



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

February 7, 2023

RE: House Bill 2614

Dear Chair Marsh and members of the House Committee on Climate, Energy and the Environment,

The Portland Bureau of Transportation and the Bureau of Planning and Sustainability are writing to oppose HB 2614, unless amended. The City of Portland appreciates the changes that have been made to HB 2614 since it was heard last session, particularly Lyft's willingness to remove any language about preempting the local authority of Oregon cities. The City of Portland would also like to acknowledge its support for strategies to reduce greenhouse gas emissions from the transportation system, which account for over 40% of the carbon emissions in Multnomah County and are increasing compared to our 1990 baseline levels. Transportation system emissions stem from many sources, including those from the private for-hire industry, like taxis and TNC/ridehail companies, which the City of Portland has been regulating for over one hundred years. As members of this Committee know, there is still much work to be done at all levels of government and in the private sector in order to significantly reduce transportation emissions. This includes work to reduce vehicle miles traveled (VMT), to plan and build more connected and sustainable communities, and to shift to clean fuels and zero emission vehicles (ZEV). It is on this last strategy where HB 2614 comes into play, and where **the City would like to note its concerns for the Committee that we believe should be addressed before HB 2614 can move forward.**

First, Section 1(2) in HB 2614 narrowly defines "service miles" and excludes all the time that drivers spend looking for and driving to pick up a passenger, which researchers and ridehail companies estimate at half of all VMT from rideshare services. Redefining service miles to only include the time when a passenger is in the vehicle undermines true progress towards carbon emissions reduction goals and significantly weakens the intent of the proposed ZEV targets. Additionally, this narrow definition might also have far-reaching implications on insurance requirements and in determining the "working" time for drivers, or more. The City has previously suggested to Lyft that it is more accurate for the definition of service miles to include *all miles* when the driver is on the app. This would include mileage for when gig-workers are driving around waiting to be matched with a passenger, miles when they are traveling to pick up their passenger, and all the miles when the passenger is in the vehicle until the rider finally exits at their destination. **The City would like to see an amendment that ensures every ridehail mile driven on our roads and highways are accounted for, providing a true, accurate, and complete measurement of progress towards our transportation decarbonization goals.**

Second, the proposed legislation in Section 2 includes requirements for TNC companies to report service miles driven statewide by all TNC vehicles and all ZEV TNC vehicles, and 2(3) states that these reports are confidential and not subject to public disclosure. The City would like to note for the Committee that a past version of this legislation stated that the data of total service miles driven would be made publicly available in a standard reporting format. The City feels strongly that, given the requested investment of public subsidy in these private corporations, all information about performance should be publicly available in a standard format and that information should be disaggregated by company. Treating this information as confidential would undermine the public interest. **The public should be able to assess the efficacy of this policy. Transparency on individual company's performance will spur competition and drive improved company performance, while a lack of data, or even limited data, will undermine policy outcomes.** In addition to the reporting requirements in Section 2, the City would also like to see amendments to include additional reporting on the public investments outlined in Section 6(1)a-c. Transparent and public reporting requirements should include information on the number of purchased and leased vehicles by company, the use of those vehicles, and on the installation and utilization of EV chargers in single-dwelling units, at multi-unit dwellings, and in places near where ridehail drivers live.

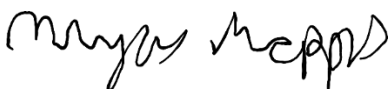
Amendments should be made so the public can easily discern whether this policy is meeting its intent, and transparent public information is critical to understanding policy outcomes.

Third, HB 2614 currently states in Section 7 that sixty percent of the newly established Rideshare Electrification Fund will provide financial incentives to enable investments in Section 6 for TNC drivers to purchase or lease ZEVs and to purchase and install EV chargers that benefit ridehail drivers. The City supports this policy approach. **However, the City has serious concerns since there are no eligibility requirements for drivers attached to these incentives in Section 6, and reasonable costs for important activities like education and outreach are missing from Section 7 in the legislation as well.** As both the City and ridehail companies are aware, most gig-workers come and go while a much smaller subset of drivers drive full-time and deliver a large share of rides. **The City feels strongly that any public subsidy should be exclusively targeted to full-time ridehail drivers as much as possible to deliver the greatest greenhouse gas emissions reductions and to prevent waste or abuse.** Amendments to HB 2614 should expressly include clear policy direction in Section 6 so funding can be spent on education and outreach and to require a public rulemaking process to establish clear, verifiable eligibility criteria to determine which drivers benefit from this policy.

Finally, based on previous conversations, the City understands that ridehail companies intend to take advantage of the changes in Section 9 to use some portion of the 200 rebates per organization per year to establish ZEV rental car/lease programs for TNC drivers. **Have HB2614's proposed changes been discussed with stakeholders involved in discussions on HB 2613, which seeks to add \$30M to the Zero-Emission Incentive Fund? What impact or opportunities do those stakeholders see with respect to this proposed legislation?** Additionally, previous reporting by the media on ridehail rental/lease programs have raised concerns about how terms and conditions of these programs might be exploitative and benefit the TNC companies and their rental/lease partners more than they actually benefit drivers. **The City would like to see the outcome of this bill benefiting everyday gig-workers—many of whom are low income and come from Black, Indigenous, and People of Color communities—rather than benefiting Fortune 500 corporations. Should the committee agree, the City would recommend amendments to Section 6 to enable funding to go directly to the drivers to purchase/lease ZEVs and direct the Department of Environmental Quality establishes rules and provide critical oversight to TNCs, their rental car subsidiaries, and their rental car partner organizations for any rental or lease programs that benefit from this bill.** Finally, any funds allocated to these types of programs should also be subject to transparent reporting provisions outlined in Section 2, including all the recommended amendments to Section 2 noted by the City above.

The Portland Bureau of Transportation and the Bureau of Sustainability and Planning thank you for considering these recommended amendments. We look forward to continued conversations with stakeholders around this proposed legislation.

Sincerely,



Mingus Mapps, Commissioner-in-Charge
City of Portland



Carmen Rubio, Commissioner-in-Charge
City of Portland



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