

**Department of Finance and Administrative Services
Implementation of Ordinance 124968
Extended Outreach Plan – For-Hire Driver Representation
Aug. 12, 2016**

Introduction

Ordinance 124968 charges the Department of Finance and Administrative Services (FAS) with establishing a new program that allows drivers of taxicabs, for-hire/flat-rate vehicles and/or vehicles affiliated with transportation network companies (TNCs) to decide whether to be represented and, if so, to have the opportunity to collectively bargain hours, wages and working conditions.

Implementation of the ordinance relies on the FAS director to promulgate a series of director’s rules on various topics. Given the complexity of creating an entirely new line of business for City government, FAS wants to exercise thoughtfulness in its planning and, as such, has engaged with stakeholders in a more extensive way than anything previously done on issues affecting drivers of taxicabs, for-hire/flat-rate vehicles and/or vehicles affiliated with TNCs.

This plan describes FAS’ stakeholder outreach completed to date and future plans.

Workshops

In June and July, FAS sponsored seven workshops for drivers and management representatives from Lyft, Uber, taxi associations and for-hire/flat-rate vehicle companies. No representative from a taxicab association accepted the City’s invitation to meet. The table below provides details on each workshop.

Date and Time	Location	Audience	Number of Non-City Attendees
June 25, 2016 10 a.m.-Noon	North Seattle College	Drivers and the general public	80 (approximate)
June 27, 2016 9:30-11:30 a.m.	Seattle Municipal Tower	Lyft management representatives	3
June 30, 2016 2-4 p.m.	Seattle Municipal Tower	Taxi association management representatives	0
July 7, 2016 1:30-3:30 p.m.	New Holly Gathering Hall	Drivers and the general public	70 (approximate)
July 8, 2016 9-11 a.m.	Seattle Municipal Tower	Uber management representatives	5
July 8, 2016 1:30-3:30 p.m.	Miller Community Center	Drivers and the general public	30 (approximate)
July 11, 2016 9-11 a.m.	Seattle Municipal Tower	For-hire/flat-rate vehicle management representatives	2

FAS used a common set of questions on the following topics at each workshop:

1. Definition of a qualifying driver.
2. Criteria to designate a qualified driver representative.
3. Method of collecting and verifying drivers' statements of interest.
4. Subjects of bargaining.
5. Criteria for City approval of negotiated agreements.

FAS selected these topics because they will require a director's rule to further clarify the ordinance and because they represent major milestones in the implementation.

Informed by demographic information on for-hire drivers, FAS had the questions translated into five languages – Amharic, Oromo, Tigrinya, Somali and Hindi. In addition, FAS used participants from the Department of Neighborhood's Public Outreach and Engagement Liaison (POEL) program to facilitate discussions and provide interpretation services. FAS staff facilitated discussions in English. FAS marketed the events through the Mayor's Office, City Council, ethnic media outlets, community based organizations and direct emails to drivers and made workshop materials available online for those unable to attend.

At each workshop, FAS placed particular emphasis on one of the law's most controversial issues – how to define a qualifying driver (i.e., a driver who has the opportunity to decide whether to be represented). FAS did so because it lacks the data needed to define this group of drivers, contemplated in the ordinance as drivers whose "work for a driver coordinator is significant enough to affect the safety and reliability of for-hire transportation." In April, FAS reached out to industry representatives with a (voluntary) request for data on drivers and trips; FAS did not receive any data from this request.

The workshops discussions resulted in conflicting feedback that by itself is inadequate for FAS to reasonably balance interests in defining a qualifying driver. On one hand, many drivers suggested that all drivers have the opportunity to decide (i.e., one ride, one vote).¹ On the other, some drivers felt that a driver had to meet some minimum threshold to qualify (e.g., provide so many rides per week or spend so many hours per week on an app/dispatch system). In addition, approximately 180 drivers attended the workshops, a mere fraction of the estimated 13,000 active licensed/permitted for-hire drivers. FAS did not hear as many voices or as diverse of voice as initially hoped.

Given a lack of clarity around the critical issue of a qualifying driver, FAS would like to proceed with another round of stakeholder engagement focused solely on gathering data to help inform a definition.

Survey

Questions

FAS has begun planning for an online survey of drivers and unlike the workshops, which presented open-ended questions on a variety of topics, the survey would solicit data from individual drivers using closed-ended questions (e.g., multiple choice). To allow for thoughtful analysis, questions would cover driver experience and demographics, including, but not limited to:

1. Platform (taxicab, for-hire/flat-rate or TNC).
2. Experience as a for-hire driver (months, years).
3. Average number of trips driven per week by platform (originating or terminating within Seattle city limits).

¹ Many of these drivers acknowledge the nearly impossible task of trying to organize all drivers for a particular company, particularly one like Uber or Lyft, which both have high turnover rates for drivers.

4. Average length of time spent driving per week by platform (i.e., time spent on the app/dispatch system with or without a passenger).

Based on best practice for online survey design, FAS would ask a very limited number of questions with the goal of having a driver spend no more than five minutes to complete the survey. FAS does not want to create a survey too overly complex such that analyzing its results becomes difficult. Using this approach, we seek to reach a broader audience of drivers and obtain driver data that reveals more clear trends or themes than what emerged during the workshops.

Security

FAS plans to employ security measures that, for example, prevent drivers from being able to complete the survey more than once (e.g., by requiring a driver to submit his/her unique for-hire driver's license/permit number) and to avoid auto-populated responses that would bias the results.

Development and Resources

To develop the survey, FAS will seek assistance from other City departments, including the Department of Neighborhoods for community outreach and departments with experience in customer surveys such as Seattle Public Utilities and Seattle City Light. FAS may also seek assistance from outside the City, particularly in the area of survey security.

FAS will not require new resources for the survey.

Translation

At this time, FAS plans to have the surveys translated into the five languages featured at the workshops – Amharic, Oromo, Tigrinya, Somali and Hindi. Based on feedback received at the workshops, translation into two additional languages – Punjabi and Spanish – would occur as well. FAS will use plain language for the survey questions.

Marketing

FAS would market the survey through many of the same channels used to market the workshops, including a direct communication to for-hire drivers using licensing records maintained by King County. In addition, FAS may seek the assistance of some already established driver interest groups (e.g., Western Washington Taxicab Operators Association or App-Based Drivers Association). If the timing works, then FAS may use its upcoming taxicab medallion lottery process to market the survey. FAS would consider the survey a success if 10% or more of licensed/permited drivers complete it.

Schedule

Based on the best information available, FAS proposes the following schedule:

- Week of Sept. 19: Complete survey design.
- Week of Sept. 26: Test survey.
- Week of Oct. 3: Open survey.
- Week of Oct. 31: Close survey.
- Week of Nov. 14: Complete analysis of survey results.

Pending decisions from Council:

- Dec.: Report survey results to Council.
- Jan./Feb. 2017: Introduce legislation.

Additional Outreach

Given the desire to minimize any extension of the ordinance's current commencement date, FAS does not plan to conduct additional outreach on the qualifying driver issue following the driver survey.

Outreach subsequent to the new commencement date would focus on other issues in the ordinance including contract monitoring, interest arbitration, challenging interest arbitration, contract changes while a contract is in force and decertifying an Exclusive Drive Representative and would follow FAS' normal process for gathering public feedback on administrative rules.