

ADMINISTRATIVE ORDER NO. 53-16-03-F
of the
City Manager of the City of Eugene

**AMENDMENT OF PUBLIC PASSENGER VEHICLE SERVICES
ADMINISTRATIVE RULE R-3.345, AND REPEAL OF ADMINISTRATIVE
ORDER NO. 53-13-06-F.**

The City Manager of the City of Eugene finds that:

A. Pursuant to the authority contained in Sections 2.019 and 3.345 of the Eugene Code, 1971, Public Passenger Vehicles Services Administrative Rule R-3.345 was initially adopted in 1991, and has subsequently been amended, most recently by Administrative Order No. 53-13-06-F on June 20, 2013.

B. The City Council amended the Public Passenger Vehicle Code (EC 3.345) in 2015, to allow vehicles for hire in Eugene to use smart phone applications to calculate and charge fares. Section 3.345 of the Eugene Code, 1971, provides licensing regulations for Public Passenger Vehicle (PPV) Services. The Code provides a definition of PPVs, establishes the licensing requirement, screening requirements, and fare charging requirements. The purpose of amending the Code was to acknowledge new technologies and business models while also ensuring all PPVs operating in Eugene meet community safety standards.

At that time, the City Council also gave the City Manager direction to update Administrative Rules to accommodate new transportation models while maintaining community safety standards such as driver background checks and insurance requirements. Most of the details of the City's PPV regulations are found in the Administrative Rules. The Rules describe the driver application process, insurance requirements, and vehicle requirements.

C. On March 7, 2016, I issued Administrative Order No. 53-16-03, proposing to amend Public Passenger Vehicles Services Administrative Rule R-3.345 in order to align the Rules to the recent Code amendments and address issues raised by both currently-licensed PPV companies and not-yet licensed transportation network companies.

D. Notice of the proposed amendments was given by making copies of the Notice that was attached as Exhibit A to Administrative Order No. 53-16-03 available to all current licensees, to any person who had requested such notice, and by publication of the Notice in the Register Guard Newspaper on March 13, 14, 15, 16, and 17, 2016. The Notice provided that written comments be submitted within 15 days of the first date of publication of the Notice.

E. Comments were received in response to the proposed Rule amendment. Summaries of the comments and my findings to the comments are set out below:

- 1. Comments regarding whether Transportation Network (TNC) drivers are employees or contractors.** Several comments addressed the issue as to

whether TNC drivers are employees or independent contractors for purposes of receiving benefits, compensation and taxation.

Response. The definition of “employee” in the proposed Rule is consistent with the definition of that term in the Eugene Code. That definition of “employee” includes both employees and independent contractors. In other words, the code’s definition of “employee” is broader than the term as it used in other contexts. The Administrative Rules do not determine whether TNC drivers are “employees” or “independent contractors” for purposes of providing benefits. That choice is intentional, as the City believes that determination is better left to the legislature or the courts on a case-by-case basis.

2. **Comments concerning notice of proposed Rule amendments and outreach efforts.** Comments were submitted stating that notice and proposed Rule amendments and outreach efforts were insufficient.

Response. In the spring of 2015, staff met with a number of key stakeholders, including local public passenger vehicle companies, drivers and representatives, representatives of TNCs (Uber and Lyft), City of Springfield staff, and representatives from other local transportation agencies and jurisdictions to collect input, on new Rules for TNCs and other possible changes to existing PPV regulations. In November 2015, a first draft of proposed updates to the PPV Administrative Rules was sent out to all stakeholders and interested parties for feedback. The first draft of Rules and information on how to provide feedback was also posted on the City’s Public Passenger Vehicle website. Local media were notified and covered the opportunity.

In March 2016, another round of public comment was solicited from the community. A 15 day public comment period was open from March 13 through March 28. Notice of the opportunity was posted in the Register Guard and on the City’s website. Anyone who had previously provided comment or signed up to be on the interested parties list was also sent a notice of the opportunity. A press release was sent to local media who also covered the story.

3. **Comments regarding ADA accessible vehicles.** Comments were submitted questioning whether a specific number of vehicles must be ADA accessible.

Response. There are no specific State or Federal laws that require a specific number of accessible vehicles. We recognize, however, that this is an important issue. Our plan is to work on addressing accessible public passenger vehicles as soon as possible, through a specific process that focuses on these issues and works with key stakeholders.

4. **Comments regarding insurance requirements.** Comments were submitted concerning establishment of tiered insurance coverage for TNCs.

Response. The proposed Administrative Rules do not establish tiered insurance coverage for TNCs for two primary reasons: (1) having one insurance requirement that applies to all PPVs, regardless of the particular “activity” that the PPV is engaged in at the time, establishes a consistent and level playing field among all of the PPV companies; and, (2) a non-tiered insurance coverage requirement for all PPVs supports the goal of ensuring adequate insurance coverage whenever a driver is working. Our research found there have been reports of tragic accidents that have occurred when a driver is in-route to pick-up a passenger or after dropping off a passenger and the City feels it is critical for community members and drivers that all TNCs have adequate commercial coverage during that time.

5. **Comments concerning fare regulation.** The City should set a floor on how low fares can drop, otherwise it will drive taxis out of market.

Response. The City does not regulate fares. The Rules focus on safe, reliable transportation for passengers. City Code requires that public passenger vehicle companies provide information on the maximum rate to be charged to a passenger. PPV companies can’t charge a higher rate without providing the City with ten days’ advance notice. The Code is intended to protect passengers.

6. **Comments regarding vehicle marking for TNCs.** TNCs should not be required to have interior and exterior markings beyond removable trade dress.

Response. The relatively small dashboard markings currently used by TNCs to identify their cars are helpful, but not easily visible from a distance or at night. Our main concern is related to vehicles being clearly marked so that passengers can easily recognize the vehicle they should enter. Clear markings help ensure that public safety personnel and community members who wish to submit a complaint to the City regarding a particular vehicle can identify which company it is affiliated with. The proposed markings are minimal and easily removed when not in operation as a public passenger vehicle.

7. **Comments concerning vehicle permitting and driver certification.** Individual vehicle permitting and driver certification is unnecessary for public safety and not conducted in a vast majority of jurisdictions.

Response. The purpose of the City’s permitting process is to ensure the safety and reliability of public transportation. Screening drivers and inspecting vehicles is a means to protect public safety.

Vehicles are inspected and certified to ensure they are mechanically safe as

well as have working seatbelts, fire extinguishers, and adequate safety equipment.

In order for a driver to be certified they must pass a criminal background check and review of their driving record conducted by Eugene Police Department. In order for the City to screen an applicant, the applicant must provide Oregon Driver's license identification *in-person* to for staff to verify their identity.

No changes are being made to the Administrative Rule R-3.345 as a result of these comments.

BASED UPON the above findings and the findings in Administrative Order No. 53-16-03, and pursuant to the authority contained in Sections 2.019 and 3.345 of the Eugene Code, 1971, I order that:

1. The Public Passenger Vehicle Services Administrative Rule R-3.345 is amended as set forth below.
2. Administrative Order No. 53-13-06-F is repealed as of the effective date of this Order.

PUBLIC PASSENGER VEHICLE SERVICES ADMINISTRATIVE RULE R-3.345

R-3.345-A DEFINITIONS.

As used herein, the following words and phrases mean:

Accessible Vehicle. Any public passenger vehicle-for-hire that is constructed and equipped to meet ADA standards for the non-emergency transportation of persons in wheelchairs, persons using other mobility aids, or with other mobility impairments.

ADA. Americans with Disabilities Act.

Airport Door to Door Shuttle Service. A motorized vehicle that is either a van or bus with the capacity to transport at least six passengers and their luggage, used only for the transportation of passengers from the Eugene Airport to any destination in the Eugene/Springfield area, and from anywhere within the Eugene/Springfield area to the Eugene Airport, with fares based on zone rates. An Airport Door to Door Shuttle shall comply with all requirements of this Rule applicable to public passenger vehicles, except as specifically provided in R-3.345-G.

Business. Any business, institution, association, occupation, and calling of every kind.

Charter Vehicle. A motorized vehicle originating from the Eugene-Springfield

Metropolitan Area, marked with the company's business name, operated for hire to transport a group of seven or more persons with the fare based on a group rate rather than an individual basis.

Club Car Service. Vehicular passenger transportation service provided by a business to club members or by a residence home to its residents.

Courtesy Car Service. Vehicular passenger transportation service provided by a business to its clients or customers at no cost.

Dispatch. Any communication system that conveys passenger ride requests to a driver of a vehicle-for-hire.

Employee. Any person employed for remuneration or under any contract of hire, written or oral, express or implied, including independent contractors. All persons who drive public passenger vehicles, including any person who has an ownership interest in the company, shall be considered employees of the public passenger vehicle company for purposes of this Rule.

Hailable Vehicle. A vehicle-for-hire that can be immediately summoned by a passenger without the use of any dispatch.

Horse-drawn Vehicle. Any vehicle which is operated or pulled by horse, mule, or any other beast of burden.

Limousine. An unmarked luxury class motor vehicle that is operated for hire on a reserved, hourly basis, and used on a prearranged basis for special or business functions, weddings, funerals or similar purposes.

Manager. Any person in charge of the operation or management of the public passenger vehicle company, any person who can direct or control the activities and scheduling of the company's employees, and any person who can hire or fire the company's employees.

Motorized Vehicle. A public passenger vehicle other than a horse-drawn carriage or a pedicab.

Operator. Any person who is a principal in a public passenger vehicle company. A principal includes all owners, shareholders, partners, directors, officers and managers.

Pedal Vehicle. Multi-passenger, four-wheeled public passenger vehicle that is powered by passengers, with the steering and braking controlled by the driver.

Pedicab. Any vehicle which is operated or pulled by a bicycle. For purposes of this Rule, pedal vehicles are not pedicabs.

Public Passenger Vehicle. Any vehicle which is used for the transportation of passengers for hire, including, but not limited to, shuttles, horse-drawn carriages, pedicabs, and taxicabs. However, the following shall not be considered public passenger vehicles for purposes of this Rule:

1. Vehicles operated pursuant to written authority by the City, state or federal governments, or political subdivisions thereof;
2. Vehicles commonly known as rent-a-cars, that are rented to be driven by the renter or his or her agent;
3. Courtesy car services;
4. Tour bus services;
5. First aid vehicles, as that term is defined in Section 3.005 of the Eugene Code, 1971;
6. Club car services; and
7. Limousines.

Public Passenger Vehicle Company. Any business which operates one or more public passenger vehicles, regardless of who owns the vehicles operated.

Public Passenger Vehicle Driver. An employee of a public passenger vehicle company that operates a vehicle-for-hire by transporting passengers for compensation.

Shuttle. A motorized vehicle for hire that transports passengers between predetermined destinations (e.g. motels, airport, downtown passenger station), at fixed rates, and on a fixed schedule.

Taxicab. A motorized vehicle that is operated for hire by the public passenger vehicle company, other than a shuttle, limousine, or charter.

Taxi Meter. A mechanical or electronic device which calculates and displays a fare.

Transportation Network Company. A person or business that provides a digital or software application scheduling platform or service that enables a prospective passenger to connect to a vehicle-for-hire.

Transportation Network Driver. An employee of a transportation network company that operates a vehicle-for-hire by transporting passengers for compensation utilizing the Transportation Network Company's digital or software application scheduling platform or service.

Tour Bus. A motorized vehicle accepting individual passengers for a fare for sightseeing or guided tours, making occasional stops at certain points of interest and returning the passengers to the point of origin.

Vehicle-for-Hire. A vehicle used for providing shared transport, which transports one or

more passengers for a fee between locations of the passengers' choice, including, but not limited to, all public passenger vehicles.

Vehicle-for-Hire Company. All public passenger vehicle companies and all transportation network companies.

R-3.345-B APPLICATION.

1. No person or business may operate a vehicle-for-hire company without first obtaining a public passenger vehicle license.

2. An application for a public passenger vehicle license, or for renewal of a public passenger vehicle license required by Section 3.345 of the Eugene Code, 1971, shall be completed by each and every principal in the business. A principal in the business includes all owners, shareholders, partners, directors, officers and managers. The City Manager or designee may exempt certain principals from completing an application if the City Manager or designee determines that granting such an exemption is consistent with the objectives of the Eugene Code, 1971, and where the business demonstrates to the satisfaction of the City Manager or designee that those principals play no role in the operation of the company.

3. A public passenger vehicle license application shall include, at a minimum, all of the following:

(a) Name, address, telephone, e-mail address (if available) of the applicant. If the applicant is a business entity, corporation, association or other organization, the names, addresses, telephone numbers and e-mail addresses (if available) of each partner, officer, director, member and principal stakeholder;

(b) Type of business;

(c) Business name;

(d) Registered agent;

(e) Maximum rate to be charged customers;

(f) Current rate to be charged customers;

(g) Type of dispatch system to be used;

(h) Description and amount of surcharges to be charged customers;

(i) Description and amount of discounts to be offered to customers;

(j) A completed personal history form for each principal of the business

(includes address history, employment history and criminal history); and,

- (k) If a hailable vehicle, the proposed color scheme.

R-3.345-C STANDARDS AND REQUIREMENTS FOR ALL PUBLIC PASSENGER VEHICLE COMPANIES AND ALL TRANSPORTATION NETWORK COMPANIES.

1. **General Requirements.** Vehicle-for-hire companies shall not refuse to respond to any request for service from a location within the Eugene-Springfield city limits unless the vehicle-for-hire is limited to a specific route pursuant to Rule R-3.345-K. However, the driver can refuse to provide such service if he/she has a reasonable basis for believing that his/her personal welfare is threatened, or that the passenger will damage the vehicle or be unable or unwilling to pay the fare. In addition, no vehicle-for-hire company shall respond to a request for service from the Eugene Airport unless it is authorized to do so by a ground transportation activity permit issued by the Airport Manager.

2. **Insurance and Hold Harmless Agreement.**

(a) **Insurance Coverages and Limits.** Every public passenger vehicle company license holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the license is valid:

(1) **Commercial General Liability Insurance.** Public passenger vehicle company license holders must secure and maintain a Commercial General Liability policy for no less than \$2,000,000 per occurrence for claims arising out of, but not limited to, bodily injury, property damage, personal and advertising injury, and contractual liability in the course of the permit holder's work under a for-hire transportation company permit.

(2) **Commercial Automobile Liability Insurance.** Public passenger vehicle company license holders, regardless of whether the company holds title to a vehicle or not, must provide the City with a copy of a valid Commercial Automobile Liability Insurance for no less than \$1,000,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle. The Commercial Automobile Liability Insurance policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies. For purposes of this provision, a vehicle is being used as a for-hire transportation vehicle when the vehicle is available to accept a passenger, traveling to pick up a passenger, transporting a passenger, and traveling away from a passenger's destination.

(b) **Hold Harmless Agreements.** All licensees shall furnish to the City on a form provided by the City, a signed statement that the licensee shall defend, indemnify and

hold harmless the City, its officials, agents, and employees for all claims of injury to property or persons that may arise as a result of any activity carried on by the licensee.

3. Records Maintained.

(a) **Vehicle Maintenance Records.** All public passenger vehicle company licensees using motorized vehicles shall maintain maintenance records for all motorized vehicles used by the company's drivers. The records shall include, but not be limited to, records of all tests for brakes, tires, steering wheels, mechanical parts and lighting equipment. The public passenger vehicle company licensee shall make said records available to the City Manager or designee upon request.

(b) **Employee Records.** All public passenger vehicle company licensees using motorized vehicles shall keep a personal history record of each employee and those records shall contain:

(1) The complete legal name and all other names by which the employee is or has been previously known;

(2) The employee's date of birth, height, weight, hair and eye color, Oregon driver's license number, place of birth, social security number, and citizenship status;

(3) The employee's current address and his/her previous addresses for the past 5 years, including the dates of residence at those addresses;

(4) The date on which the City issued the employee his/her driver certification;

(5) A passport size photo that is not more than one year old or a color copy of the employee's City-issued driver certification.

(c) **Service Recipient Records.** All public passenger vehicle company licensees, including those using non-motorized vehicles, shall maintain a record of all services provided and those records shall include:

(1) A log maintained by each driver which contains a record of every trip, in a form approved by the City Manager or designee; and,

(2) A log by each taxicab licensee showing every service request and subsequent dispatch.

(d) **Complaint Records.** The operators of all public passenger vehicle companies shall maintain a record of all complaints lodged against the operator's company and/or personnel. Those records shall reflect:

- (1) The complaining party or parties by name, address, and telephone number;
- (2) The incident date of the complaint and a summary of the complaint allegation;
- (3) The name(s) of personnel complained against; and
- (4) A summary of the complaint inquiry and the outcome and company actions as a result of that inquiry.

(e) **Tenure of Record Maintenance.** Vehicle maintenance, service recipient and complaint records shall be kept for a period of three years after the last date of service or complaint. Employee records shall be kept throughout the period of active employment and for a period of one year after termination of employment.

R-3.345-D STANDARDS FOR ALL VEHICLES FOR HIRE.

1. Permit Required.

(a) No operator shall put into service, nor shall any employee drive, any vehicle-for-hire except for vehicles which have public passenger vehicle permits from the City.

(b) No vehicle shall be eligible for a public passenger vehicle permit unless the vehicle has passed a safety inspection, as provided in section 2(a) below, within 30 days prior to the filing of an application, whether for a new or renewed permit.

(c) All vehicles-for-hire shall be maintained, marked and provided with safety equipment as required by these rules. Failure to comply with the vehicle requirements shall be grounds for revocation or suspension of the vehicle permit, and of the operator's license.

(d) No vehicle permit shall be transferrable.

(e) Except for a vehicle that is equipped and marked for both charter and shuttle use, multiple uses for the same vehicle are not permitted.

2. Vehicle Maintenance Requirements. Each vehicle shall be kept clean, of good appearance, in good repair, properly equipped, and in a safe condition. To insure the safe condition and maintenance of all motorized vehicles, the following requirements apply to all licensed vehicles-for-hire:

(a) **Minimum Standards.** At a minimum, every vehicle-for-hire shall comply with the following standards:

(1) No visible damage to the body or glass;

(2) Interior of vehicle (including trunk) shall be maintained in a condition that is free of dirt, grease and trash. Upholstery shall be free of rips and tears and head liner shall be intact;

(3) Vehicles shall be equipped with properly installed and maintained heating and air conditioning systems adequate to provide sufficient passenger comfort for weather conditions;

(4) Vehicles shall be equipped with properly installed and maintained exhaust systems, void of excessive leakage of gases at any point from motor to point discharged from system that would affect the safe carriage or comfort of passengers.

(b) **Regular Inspections.** The operator shall cause all vehicles used by the vehicle-for-hire company to be inspected regularly, but no less often than every twelve months, by a commercial automobile garage. Said garage shall not be owned nor operated by the operator or employees of the public passenger vehicle company, nor shall employees of the garage also be employees of the public passenger vehicle company. At the completion of the inspection, the garage shall certify, on a form provided by the City, that the vehicle is safe. A copy of that certification shall be filed with the City. Failure to timely file the safety certification shall be grounds for suspension of the permit.

(c) **Special Inspections.** In addition to regular inspections, the operator shall cause all vehicles used by the public passenger vehicle company to undergo such special inspections as the City Manager or designee may require. Where such an inspection has been required, the vehicle shall not be used until after the vehicle passes the inspection.

3. **Vehicle Information Requirements.** All vehicles-for-hire shall comply with the following identification requirements. Vehicles not in compliance with these requirements shall not be used for carrying passengers.

(a) **Interior Information.** All vehicles-for-hire shall prominently display the company's name, vehicle license number, vehicle permit number, type of vehicle permit issued, operator complaint telephone number, and City complaint telephone number. The interior identification shall be readable by all passengers (with normal vision) at all times and shall not be placed on windows.

(b) **Hailable Vehicle Interior Information.** In addition to subsection (a), the interior of all hailable vehicles shall include current rates of fare, including any authorized surcharge, minimum charge, or discount availability.

(c) **Exterior Information.** All vehicles-for-hire shall identify the name of the company on the exterior right and left sides of the vehicle. The exterior information may be displayed in a non-permanent manner (such as a magnet) but must be in letters and

numbers not less than two (2) inches in height and must be a light color on a dark background or a dark color on a light background.

(d) Hailable Vehicle Exterior Information. In addition to subsection (c), the exterior of hailable vehicles shall include:

A top light indicating the name of the taxicab company, except for vans modified in height to accommodate a wheelchair lift, or any other taxi vehicle with a height that would render a top light difficult to see. The City Manager may waive the top light requirement for a taxicab providing the taxicab is otherwise marked as required herein, no risk to the public safety is created by doing so, and failure to do so would subject the applicant to undue hardship. Any vehicle that requires a top light and that is initially licensed by the City after April 1, 2016, shall have the light illuminated when the vehicle is available to accept a hailing passenger and shall have the light turned off when the vehicle is not available to accept a hailing passenger.

(2) Its current rates and minimum charges on the left and right exterior sides in letters and numbers not less than one (1) inch in height and shall be a light color on a dark background or a dark color on a light background.

(3) Its permit number at a readily visible location on the rear of the vehicle, in numbers not less than two (2) inches in height and shall be a light color on a dark background or a dark color on a light background.

(4) Exterior information shall not be placed on vehicle windows unless the vehicle is a station wagon and placement of the rates on the sides would make them illegible. In that event, the rates may be placed on the rear side windows only.

(c) Color Scheme for Hailable Vehicles. Each public passenger vehicle company that will operate a hailable vehicle shall designate the color scheme desired for the vehicles to be operated under such license. In the event there is a dispute between two or more licensees or applicants wishing to use the same or a similar color scheme, the City Manager or designee shall designate the color scheme assigned to each licensee or applicant, based on the following criteria:

(1) The length of time the company has used the color scheme;

(2) The degree to which the company name is associated with the color,

and the color scheme shall then be placed on file with the City. Thereafter, all hailable vehicles shall be painted and maintained to correspond to the color scheme of the licensee under which such vehicle is authorized to operate. No person shall operate a hailable vehicle of an unauthorized color scheme.

4. Vehicle Equipment.

(a) Every vehicle shall be equipped with:

(1) Such safety equipment as is required by state and federal law, by the Eugene Code, 1971, and by these regulations;

(2) Working seat belts or other restraining devices for the driver and every passenger. The number of passengers will be restricted to the total number of seats with working seat belts;

(3) A fire extinguisher of a 1A10BC or 2A10BC, 2½ lb. type, readily accessible to the driver, which shall be serviced annually and immediately after each use; and,

(4) A standard first aid kit.

(b) In addition to subsection (a), hailable vehicles shall be equipped with a taxi meter which shall be programmed with one rate only, shall be maintained in good repair at all times, and shall be located so as to be readily visible to passengers within the vehicle.

5. Vehicle Age Restrictions. Except for accessible vehicles and vehicles licensed by the City prior to April 1, 2016, the vehicle-for-hire's model year shall be no more than ten (10) years of age prior to the date of the annual license application. For example, vehicles permitted effective July 1, 2016, must be 2006 models or newer.

R-3.345-E STANDARDS FOR DRIVERS OF MOTORIZED VEHICLES FOR HIRE.

1. Certification Required.

(a) No person may drive a motorized vehicle-for-hire without first obtaining a driver certification card issued by the City.

(b) An applicant for driver certification must be at least 21 years of age and possess the appropriate Oregon driver's license.

(c) The certification card is the property of the City and shall be surrendered to the City upon suspension, revocation or expiration of certification.

(d) The certification card shall be nontransferable.

2. Requirements/Responsibilities of Driver.

(a) A driver shall:

- (1) Obtain and maintain a valid certification card from the city;
- (2) Report to the city in writing within ten days any formal charges for any crime, infraction or offense;
- (3) Report to the City within ten days any changes in employment status or employers;
- (4) Display the certification card in a prominent place within the passenger compartment of any public passenger vehicle being driven by the certification card holder and show to any passenger, police officer or other City employee upon request;
- (5) Deduct any charges for the time of the delay in the event a vehicle becomes disabled or breaks down while conveying a passenger or baggage;
- (6) Take the most direct route possible that will carry the passenger safely and expeditiously to his/her requested destination, unless otherwise requested;
- (7) Upon request by the passenger, provide a receipt for services;
- (8) Not use any lighted smoking instrument or device, or use oral tobacco products (i.e., chewing tobacco);
- (9) Not charge a fare higher than that posted inside the vehicle or the smartphone displayed fare that was accepted by the passengers; and,
- (10) Wear a seatbelt while operating or riding in the vehicle.

(b) No driver of a public passenger vehicle shall work as a driver more than twelve hours out of any twenty-four hour period.

(c) A driver shall be deemed to be working as a driver within the terms of this subsection whenever he/she is available to accept a passenger, traveling to pick up a passenger, transporting a passenger, and traveling away from a passenger's destination. Both drivers and companies shall be responsible for violations and subject to enforcement action.

(d) Drivers of Non-Hailable Vehicles for Hire. In addition to subsection (a) and (b), a driver of a vehicle that cannot be hailed, such as a transportation network driver, shall:

- (1) Provide only pre-arranged rides;
- (2) Provide rides only to passengers that have affirmatively

acknowledged and accepted the estimated fare for the ride;

- (3) Not provide rides to hailing passengers;
- (4) Not solicit passengers at a for-hire stand;
- (5) Not occupy commercial, for taxi only, parking spaces.

R-3.345-F SPECIFICS FOR HAILABLE VEHICLES.

1. **Minimum Standards.** Any public passenger company operating a hailable vehicle shall maintain the following minimum standards:

(a) The capability of providing reasonably prompt service in response to requests received by telephone, either independently or through cooperative dispatching with other licensees; and

(b) Facilities and personnel sufficient to insure that the requirements of the Eugene Code, 1971 and these regulations are met by every hailable vehicle operated in the company.

2. **Public Passenger Vehicle Zones.** Where public passenger vehicle zones have been designated by the City:

(a) No driver of any hailable vehicle shall make repairs to any vehicle while parked in a public passenger vehicle zone.

(b) No hailable vehicle driver shall leave his or her vehicle unattended in a public passenger vehicle zone adjacent to a fire hydrant for any reason. No person shall leave a public passenger vehicle unattended in any other public passenger vehicle zone except when assisting passengers to enter or alight from the taxicab or carry their baggage or when delivering packages, and then for no more than 20 minutes.

R-3.345-G SPECIFICS FOR SHUTTLES AND AIRPORT DOOR TO DOOR SHUTTLE SERVICE.

1. No shuttle may operate without first receiving the appropriate permit(s) and filing its trip schedule with the city and posting the same at points of trip origin.

2. No airport door to door shuttle service may operate without first receiving the appropriate permit(s). An airport door to door shuttle service, its operator, and driver shall comply with the provisions of this rule applicable to public passenger vehicles, operators and drivers, except as specifically modified in this Section R-3.345-G.

2.1 An airport door to door shuttle service operator shall provide service only between the Eugene Airport and specifically designated zones within the Eugene-Springfield area. The operator shall provide a written operating plan detailing the service proposed. The plan shall include, but not be limited to, the operator's plan for meeting airline flight schedules, the type, quality, and amount of equipment proposed to be utilized, the zones to be serviced, and the rates to be charged for each zone. The plan shall be filed with and approved by the Airport Manager. No changes shall be made in the zones, rates, or other provisions set forth in the plan without the prior approval of the Airport Manager.

2.2 An airport door to door shuttle service permit shall not be issued to an operator with less than three years' experience within a related ground transportation experience, such as taxi service or hotel/motel courtesy vans.

2.3 Only vans or buses with a capacity to carry six or more passengers and their luggage, and less than six years old at any time it is in service, shall be used to provide airport door to door shuttle service. The vehicle shall comply with other requirements in this Rule for public passenger vehicles, except no meters shall be installed in the vehicle, and the vehicle shall be used only for the provision of airport door to door shuttle service.

2.4 Drivers of airport door to door shuttles shall wear distinctive uniforms that have been previously approved by the Airport Manager, comply with other requirements in this Rule for public passenger vehicle drivers, the Airport Door to Door Shuttle Service Permit, and applicable provisions of the Airport Rules concerning ground transportation providers.

3. In addition to Airport Door to Door Shuttle Service Permits issued in accordance with this Rule, the Airport Manager may solicit proposals or bids and enter into a contractual agreement with an operator to provide Airport door to door shuttle service, with the operator being assigned space within the Airport terminal building and two curbside reserved Airport door to door shuttle service vehicle parking spaces near the main entrance of the terminal. Any such contract shall provide that the operator, vehicles, and drivers meet the minimum requirements in this Rule for Airport door to door shuttle service, as well as requiring the operator to have a sufficient number of vehicles to meet the demands of the Eugene Airport flight schedules, and that a portion of those vehicles consist of accessible vehicles.

R-3.345-H SPECIAL RULES FOR OPERATION OF HORSE-DRAWN VEHICLES.

Due to the different aspects of horse-drawn vehicles vs. motor vehicles, specific conditions for the operation of horse drawn vehicles in the public right-of-way are established. For the purpose of these rules, a horse-drawn vehicle is that which may be hired for the transportation of passengers and which is operated partially or entirely within the corporate limits of the cities of Eugene and Springfield. The operator shall be responsible for complying with the following conditions:

- (a) The operator shall at all times have a qualified, experienced horse handler

operating the vehicle. The handler shall maintain control of the horse at all times and shall obey all standard traffic laws and regulations.

(b) The operator shall use only horses which have been trained for use in vehicular and pedestrian traffic.

(c) The vehicles shall be equipped with red taillights, a reflectorized caution symbol sign mounted on the back of the vehicle, and carriage lamps or headlamps. The design and operation of the vehicle shall comply with all other state and local regulations for non-motorized vehicles operating on public streets.

(d) All aspects of the operation, including the vehicle, driver and signage, shall maintain a clean appearance while in operation.

(e) The operator shall use equipment which should prevent droppings of horse waste on the ground. The operator is responsible for properly disposing of all waste.

(f) The operator shall provide adequate rest periods and feeding schedules, during and between work shifts, which ensure the health and well-being of each animal used by the operator. This responsibility shall include vehicle load limits, hours of operation and daily hours of animal usage. No animal shall be left unattended while in service.

(g) Each horse-drawn vehicle shall be kept in a safe and sanitary condition at all times. The City shall have the right to inspect or cause to be inspected any horse-drawn vehicle as often as the City determines to be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this section or any other rule, regulation, ordinance or law relating to the operation of such horse-drawn vehicles. If any horse-drawn vehicle fails to pass such inspection, it shall be removed immediately from service on the day of inspection, and shall remain out of service until it has passed inspection.

(h) The operator shall obtain a permit for operating the vehicle that specifies times, routes and schedules that the vehicle(s) will be operated. The permit shall be valid for only the period of time, the designated routes or streets, and the schedule of operations defined on the permit. The route and schedule shall be subject to review and revision by the City at any time. Operations granted by the permit may be suspended by the City at any time there is an apparent safety problem to the public or the conditions of the license or permit are not met.

(i) Any exceptions or revisions to these conditions or the conditions of the license shall be made in writing to and approved by the City Manager or designee.

(j) The operator shall comply with all requests by the City for safety inspections of the vehicle or animal and welfare examinations of the animal. The City may require that the animal be examined by a certified veterinarian, acceptable to the City, with

the cost of the examination to be borne by the operator. Unless expressly authorized in writing by the City, no operator shall use a vehicle or animal following a request for a special safety inspection or welfare examination until after the vehicle or animal passes the safety inspection and/or welfare examination.

(k) The operator shall post all rates either at the point of departure, if otherwise allowed by law, or on the vehicle.

R-3.345-I SPECIFICS FOR ACCESSIBLE VEHICLES.

In addition to compliance with all ADA standards, and the standards for special service types, an accessible vehicle operator shall:

(a) Maintain wheelchair immobilization apparatus according to manufacturer's instructions;

(b) Maintain for a period of three years and make available to the city upon request records of all repairs and maintenance performed on wheelchair immobilization apparatus;

(c) Transport or allow transport of persons only in an upright sitting position or in a reclining position when the angle of recline is not more than 45 degrees;

(d) Equip each accessible vehicle with wheelchair immobilization apparatus that maintains the wheelchair in a stationary position;

(e) Not use or permit the use of an accessible vehicle which:

1. Is equipped to provide oxygen administration. An accessible coach may transport persons requiring constant oxygen administration due to chronic respiratory conditions who use their own oxygen apparatus but who do not require ambulance service;

2. Is equipped with any type of stretcher, gurney or cot;

(f) Not use, or cause to be used, or permit any advertising, signing or other communication relating to an accessible vehicle which contains any reference to, or which uses words, symbols or other devices which cause or are likely to cause confusion as to the identity of the vehicle as an ambulance or other emergency medical services vehicle.

R-3.345-J SPECIFICS FOR PEDICABS.

1. Permit Required.

(a) No person shall operate a pedicab for business purposes on city streets or bike paths without first paying the required fees and obtaining a permit therefore from the City.

(b) Prior to issuance of a permit hereunder, each pedicab shall be inspected by the City to determine compliance with the equipment requirements set forth in Section 2 of this R-3.345-J.

2. Equipment Required. All pedicabs shall be equipped with:

- (a) Heavy duty front and rear brakes;
- (b) Working front and tail lights which are visible at all times;
- (c) Rear flashing tail lights to be operated at night;
- (d) Turn signal lights on rear of carriage;
- (e) Reflectors on wheels of bicycle and carriage;
- (f) Bell;
- (g) Rear mud flaps or similar protection;
- (h) Rear bumper on carriage;
- (i) Six foot safety flag; and
- (j) Slow moving vehicle safety triangle on rear of carriage.

3. Operator Requirements.

(a) All operators of pedicab carriages must possess and maintain a valid State of Oregon driver's license throughout the permit term.

(b) A pedicab operator shall comply with all state and local traffic laws and regulations pertaining to the operation of bicycles.

(c) Each pedicab operator shall prominently display the pedicab permit issued by the City on the pedicab for which issued, together with the name, address and telephone number of the owner of the pedicab.

(d) All pedicab operators shall comply with the weight restriction requirements of each pedicab as posted thereon by the manufacturer.

4. Miscellaneous Requirements.

(a) Prior to issuance of a pedicab permit, the owner/operator thereof shall provide proof of public liability and property damage insurance in a form and amount approved by the City.

R-3.345-K SPECIFICS FOR PEDAL VEHICLES.

1. **Routes.** Each pedal vehicle route must be pre-approved by the City. Routes must be submitted in writing or approved electronic format, including a map detailing the requested route, no less than 14 business days in advance of the requested date to utilize the route. The applicant must specify the following:

(a) The streets and designate traffic lanes over which non-motorized service will travel during specified time period;

(b) The off-street locations for parking and passenger loading and unloading;
and

(c) The equipment the applicant proposes to use to provide the service.

Changes or additional routes must also be submitted in writing at least 14 days in advance of the requested date to utilize the route. Additional lead time is recommended when possible in order to allow time to make any necessary route adjustments. Routes must be flat, and use of an area with any incline requires demonstration of the ability to control the vehicle at that location when fully loaded with passengers. Routes with high traffic volume, frequent bus lines, and along EmX lines will not be approved. Routes without adequate “pull-over” areas will not be approved. Bike lanes are designated for bicycles, and pedal vehicles may not operate in the bike lane.

2. **Parking.** Each business license application will include documentation of a parking plan and authorization to park, if necessary, for each stop. The location of parking during non-working hours will also be provided to the City with the application. The plan for disembarking and resuming the trip in a safe manner at each stop will be provided with the application, and will be explained to the passengers in advance.

3. **Access to the Roadway.** Even on approved routes, pedal vehicles are expected to move to the side to allow the passage of faster-moving vehicles. Each application shall address moving quickly out of the way of emergency, police or fire vehicles, and other motor vehicle traffic. Passengers must be provided with clear instructions about the importance of avoiding impediments to vehicular traffic during the ride.

4. **Vehicle Specifications Required.** Each pedal vehicle company must provide with the business license and vehicle permit applications the manufacturer’s specifications showing braking and back-up braking mechanisms, weight and occupancy limits for the vehicle, minimum requirement for the number of pedalers to propel the vehicle, limitations on incline, stopping and acceleration distances, and any other operating limitations or recommendations for operation. No vehicle may be operated without the minimum number of pedalers required to propel the vehicle forward and out of the way of traffic in a timely manner. No vehicle may be operated with passengers in excess of the manufacturer’s weight and occupancy or other limits for the vehicle. Each passenger must have a designated seat and remain seated during the ride.

5. **Vehicle Maintenance Schedule.** Each pedal vehicle company must provide a vehicle maintenance and inspection schedule with the business license and vehicle permit application and yearly renewal. This document must indicate the name and qualifications of the person(s) performing inspections and maintenance on the vehicles and show a list of routine maintenance activities, along with the method of documentation for this maintenance (type of maintenance log).

6. **Obey all Laws.** Each pedal vehicle company and vehicle is responsible to obey all federal, State and City laws and regulations, including:

- (a) All traffic regulations, including Oregon Department of Transportation slow moving vehicle regulations;
- (b) Open container and DUI prohibitions;
- (c) City of Eugene noise ordinances; and
- (d) City of Eugene parking regulations.

7. **Alcohol.** No alcohol may be served on pedal vehicles. No open containers of alcohol may be on board pedal vehicles. Passengers will be instructed in advance that they are subject to citation for DUI under state law while operating (pedaling) on a pedal vehicle and that no alcohol may be consumed while on the vehicle. Operators must require any passenger who becomes disorderly or creates a neighborhood disturbance during the ride to disembark from the tour at the earliest, safe opportunity. Operators are responsible when stops where alcohol is served to monitor the passengers and make other arrangements for the safe transport of any passenger who becomes drunk or disorderly during the ride. Operator and company permits may be suspended or revoked for failure to remove a passenger who cannot safely operate or remain on the vehicle, or who creates a disturbance. The operator will clearly notify passengers in advance about these restrictions.

8. **Noise.** No amplified music will be played on the pedal vehicle. Operators and passengers will comply with City of Eugene noise ordinances. Passengers will be instructed in advance of the importance of minimizing neighborhood impacts during the ride.

9. **Training.** The business license application must include documentation demonstrating that all pedal vehicle operators will be trained and able to manage the vehicle, and will be familiar with these regulations, prior to being issued a permit to operate a pedal vehicle.

10. **All Passengers Booked for Entire Trip.** All passengers will board the vehicle at the beginning of the tour. Passengers will not be allowed to "hail" the vehicle, nor jump on and off during the ride. All authorized pick up and drop off locations must be provided to the City Manager or designee with the route.

11. **Helmets.** Helmets will be provided and available for the use of all occupants.

12. **Age Restriction.** No passengers under the age of 18 are allowed on the vehicles.
13. **Hour Restrictions.** Pedal vehicles may operate only from sunrise until 30 minutes after sunset.
14. **Complaints.** Pedal vehicle company representatives, as a part of maintaining a current permit, shall report any written complaints they receive to the City and may be required to attend community meetings to address any safety-related or behavior-related complaints concerning the pedal vehicle.
15. **Informational Material and Waivers.** A copy of the current informational and instructional materials supplied to the passengers, and a copy of any waivers or other documents the passengers are required to sign, will be provided to the City Manager or designee with the application for a permit. If the forms are changed or updated, a copy will be provided to the City Manager or designee at least 24 hours prior to use of the new form.
16. **Pedal Vehicle Fee Schedule.** A copy of the current fee schedule will be provided to the City and updated within seven days of any change.
17. **Location of Operation.** City Manager or designee may exempt a pedal vehicle company from subsection (4) of Section 3.345 of the Eugene Code, 1971, by allowing the company to locate its operation in a residential zone.
18. **General Requirements.** All other City of Eugene requirements for public passenger vehicle companies, vehicles and drivers will apply, except where these requirements are clearly inapplicable to pedal vehicles.

Dated and effective this 17~~th~~ day of May, 2016.



Jon R. Ruiz
City Manager