



Seattle City Council

December 6th, 2016

Mayor Ed Murray
City Hall, 7th Floor
600 4th Avenue
Seattle, WA 98104

Dear Mayor Murray,

In a letter dated November 23, 2016, you released proposed rules to implement Ordinance 124968, and invited the City Council to “respond and be specific about its intent,” regarding defining a qualifying driver. We believe the Council has given adequate guidance to the Director of Finance and Administrative Services (“Director”) in the Ordinance, specifically:

“... the Director shall consider factors such as the length, frequency, total number of trips, and average number of trips per driver completed by all of the drivers who have performed trips in each of the four calendar months immediately preceding the commencement date, for a particular driver coordinator ...” (SMC 6.310.110.)

These factors were intended to focus attention on those drivers whose working conditions most impact the safety and reliability of the for-hire industry in Seattle. We are fully aware of the difficulties the Director faced in developing the defining characteristic of a qualifying driver given the continued refusal of the Transportation Network Companies (“TNCs”) operating in Seattle to provide the Director with useful information regarding driver trips. In light of that, we think the Director’s decision to rely largely, though not exclusively, on the portion of the industry for which the City has useful information—the legacy taxi and flat-rate companies—has a rational basis.

However, we believe there are two improvements to the Director’s overall approach that you should seriously consider: use of a standard statistical measure of population of drivers under consideration instead of the ambiguous “typical” driver; and reliance on data for this segment of the industry dating from before the arrival of the TNCs.

The merits of the first improvement, we suggest, are self-evident. The case for the second rests on the following observation. The average number of trips per day reported in the *Seattle Taxicab Industry Revenue and Operating Statistics for 2015-2016*, a report produced by the Director, is 8.8. The same statistic for the period 2005 to 2013, before the TNCs became dominant in Seattle, is 21 trips per day. The arrival of the TNCs has clearly significantly impacted the legacy industry to the point where relying on recent data from it would be misleading. We believe the Director should rely instead on the pre-TNC period when determining the characteristics of a qualifying driver. Based on the 21 trips per day and three working days per week, yields 63 trips per week instead of the 24 trips per week upon which the Director’s proposed rule is based.

In direct response to the statement in Mr. Auriemma's 11/23 email that Council's concurrence can be concluded by inaction by the Council on a certain date, please be advised that Council's concurrence will be affirmatively communicated by written correspondence when it is achieved and not by default after a certain date.

To conclude, we believe that, despite the challenges faced, the Director has followed the Council's intent. But we also believe it can be improved upon and urge you to give serious consideration to the improvements we suggest. In doing so, we do not argue for any specific statistic—the average used here was for illustrative purposes—but rather for an objective measure. The Director is in a better position to determine what that might be. We do, however, argue for use of data on the industry from the period before the arrival of the TNCs. Absent their willingness to share information, reliance on the legacy industry is both reasonable and prudent. However, we strongly believe that use of data on the industry post the disruptive arrival of the TNCs, on the face of it, problematic if the desire is to develop a profile of a “full-time” driver in a normal industry.

We offer these suggestions in the hope of making this effort a success to ensure the safety and reliability of the for-hire industry in Seattle, a goal we know you share.

Sincerely,



Council President Bruce Harrell



Councilmember Sally Bagshaw



Councilmember Mike O'Brien



Councilmember Lisa Herbold



Councilmember Kshama Sawant