance. This $1 million coverage from trip acceptance to drop-off is consistent across cities and is expressly primary to a driver's personal auto insurance. We have also added contingent comprehensive and collision insurance during trips, up to $50,000/incident with a $1,000 deductible.

uberX Ridesharing Insurance Coverage



*PROVIDES BACK-UP COVERAGE WHEN/IF DRIVER'S PERSONAL AUTO INSURANCE DECLINES CLAIM
†PROVIDES COVERAGE IF DRIVER'S PERSONAL AUTO INSURANCE INCLUDES COLLISION COVERAGE; UP TO $50K MAXIMUM (UPDATED 7/14/2014)

Effective March 2014, Uber now provides contingent coverage for a driver's liability at the highest requirement of any state in the U.S: $50,000/individual/incident for bodily injury, $100,000 total/incident for bodily injury and $25,000/incident for property damage.

Uber is taking this step to eliminate any ambiguity while the insurance industry and state governments update policies and regulations for the new world of ridesharing transportation. We are proud to be the standard bearer on this issue as we believe that this clarity is in the public's best interest.

Over time, we fully expect that the personal insurance industry will develop additional products for ridesharing drivers. But with this new coverage today, insurance companies and legislative bodies have the time to be thoughtful in how to embrace the innovation of ridesharing in cities across the country.

We look forward to working with them and with other stakeholders to make sure safety always comes first in the cities and communities we serve.

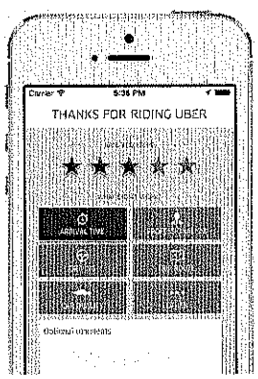
MAINE

WHAT IS UBER?

Uber is a technology company whose smartphone application connects people who need a ride with a driver at the tap of a button. The Uber app is available in over 200 cities in 45 countries. Uber's technology gives drivers added efficiency and an opportunity to grow their own business, while giving riders access to safest and most reliable transportation options – even in traditionally underserved areas.

BACKGROUND CHECKS YOU CAN TRUST

Every ridesharing and livery driver is thoroughly screened through a rigorous process we've developed using industry-leading standards. This includes a three-step criminal background screening for the U.S. — with county, federal and multi-state checks that go back as far as the law allows — and ongoing reviews of drivers' motor vehicle records throughout their time on Uber.



ANONYMOUS FEEDBACK, FULL ACCOUNTABILITY

After every trip, we ask you to rate the driver and provide feedback about your ride — but your comments always remain anonymous to them. We are constantly monitoring feedback to help drivers improve the Uber experience they deliver. Drivers work hard to keep their ratings high, and they know our culture of accountability goes both ways.

DRIVERS RATE RIDERS TO GIVE YOU CONTROL

Driver feedback counts, too. We're not OK with any rider behavior that makes drivers concerned for their safety or the safety of their vehicles. Riders who are reported to be abusive toward drivers or violate our terms of service will lose access to the system.

DRIVER PROFILES FOR PEACE OF MIND

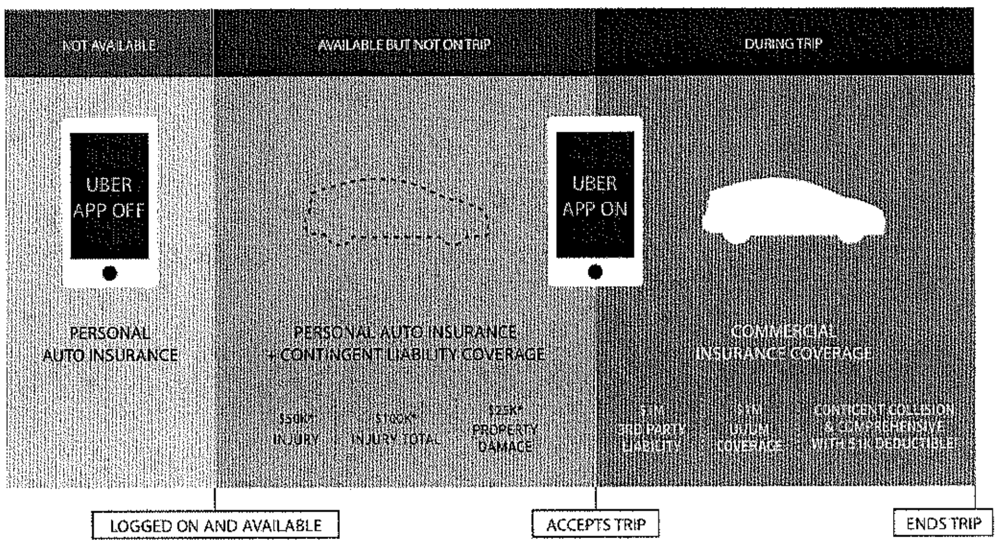
Making sure you always have a safe, relaxing ride starts before you even get in an Uber. You'll see your driver's name, license plate number, photo, and rating when your request is confirmed — so you know who's picking you up ahead of time. Drivers are also professional and friendly during the ride, respectful of your privacy or your preference for casual conversation. And after the trip, you'll still be able to contact the driver in case you leave something behind.

VEHICLE STANDARDS THAT RAISE THE BAR

Not just any car can be an Uber. It's a title reserved for safe, high-quality vehicles that are in exceptional condition. In the U.S., the average model year for vehicles on our platform is 2008, and none are from before 2004+. With our recently launched vehicle financing partnership, we are continuously helping drivers bring brand new Toyota and GM vehicles onto the system.

END-TO-END INSURANCE, WE HAVE YOU COVERED
From the moment you get into any Uber product (e.g. uberX, UberBLACK) to the moment you're dropped off, your ride is covered by commercial liability insurance. That goes for every trip in every city around the world. In the U.S. specifically, ridesharing has become a popular choice — and Uber is the first company to ensure true end-to-end insurance coverage for ridesharing, with drivers on uberX protected by liability coverage even between trips.

uberX Ridesharing Insurance Coverage



*PROVIDES BACK-UP COVERAGE WHEN/IF DRIVER'S PERSONAL AUTO INSURANCE DECLINES CLAIM
*PROVIDES COVERAGE IF DRIVER'S PERSONAL AUTO INSURANCE INCLUDES COLLISION COVERAGE; UP TO $50K MAXIMUM (UPDATED 7/14/2014)

NO RANDOM PICK-UPS, SO YOU FEEL AT EASE
Before riding with Uber, customers are required to create an account with their personal and payment information — and rides can only be requested through the app, so there's a detailed record of every customer and every trip.

NO HAILING, SAFE PICKUPS
The Uber app automatically pinpoints your location to provide true door-to-door service. That means you stay safe and comfortable wherever you are until a driver arrives. No more waiting alone on a dark street hoping you can hail a taxi.

CASHLESS TRANSACTIONS PROTECT YOU FROM RISK
Fares are charged automatically to the rider's credit card – so drivers never have to deal with the risk or hassle of carrying cash and making change.

PORTLAND FAQ

Q: What is Uber and how is it not a taxi?

Uber is a technology company founded in San Francisco in June, 2010 and is now in over 200 markets worldwide. Uber's software connects people who want rides with the most reliable transportation providers in the local area. Uber does not own any cars or employ any drivers. Rather, Uber's lead generation platform enhances financial and professional freedom for local small businesses, and access to reliable, affordable rides for local residents and visitors.

With the tap of a button, riders create a pre-arranged reservation through the Uber app. This e-requests the nearest driver, who is given the customer's pickup location. Riders are given your driver's name, photo, car type, and license plate number, so that they can make sure they're getting in the right car with the right driver. The driver's Uber app uses GPS to collect data about the trip, which is forwarded to Uber's servers for accurate billing and receipt generation. Payments are made electronically, so no cash is exchanged. After every trip, riders and drivers are asked to rate their experience. Uber regularly reviews all customer ratings and driver feedback to ensure that we allow high quality, highly rated transportation providers and drivers to use our app and receive requests from users. Every Uber receipt includes the driver's name and photo, exact route and timeline, and fare breakdown. The receipt is a rider's detailed guide to an Uber trip.

Q: Can anyone be an Uber driver?

Before any potential partner driver is allowed to utilize the Uber platform, Uber requires him or her to undergo an independent screening by Hirease, a nationally accredited provider of background checks, using the Multi-State Criminal Database, in addition to cross checking county and federal background checks. Hirease cross checks the National Sex Offender Database, performs a lifetime Social Security trace and has ongoing reviews of drivers' motor vehicle records throughout their time on Uber. Drivers must come back with a clean bill of health in order to begin using our software.

Q: How does Uber ensure that both the driver and rider are safe and properly insured?

Uber ensures that all its partners are covered up to $1 million of commercial liability coverage which is expressly primary from the time the driver accepts a trip to the moment the passenger steps foot outside the vehicle. We also include $1 million of coverage for uninsured/underinsured motorists, meaning that passengers and drivers are also covered for injuries when another party is at fault and lacks sufficient insurance. We have also added contingent comprehensive and collision insurance during trips, up to $50,000/incident with a $1,000 deductible.

Uber was the first company to also provide up to $100,000 in contingent liability coverage during the time where the app is on but a trip is not taking place. This policy is contingent and will apply if for whatever the driver's personal policy does not apply. Whether our partners are in the process of transporting a passenger or waiting for a request, Uber partners are covered at all times.

Q: Why shouldn't drivers that partner with Uber not have to apply for a city permit?

The drivers that will partner with Uber are not only going to be residents of that city, they are going to be teachers, retired police officers and veterans. Most of our drivers look at Uber's platform simply as a way to supplement their income. The beauty of the system is that they are allowed to do as many or few trips on the platform as desired. Uber feels that these drivers shouldn't be required to go through the same regulatory hoops and hurdles that are required of professional drivers. What Uber will agree on is ensuring that the drivers are properly vetted, adequately insured and operating the safest vehicles on the road.

Q: What is surge pricing and how is it not price gouging?

It's happening in almost every area of commerce. Why is real estate in Manhattan more expensive than Tulsa, OK? Why do flight prices and hotel room rates go up as they near capacity? Because demand outstrips supply. The same dynamic pricing precepts apply for Uber surge pricing, it is just considerably more visible because it's happening in real-time, thanks to technology, and because we are so committed to transparency that we go above and beyond to make consumers aware of the higher pricing. Now, we most-prefer complete market equilibrium, but so long as there are giant spikes in demand for transportation on holi days and weekend nights, our best solution for meeting this demand is to incentivize increased supply by giving transportation providers the opportunity to make more money for their trouble.

Q: Will Uber service all of parts of the community – even underserved neighborhoods ?

First, Uber was created because consumers craved more choice in the provision of transportation. To this day, the use of Uber remains a reliable and affordable service for customers seeking a more efficient transportation experience. Uber is not a public utility, it's a technological innovation that has brought efficiency to a market that was sorely lacking.

The beauty of the technological innovation that Uber created is that these kinds of requirements are unnecessary—where demand exists, Uber can help find it and link nearby transportation providers to service that demand. Drivers are no longer blindly seeking out customers. The dated model is one in which the guaranteed fares only exist at establishments like hotels and airports, incentivizing drivers to queue up and wait for a known fare. This has diminished existing providers' ability to actually cover the entire city, and has created market imbalances for those who need to get around, no matter where they live.

Q: How does Uber ensure against rider or driver discrimination?

Uber's technology creates a 1-1 connection between the rider and driver. Before they accept the trip, the driver is not able to see any picture of description of the rider other than the person's location. While the rider can see a picture of the driver, if there is a pattern of repeat cancellations and unfulfilled requests, they will be reviewed by staff and that partnership may be reviewed to determine if the partner or rider may remain on the system.

Driver discrimination towards riders is an unfortunate reality in many cities across the United States. Uber has made big strides to help eliminate this problem with our technology, and members of the minority communities have welcomed Uber with open arms. Local legislators in larger metropolitan cities have described the service as a saving grace because it now allows all people, regardless of race, to get around their cities where previous taxi service would have continuously passed them by.

Q: How do the drivers get paid?

There is no tipping with Uber; there is an all-in fare in which 80 percent of the payment goes to the driver, and Uber keeps 20 percent for our services.

EXHIBIT

D

An Act Establishing Motor Vehicle Liability Insurance Requirements for Transportation Network Companies.

Be it enacted by the People of the State of Maine as follows:

29-A M.R.S.A. §1613 is amended to read:

§1613. Transportation Network Companies.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. Driver. "Driver" means an individual who uses a personal motor vehicle to provide services for riders matched through a transportation network company's digital network. A driver need not be an employee of a transportation network company.

B. Rider. "Rider" means a passenger in a personal motor vehicle for whom transportation network company service is provided, including an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain transportation network company services in the driver's motor vehicle for the individual and anyone in the individual's party and anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain transportation network company services in the driver's motor vehicle.

C. Transportation Network Company. "Transportation Network Company" means a corporation, partnership, sole proprietorship or other entity that uses a digital network to connect riders to drivers for the purpose of providing transportation for compensation.

D. Transportation Network Company Services or Services. "Transportation network company services" or "services" mean the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company.

E. Transportation Network Company Vehicle. "Transportation network company vehicle" means a personal motor vehicle used by a driver in connection with providing services for a transportation network company.

2. Permit to operate a transportation network company.

A. A person may not operate a transportation network company without a permit issued by the Secretary of State.

B. An application for a permit must be made on a form provided or approved by the Secretary of State.

C. The permit is valid for a period of one year following issuance.

D. The annual fee for a permit is $25,000.

E. The Secretary of State may issue a permit provided the transportation network company files and maintains proof of insurance pursuant to section 3.

3. Proof of insurance. A policy may not be certified as proof of insurance until a copy of the form of policy has been on file with the Superintendent of Insurance for a least 30 days or the Superintendent of Insurance has approved in writing the form of the policy.

A. Form. The Superintendent of Insurance shall approve a form of policy that contains:

(1) The name and address of the insured;

(2) The conditions of coverage sufficient to identify whether or not a given vehicle is covered at a given time;

(3) The premium charges;

(4) The policy period;

(5) The limits of liability;

(6) An agreement that insurance is provided pursuant to this section; and

(7) That the transportation network company has disclosed to their drivers that their personal auto coverages may not apply while they drive for the transportation network company.

B. Required provisions. To be accepted as proof of insurance, a policy must:

(1) Provide primary coverage in the amount of at least $1,000,000 for death, personal injury and property damage per occurrence for driver transportation network company vehicles from the moment the driver is logged into the transportation network company network until the driver logs off the network;

(2) Provide uninsured and underinsured motorist coverage in the amount of at least $1,000,000 per occurrence from the moment the driver is logged into the transportation network company network until the driver logs off the network; and

(3) provide primary comprehensive/collision coverage equal to that coverage in the policy insuring the listed driver's vehicle.

(4) Comply with Section 1606, subsections 2, 3, 4, 5 and 6.

4. Suspension of permit. The Secretary of State shall suspend the permit issued to a transportation network company for failure to maintain proof of insurance required by subsection 3. The Secretary of State may not terminate the suspension until a fee of $1,000 is paid to the Secretary of State, a permit application, including the fee required by subsection 2, is approved and proof of insurance is filed with the Secretary of State.

5. Penalty. A person commits a Class D crime if that person operates a transportation network company without a permit or after a permit has been suspended by the Secretary of State.

6. **Municipal authority.** A municipality may adopt ordinances, regulations and procedures governing the operations of transportation network companies and drivers that are not in conflict or inconsistent with this section.

SUMMARY

This bill establishes minimum motor vehicle liability insurance requirements for transportation network companies and creates a permitting process authorizing transportation network companies to provide transportation services.

Storyline · The Way We Work

Can taxi unions build an app to take on Uber?

Ride-sharing won't be regulated out of existence, but cabbies are getting together to fight back against Uber.

By Lydia DePillis January 19

NEW YORK CITY — Last Friday, in the Taxi Workers Alliance's recently expanded new offices in an industrial area of Queens, union cab driver activists from across the country, plus a couple from Europe, convened for a council of war.

"We have gathered to expose the reality of what is happening," piped Bhairavi Desai, the diminutive leader of the union's New York chapter. "To send a message of urgency, and to say unequivocally that taxi drivers are organizing ourselves to mount an offense, and to defend our rights."

She sat in the middle of a panel of her comrades from cities across the United States, as well as a few delegates from Europe, speaking to the press at the end of two days of meetings. The main subject: Uber, the smartphone app turned global transportation phenomenon that is undercutting traditional taxi drivers by bringing thousands more into the marketplace.

In many cases, the taxi incumbents have succeeded in getting judges and regulators to crack down; parts of what Uber does have been banned in dozens of countries and individual cities across the world. Much of the meeting last week was devoted to complaints about Uber's buccaneering attitude toward regulation, and representatives vowed to keep up the pressure.

"We will send this message to every country, every government, that Uber is not welcome," said Mac Urata, the London-based head of surface transportation for the International Transport Workers Federation. "They have no place to hide. Everywhere they go, we will fight them, shame them, and get them out of business."

But the worker groups also know that asking for a government response may not be enough. Many cities have updated their regulations to accommodate Uber after realizing how much citizens like the service. Uber has raised $3.3 billion to date to fund its growth, with the latest round pegging its value at $40 billion.

That's why Desai and her equivalents are working to come up with an alternative: their own app, backed by taxi unions, that would work only with licensed drivers and wouldn't sent a chunk of their profits to investors. Uber's fundamental mechanism is well known at this point, after all — if its drivers could be persuaded to revolt or use another app, then even Uber's billions in venture capital wouldn't be enough to take over the market.

"For us as taxi drivers, we're there to serve the public," said Mateos Chekol, an organizer with the AFL-CIO who has been working with drivers in Montgomery County, Md. "And if you take away the convenience of the app, the ability to go from point A to point B on your cell phone, what else does Uber have?"

Of course, coming up with an Uber-beater is much more complicated than it sounds.

There are already a lot of alternatives out there, after all. In San Francisco, most cabbies have signed up with Flywheel, which works the same way as Uber — only with licensed drivers and without Uber's practice of jacking up prices during periods of high demand. But representatives from the San Francisco Taxi Workers Alliance say that Flywheel lacks Uber's advertising firepower and hasn't gained as much traction.

Or take Brussels. Cab companies there have their own Uber-esque smartphone apps, but Uber is also banned, which makes it much easier for them to gain users. Still, Uber continues to operate illegally; it's very difficult to stamp out. "The question is not whether you want to have technology or don't want to have technology," said Frank Moreels, co-president of the Belgian Transport Union. "The discussion is you want to have an organized taxi sector."

Some cities are already designing their own apps to help cabs compete — including Washington D.C., which by this spring will require all cabs to use a program that will be managed by an industry co-op. Similar efforts are underway in New York and Chicago.

Only a few of those cities, though, have entirely shut down Uber or any other e-hailing apps, like Lyft and Sidecar. If these companies are allowed to operate with unlicensed drivers, taxi unions worry about the pool of part-time providers growing so large that any one cabbie — some of whom are still paying off the medallions they bought for the right to have a job — can't make enough to support a family. Although it might be nice for people with free time to earn some extra cash by driving people around, they're also taking away business from people who used to drive for a living.

"We think good jobs that exist now in that sector will become bad jobs," as Moreels put it.

And so far, the consumer case against Uber hasn't made much headway. Cab drivers and taxi companies alike talk about how all the ways in which the regulations they obey keep customers safe: Uber doesn't have as stringent background checks, vehicle inspections or insurance requirements as most municipal taxi regulators. And if an Uber driver does something terrible, such as rape a passenger, the company's terms of service state clearly that it doesn't guarantee the safety of its riders.

If Uber's growth is any indication, however, riders seem willing to trade some risk for convenience.

So the taxi unions are stepping into a complex landscape. Desai recognizes that if they ever got an app off the ground, they would have to persuade other cities to adopt it, which at this point involves substantial switching costs. But she thinks there's still room for a new entrant, whether it's Flywheel — which the unions could simply endorse and promote — or something entirely their own.

"Even in cities where there's an app that's dominant, clearly it's not dominant enough," Desai says.

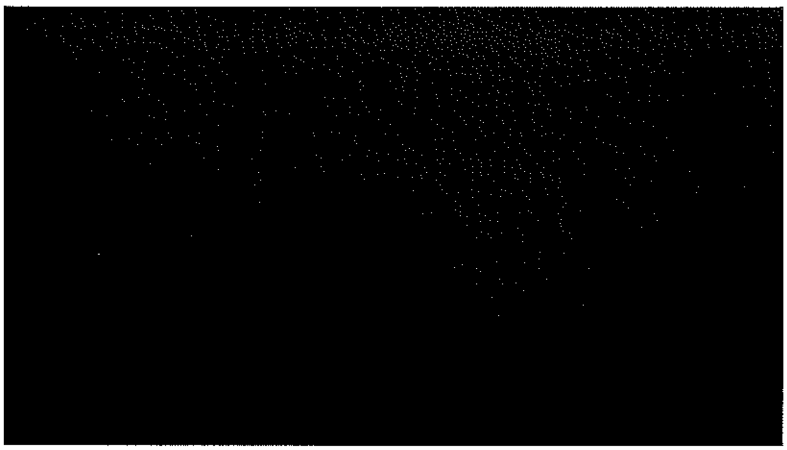
The question of ownership, in the end, may be the most important factor to consider. Taxi workers have no love for the garages and fleet owners who have charged high prices for leases of cars and medallions, while denying their independent contractor drivers anything in the way of benefits or workplace protections. That's why the unions, which have been ramping up their activity and gaining members as Uber encroaches, want to develop something they control.

"They see technology as a way to democratize the world," says Desai of the tech platforms that match up customers with drivers. "But what Uber has done is use it to grab power for itself. We want to take it back as a tool to improve the lives of workers."

Lydia DePillis is a reporter focusing on labor, business, and housing. She previously worked at The New Republic and the Washington City Paper. She's from Seattle.

New York and Chicago could launch their own Uber-style apps

By Aaron Smith @AaronSmithCNN December 12, 2014: 8:29 AM ET



Uber's plan for world domination hits roadblock

NEW YORK (CNNMoney)
Uber and Lyft could be getting some new competition from the cities of New York and Chicago.

New York and Chicago could soon be launching their own smartphone apps for e-hailing taxis, similar to Uber and Lyft.

New York City Councilman Ben Kallos proposed a bill to create apps for e-hailing taxis.

"City taxis need an app of their own to compete, and New Yorkers need to be able to get a cab in the rain without having to worry about surge pricing," said Kallos, in a press release. "I want to live in a city where I can e-hail a yellow or green cab and get where I need to be in a New York minute."

The app would be called Universal E-Hail App and would be created by the Taxi & Limousine Commission.

Chicago regulators also approved a plan to create a similar app, reported the *New York Times* on Friday.

The apps would follow the templates set by Uber and Lyft, car service companies that allow customers to hail cabs via apps, instead of standing and shouting on street corners while jostling with other customers.

Related: California sues Uber and Lyft

But the competing car service companies have run afoul of local laws around the United States, and Uber has been banned from Spain and India.

Uber's home state of California has sued both Uber and Lyft for allegedly misleading people about its driver background checks. Lyft has agreed to pay at least $250,000 in fines and to make its checks more rigorous to weed out drivers with criminal records. Uber is contesting the lawsuit.

Authorities in Portland, Ore., have also sued Uber, demanding that it comply with local laws.

Related: Uber's global ambitions hit roadblocks

Related: Uber worth $40 billion

First Published: December 12, 2014: 7:38 AM ET

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UrbPlanMan Dec 15, 2014

Would the City use tax dollars to develop this Universal E-Hail App? Why should any taxi-fare-paying NYC citizen be OK with the City spending our tax dollars to support a monopoly like the TLC, which has done nothing but buoy the price of its medallions, abuse its drivers and stifle innovation for years? If the TLC had cared at all about its customers or had ANY incentive to innovate, it would have developed its own app years ago.

Dr. Gridlock

D.C. taxi drivers get their own app

By Lori Aratani December 12, 2014

The D.C. Taxicab Commission announced this week that it will begin beta testing in March of an app that will allow customers to hail cabs using their smartphones.

Starting next year, all D.C. taxicab drivers will be required to use the Universal DC TaxiApp. D.C. is the first city to launch its own dedicated app, according Neville Waters, spokesman for the D.C. Taxicab Commission. Chicago and New York also are considering similar ventures. In D.C., commission officials hope the app will provide local cabdrivers with another tool to compete with popular smartphone-based services such as UberX, Lyft and Sidecar, which have proved wildly successful with consumers.

Ron Linton, chairman of the D.C. Taxicab Commission, first announced the plan for a universal app in October.

Several private companies, including Curb, as well as local cab companies including Yellow Cab, offer their own apps, and Waters said that drivers will be allowed to continue using those as tools to connect with customers. Passengers will be able to pay their fares using D.C.'s universal app, which may eliminate a common customer complaint: cabdrivers who refuse to take credit cards or who say their credit card readers are broken.

The app will be managed by an industry co-op that will set rates, manage its operation and be responsible for marketing the app to the public. D.C. taxicab drivers will still be allowed to accept street hails that will pay current posted rates.

Waters said that the hope is that the app will be rolled out for use by the city's 7,000 taxicab drivers by spring.

Lori Aratani writes about how people live, work and play in the D.C. region for The Post's Transportation and Development team.

Flywheel has finally figured out its secret weapon against Uber

by Carmel DeAmicis
Jan. 2, 2015 - 2:13 PM PST

Credit: Flywheel

A few weeks before New Year's, I received a pitch from Flywheel that I've been waiting for since I started using the service in 2013. It said, "Flywheel Battles Uber with #FairFare." The email inside proclaimed "Flywheel [http://www.flywheel.com/] is the no-surge pricing alternative to get a ride around town."

Carmel: Flywheel Battles Uber with #FairFare, CHEAP FLAT RATE rides on New Year's Eve for San Francisco Inbox x

[https://gigaom2.files.wordpress.com/2015/01/screen-shot-2015-01-02-at-12-35-40-pm.png]

It looks as if Flywheel, the booking app for taxis [http://flywheel.com/], has finally figured out its secret weapon against the likes of Uber and Lyft: Reliable pricing. It's not a new feature for the company. From its inception in 2009 Flywheel has never had surge pricing in the cities it operates in — now SF, LA, Seattle, Sacramento, and San Diego. But for the longest time, the company didn't seem to understand that *this* was the best way to lure people back to the taxi system. Instead, it touted Flywheel's legality, its use of regulated taxis, the number of car companies on its app. None of those were big enough draws.

At the end of the day, people vote with their wallets, and if there's anything that will get people to move to Flywheel, it's cost.

Is price part of reliability?

[https://gigaom2.files.wordpress.com/2013/11/shutterstock_131325875.jpg?quality=80&strip=all]
Credit: Shutterstock / Konstantin Sutyagin [http://www.shutterstock.com/pic.mhtml?id=131325875]

Uber and Lyft argue that surge pricing makes their services more reliable because it gets more drivers on the road during a time they might not otherwise drive — like New Years or a hostage crisis. There's truth to that.

But these companies miss the fact that for many non-wealthy customers, stable price *is* one of the factors in determining reliability. Without the assurance of a fixed fee, people will turn to other services for backup.

Although people have been complaining about surge pricing for years, this New Years showed the first sign that they are willing to stop using Uber and Lyft as a result. The *SF Examiner* found that on New Year's Eve [http://www.sfexaminer.com/sanfrancisco/uber-drivers-say-rideshare-surge-pricing-backfired-on-new-years-eve/Content?oid=2915795] in San Francisco there was little to no surge pricing, because of either low demand or too much supply. The lack of surge upset drivers who gave up their New Year's to make money.

Tweets from passengers suggest that people planned ahead, deciding to walk, take public transit or flag taxis to avoid the ridesharing surge. Ironically, that resulted in little to no Uber or Lyft surge pricing because there wasn't enough demand to drive it there. "It was an incredible sight to see all the cabs full and the rideshare cars empty," one driver told The Examiner [http://www.sfexaminer.com/sanfrancisco/uber-drivers-say-rideshare-surge-pricing-backfired-on-new-years-eve/Content?oid=2915795]. "I was laughing and crying at the same time."

> I layered up w/ trench coat, jacket, and sweater in preparation for the possibility of walking home when Uber/Lyft go into surge pricing 🎉🎉🎉
>
> — Tracy Chou (@triketora) January 1, 2015 [https://twitter.com/triketora/status/550527042580525056]

Another potential reason there was no surge pricing on New Year's Eve in San Francisco is because so many drivers took to the road in the hopes of making money. With such a flood of supply, there wasn't enough demand to cause surge pricing.

It's worth noting the story isn't bulletproof — it's based on anecdotal evidence. When I asked, neither Uber nor Lyft would confirm specific SF surge rates in 2014 compared to previous years.

In other parts of the country, where the Uber service is still relatively new, surge pricing was common, according to this CNN data [http://money.cnn.com/video/news/2015/01/02/uber-prices-surge-on-new-years-eve.cnnmoney/index.html?sr=twmoney010215ubersurge0200video].

Passengers wise up and avoid the surge

The difference between SF and other cities suggests that over time, passengers get smarter about using ridesharing services. Although they may put up with surge pricing initially, they eventually expect and avoid it. As a result, Uber and Lyft could lose customers, and the resulting profit, on some of the biggest travel nights of the year.

It's clearly not hurting [https://twitter.com/TheRideShareGuy/status/551132534797377538] Uber at the moment — the company saw 2 million rides [http://blog.uber.com/cheersto2015] on New Years Eve alone. But the service is new in a lot of places, so passengers are just starting to feel the pain of unpredictable surge pricing. By New Years Eve next year, will Uber users in other places get smart about avoiding the surge, the same way San Francisco residents did?

I suspect surge-avoidance will slowly trickle down to day-to-day travel. I live near Union Square in San Francisco, so I've already learned I can't rely on Uber and Lyft from a pricing perspective, because they're nearly always operating with surge pricing here. Without that reliability, I prepare alternative options for travel and develop new habits, lessening my ridesharing addiction. That's where a competitor like Flywheel or Sidecar could come in and do really well.

There's been plenty [http://pando.com/2013/12/17/the-problem-with-ubers-surge-pricing-isnt-the-money-its-an-increasing-lack-of-trust/] written [http://www.thestranger.com/slog/archives/2013/12/20/uber-surge-pricing-controversy-is-a-cautionary-tale-against-taxi-deregulation&view=comments] about how [http://www.theverge.com/2014/2/26/5445210/in-san-diego-uber-kept-drivers-off-the-road-to-encourage-surge] surge pricing [http://www.huffingtonpost.com/2014/10/11/uber-better-business-bureau-f-rating_n_5969894.html] is a broken system, but there hasn't been much ado about the fact that it's also Uber and Lyft's biggest weakness. It's the one area where other companies can easily beat them.

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8 COMMENTS

Tereraw yenger
Monday, January 5, 2015

The beginning of the end of UBER, new years eve 2014. No surge means no one drives for uber because the rate is so low that it is less than a minimum wage, it doesn't worth my time. In order to keep a driver happy , uber has to surge charge, this means custmers have to pay more for the same service taxis provide. Smart Custmers are avoiding the surge charge by other alternatives , this means less unhappy uber drivers on the road. Without divers UBER has nothing except an App.

John Fitzgerald
Sunday, January 4, 2015

I'm a driver for both Uber and Lyft. Surge pricing is not a broken system. In fact, I make very little income from surges and I'm driving in Los Angeles from downtown to Santa Monica most of the time. Surges happen, it's nice to make a few extra bucks from them, but they don't account for a stunning amount of my revenue.

That said, I do try to position my self to enjoy surges because, hey, it's extra money. So I try to put myself in areas that I know will surge at certain times. Sometimes it works, sometimes it doesn't.

Surges do pull in more drivers, and surges also push away riders who don't want to pay a higher price. Those that will pay a higher price are either not price sensitive or they really need the ride. Surges help to balance supply and demand.

Imagine a world without surge pricing – oh, wait you don't have to, it already exists. I have heard more complaints from people about cabs in LA – they don't come when you call for them, they're slow to respond, they won't take you where you want to go, they won't take credit cards. All this is because cab drivers don't have an incentive – no surge pricing!

This isn't that hard a concept to understand, but apparently a lot of people do have difficulty with it. It's simple, if you don't want to pay surge prices, DON'T DO IT. No one is holding a gun to your head to do so. Just call a cab! And good luck with that.

Sleipnir
Saturday, January 3, 2015

The drivers depend on that surge to actually make a reasonable profit. After Uber's cut, gas, and vehicle maintenance costs, you're left with very little profit at the base rates. Many drivers are refusing to drive when there isn't surge because of this. That's the main reason Uber is constantly hiring, it takes the new drivers a while to realize this fact.

Madlyb
Saturday, January 3, 2015

You know I find it funny how we talk about customers of these services as all or nothing. This isn't your local cable company with a last mile monopoly and a contract. People can, and do use multiple services all the time.

piltdownlad
Friday, January 2, 2015

"By New Years Eve next year, will Uber users in other places get smart about avoiding the surge, the same way San Francisco residents did?"

Of course they will. It's becoming ridiculous to complain about surge pricing these days. Very few people are sympathetic now that it's been established riders have to accept the surge multiplier before requesting the ride. If you use Uber on a busy day/night, you should expect to get hit with surge pricing. That's the Uber way.

But slowly, drivers like myself, and plenty others, are starting to realize that surge pricing isn't in our best interest. Just like riders, we want consistent fares, equivalent to taxis, that guarantee us consistent business at fair prices. Not this up and down dynamic that Uber and Lyft are shilling. It's great to get a two mile trip during 5x surge and make a hundred bucks, but what about all the other times when that same ride only nets us $7?

Surge pricing from a driver's perspective: http://disinfo.com/2014/12/gouge-away-ubers-surge-pricing-drivers-perspective/

Jim > piltdownlad
Friday, January 2, 2015

Yep. There's a very good reason NYC has limited the number of yellow cab medallions for decades. The job needs to be viable for drivers. It also needs to have a consistent rate of fare and full commercial insurance.

Carl Hancock
Friday, January 2, 2015

I hope for Flywheel's sake that this "secret weapon" involves more than flat rate pricing during surge periods. Because it's no longer a secret and there's nothing stopping Uber from adopting a similar stance in the future. There's nothing Uber can't replicate here.

Jim > Carl Hancock
Friday, January 2, 2015

Oh, I think there is. Uber relies on price gouging. It's the only way they can keep 'non-surge' prices artificially low and retain any drivers at all.

EXHIBIT
F

Maine Revised Statutes

Title 29-A: MOTOR VEHICLES HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff)

Chapter 13: FINANCIAL RESPONSIBILITY AND INSURANCE

§1611. INSURANCE, BOND OR SELF-INSURANCE REQUIRED

1. Insurance, bond or self-insurance required. The Secretary of State may not register any motor vehicle for rent, lease, hire or livery and a person may not operate or cause to be operated on any public way in the State such a motor vehicle until the owner or owners of that vehicle procure insurance or a bond covering the operation of that vehicle by:

A. Presenting a valid and sufficient insurance policy from:

(1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or

(2) With the approval of the Secretary of State, an insurance company authorized to transact business in any state that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §16 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure; or [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §16 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business and is eligible as an excess or surplus lines insurer in a state in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §17 (NEW); 1995, c. 65, Pt. C, §15 (AFF).]

[1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §§16, 17 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

2. Minimum insurance requirements. The minimum insurance requirements are as follows.

A. Except as provided in paragraph E, there is a $350,000 combined single limit for emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the federal Department of Transportation, Surface Transportation Board. [2011, c. 78, §1 (AMD).]

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

(1) One hundred twenty-five thousand dollars, or split limits consisting of $50,000 per person and $100,000 per occurrence for bodily injury liability, and $25,000 for property damage liability for vehicles that are designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, including those vehicles under contract with the State, a municipality or a school district for the transportation of students;

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat;

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat; and

(6) Four hundred thousand dollars for vehicles registered to a transit district as defined in Title 30-A, section 3501. [2007, c. 703, §23 (AMD).]

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2301, subsection 5, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

(1) For vehicles with 15 or fewer passengers, $1,500,000; and

(2) For vehicles with 16 or more passengers, $5,000,000.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 556, subsection 6 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. For school buses as defined in section 2301, subsection 5 there is a combined single limit of:

(1) For school buses with up to 30 passengers behind the driver's seat, $500,000; and

(2) For school buses with 31 or more passengers behind the driver's seat, $1,000,000. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §19 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

E. For rental trucks with a registered gross weight of 26,000 pounds or less, rented or leased for fewer than 30 days:

(1) There is a combined single limit of $125,000; or

(2) There is a split limit of $50,000 per person or $100,000 per occurrence for bodily injury liability and $25,000 for property damage liability. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §20 (NEW); 1995, c. 65, Pt. C, §15 (AFF).]

F. For rental vehicles, the requirements are the same as under section 1605, subsection 1, paragraph C. [2011, c. 78, §2 (NEW).]

[2011, c. 78, §§1, 2 (AMD) .]

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. Notwithstanding section 1606, the insurance provider must provide at least 30 days' notice of cancellation of insurance to the Secretary of State. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 23, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate and registration plates have been suspended or revoked pursuant to this section shall immediately return the registration certificate and registration plates to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's right to operate in this State.

[2009, c. 598, §36 (AMD) .]

4. Additional requirements.

[2009, c. 598, §37 (RP) .]

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter.

[2009, c. 598, §38 (AMD) .]

6. Exemption. All vehicles owned by the State, a municipality or school district are exempt from the insurance requirements established in this section.

[1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §21 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

SECTION HISTORY
1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§B16-21 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §B20 (AMD). 1995, c. 482, §B22 (AFF). 1995, c. 645, §A15 (AMD). 2001, c. 361, §30 (AMD). 2005, c. 573, §5 (AMD). 2007, c. 703, §23 (AMD). 2009, c. 435, §20 (AMD). 2009, c. 598, §§36-38 (AMD). 2011, c. 78, §§1, 2 (AMD).

Portland, Maine

Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

To: Members of the Transportation, Energy and Sustainability Committee

From: Michael J. Bobinsky, Director of Public Services

Date: February 13, 2015

Subject: Franklin Street Corridor Redesign Work Update

The Franklin Street corridor redesign work update information will be presented at the meeting held on Wednesday, February 18, 2015.

55 Portland Street / www.portlandmaine.gov / tel, 207•874•8801 / tty, 207•874•8936 / fax, 207•874•8816

Portland, Maine Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

February 18, 2015

To: Councilor Marshall, Chair, TS&E Committee; Councilor Hinck, Vice Chair;
Councilor Donoghue and Councilor Costa

From: Bruce Hyman, Transportation Program Manager

Re: Strategic Transportation Plan Work Plan

<u>Meeting Outcome</u>: TS&E Committee feedback and input into the proposed Plan work plan.

<u>Plan Objective</u>: Create a concise Strategic Transportation Plan document that articulates the city's transportation vision, goals and strategic investment and policy initiatives.

<u>Background</u>: The last city-wide transportation plan (A Time of Change: Portland Transportation Plan) was completed in 1993. Several parts of this plan were updated for the Comprehensive Plan Update adopted in 2005. Since then, many neighborhood-level and corridor-specific transportation plans have been adopted as part of the Comprehensive Plan, but no complete update and distillation has been done for the transportation vision and goals in these plans nor the creation of a framework for establishing transportation investment priorities.

<u>Draft Plan Process, Inputs and Proposed Time-line:</u>

- Distill existing strategic elements from Comprehensive Plan and other adopted master plans (Jan./Feb.)
- Best Practices strategic planning review from around the country (Jan.)
- Transportation Survey (on-line & paper available) – short & focused (mid-Feb./March)
- Transportation Strategy Working Group – staff steering/review committee (meet in Jan./March/May)
- Overall Plan Guidance – TS&E Committee (~monthly updates/input/guidance)
- Targeted outreach to key stakeholders – March/April
- Write Draft Plan – May/June/July
- Review and Adoption – Summer/Fall 2015

<u>Draft Plan Working Outline:</u>

- Background/Context/Purpose of the Plan
- Vision, Goals & Principles
- Strategic Planning Framework – Example themes include:
  - Multi-modal/Complete Streets
  - Safety & Public Health
  - Sustainability
  - Livability
  - Economic Development/Tax Base
- Modal Issues & Opportunities

Jeff Levine, AICP
Director, Planning & Urban Development Department

- Strategic Investment and Policy Initiatives
- Performance Measures & Targets
- Funding & Investment Strategy
- Maps
    - Transportation System Inventory
    - Strategic Transportation Initiatives
- Appendices

Portland, Maine Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

February 18, 2015

To: Councilor Marshall, Chair, TS&E Committee; Councilor Hinck, Vice Chair; Councilor Donoghue and Councilor Costa

From: Bruce Hyman, Transportation Program Manager

Re: Status of City of Portland Transportation Planning Studies

Studies Underway

Franklin Street Study, Phase 2
Project Manager: Jeremiah Bartlett, DPS
Status: 80% complete
Upcoming meetings: April 2, 2015 Public Advisory Committee meeting
Key next steps: Finalize recommendations, final report, complete of Preliminary Design Report
Expected Completion Date: April 2015 for Phase 2 Final Report; August 2015 for PDR (30% design) for Franklin Street: Marginal Way to Oxford Street

Somerset Street Re-Connection, Phase 1 and 2
Project Manager: Mike Farmer, DPS
Status: 80% complete, preliminary draft final report submitted for staff review
Upcoming meetings: none scheduled
Key next steps: Selection of recommended street/trail alignments to connect to Forest Avenue (Phase 2); Updating recommended design for construction of Somerset St from Elm Street to Hanover Street (Phase 1)
Expected Completion Date: May 2015

Libbytown Circulation and Streetscape Study
Project manager: Jeremiah Bartlett, DPS
Status: On-hold pending additional funding for completion, ~80%+ complete
Upcoming meetings: none scheduled
Key next steps: Secure funding to complete study
Expected completion date: TBD

High-State Streets Two-way Study
Project manager: Tom Errico, TY Lin
Status: 75% complete
Upcoming meetings: March 4, 2015 Public Workshop
Key next steps: Develop draft recommendations based on PAC comment, public workshop, final report.
Expected completion date: June 2015

<u>Hub-Link Transit Study (PTC/Thompson's Pt-METRO Pulse-Ocean Gateway)</u>
Project manager: Bruce Hyman, P&UD
Status: Contract finalized with the consultant, Nelson\Nygaard
Upcoming meetings: none scheduled
Key next steps: Staff-consultant formal kick-off meeting by the end of February
Expected completion date: September 2015

Upcoming Studies

<u>West Commercial Street Master Plan</u>
Project manager: TBD
Status: RFP released, awaiting consultant responses
Upcoming meetings: none scheduled
Key next steps: Consultant selection and contracting; project kick-off; begin in March 2015
Expected completion date: no later than December 2015

<u>Martin's Point Bridge Pathway Feasibility Study</u>
Project Manager: TBD
Status: RFP released, awaiting consultant responses
Upcoming meetings: none scheduled
Key next steps: Consultant selection and contracting; project kick-off; begin in March 2015
Expected completion date: no later than December 2015

<u>Bayside Transportation Master Plan</u>
Project manager: Bruce Hyman, P&UD
Status: RFP being finalized
Upcoming meetings: none scheduled
Key next steps: Issue RFP, consultant selection and contracting; begin in March/April 2015
Expected completion date: no later than December 2015

<u>Bayside Trail Extension/Libbytown Trail Feasibility and Design (Forest Ave to PTC)</u>
Project Manager: Rick Knowland, P&UD
Status: RFP being finalized
Upcoming meetings: none scheduled
Key next steps: Finalize and issue RFP by April 2015
Expected completion date: December 2016