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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CITY OF PORTLAND, a municipal corporation of the State of Oregon,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., a Delaware corporation, and **RASIER, LLC**, its wholly owned subsidiary,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY JUDGMENT OF UNLAWFUL AND UNPERMITTED ACTIVITY, INJUNCTIVE RELIEF TO ENSURE UNLAWFUL AND UNPERMITTED ACTIVITY CEASES, AND STATUTORY VIOLATIONS

(Not Subject to Mandatory Arbitration)

Plaintiff City of Portland, a municipal corporation of the State of Oregon, by and through the Portland Bureau of Transportation (“PBOT”), alleges as follows:

NATURE OF ACTION

1.

This is an action by the City of Portland against Uber Technologies, Inc. and its wholly owned subsidiary Rasier, LLC (hereafter collectively “Uber”) for declaratory relief, injunctive relief and statutory violations for Uber’s failure to comply with the City of Portland’s Private For-Hire Transportation Regulations found in Chapter 16.40 of the Portland City Code and accompanying Administrative Rules. Uber operates in the City of Portland, Oregon, providing for-hire vehicular transportation for compensation through its uberX platform. However, Uber does not comply with the applicable laws, regulations and Administrative Rules adopted by the City of Portland, Oregon, for providing for-hire vehicular transportation for compensation. This lawsuit seeks declaratory relief that Uber is subject to and in violation of the City of Portland’s

1 Private For-Hire Transportation Regulations and Administrative Rules and seeks an injunction
2 against Uber prohibiting them from conducting business (as defined in Portland City Code
3 section 16.40.030 J.) or operating (as defined in Portland City Code section 16.40.030 Y.) within
4 the City of Portland, Oregon, including through the use of the Uber smartphone application, and
5 including contracting with unpermitted drivers, unless and until Uber comes into compliance
6 with the permit, insurance and other requirements of Portland City Code Chapter 16.40 (Private
7 for Hire Transportation Regulations).

8 PARTIES

9 2.

10 Plaintiff City of Portland, is a municipal corporation of the State of Oregon duly
11 organized and existing under the laws of the State of Oregon.

12 3.

13 Defendant Uber Technologies, Inc. is a Delaware corporation and defendant Rasier, LLC
14 is its wholly owned subsidiary, both with a principal place of business in San Francisco,
15 California, which are presently operating in Portland, Oregon, under the name of uberX. Uber is
16 currently providing for-hire vehicular transportation for compensation through its uberX
17 platform in the City of Portland.

18 4.

19 Upon information and belief, neither Uber Technologies, Inc. nor Rasier, LLC are
20 registered to do business in the State of Oregon or the City of Portland in violation of Chapter 60
21 of the Oregon Revised Statutes and Portland City Code Chapter 7.02 Business License Law.

22 VENUE AND JURISDICTION

23 5.

24 The Circuit Court of the State of Oregon has subject matter jurisdiction pursuant to ORS
25 28.010 and 28.020 and ORS 30.315 and Portland City Charter Section 1-103 and Portland City
26 Code Chapter 16.40, *et seq.*

1 6.

2 The Multnomah County Circuit Court has personal jurisdiction over the defendants.

3 7.

4 Venue is proper in Multnomah County Circuit Court because one or more of the
5 defendants transact business in Multnomah County under ORS 14.030, 14.050 and 14.080.

6 FACTUAL ALLEGATIONS

7 8.

8 Oregon State law delegates regulation of vehicles for hire to cities and counties in this
9 State pursuant to ORS 221.485 and 221.495 that operate within their respective jurisdictions.

10 9.

11 Portland City Code Chapter 16.40 and the corresponding Administrative Rules
12 promulgated by the Private For-Hire Transportation Board of Review regulate Private for-hire
13 Transportation within the City of Portland which is defined as “providing vehicular, horse-drawn
14 carriage or pedicab transportation for compensation of any kind within the Portland City Limits.”
15 PCC 16.40.030 HH.

16 10.

17 The Offstreet Parking and Regulatory Division of the City of Portland’s Bureau of
18 Transportation is responsible for enforcing the provisions of Chapter 16.40 of the Portland City Code.

19 11.

20 The regulations in Chapter 16.40 of the Portland City Code make a distinction between
21 Limited Passenger Transportation (LPT) vehicles (and companies) and Taxicabs (and Taxicab
22 Companies) which are specifically excluded from the LPT category and regulatory scheme.

23 12.

24 A Taxicab Company is “any entity operating taxicabs other than as a driver and
25 regardless of whether the vehicles so operated are owned by the company, leased, or owned by
26 individual members of the company.” PCC 16.40.030 NN.

1 13.

2 A Taxicab is “any vehicle that carries passengers for-hire where the destination and route
3 traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee,
4 distance traveled, waiting time, or any combination thereof.” PCC 16.40.030 PP.

5 14.

6 Limited Passenger Transportation (LPT) means “providing for-hire transportation
7 services with non-motorized vehicles or motorized vehicles other than taxicabs. LPTs include,
8 but are not limited to, horse-drawn carriages, pedicabs, executive sedans, limousines, shuttles
9 and SATs.” PCC 16.40.030 W.

10 15.

11 A Limited Passenger Transportation Company means “a for-hire transportation company
12 other than a taxi company.” PCC 16.40.030 V.

13 16.

14 To operate means “driving a for-hire vehicle, using a for-hire vehicle to conduct a
15 business, receiving money from the use of a for-hire vehicle, or causing or allowing another
16 person to do the same.” PCC 16.40.030 Y.

17 17.

18 Uber Technologies, Inc. (“Uber”) began illegally operating for-hire vehicular transportation
19 for compensation through its uberX and/or Rasier, LLC platform in the City of Portland on the
20 evening of December 5, 2014. To date, neither Uber nor any of its contracted drivers have applied
21 for, or been granted any company, driver or vehicle permits to operate within the City of Portland
22 as required by Chapter 16.40 of the Portland City Code.

23 18.

24 Uber operates private for-hire transportation services in the City of Portland. On
25 December 8, 2014, the Portland Bureau of Transportation (“PBOT”) confirmed that Uber’s
26 website lists the uberX service available in Portland for a base fare of \$1.50, plus \$.30 per

1 minute, plus \$1.55 per mile with a \$1.00 per ride “safe ride fee.” On information and belief, the
2 City of Portland asserts that Uber also applies an additional “surge pricing” model during times
3 of peak demand. Additionally, the uberX application continues to show cars and drivers
4 available to provide for-hire transportation within the City of Portland.

5 19.

6 The requirements of Chapter 16.40 – along with any penalties assessed for violations
7 apply to all for-hire transportation companies, vehicles and drivers, whether legally and validly
8 permitted or not. PCC 16.40.020 A. It is not a defense to any regulatory action (including
9 penalties and fines) to assert that the City cannot act because the driver, company or vehicle does
10 not possess a valid City-issued permit, decal or taxiplate. PCC 16.40.020 B.

11 20.

12 Under Chapter 16.40, no person may drive a for-hire transportation vehicle without a
13 valid current for-hire transportation driver’s permit issued under Chapter 16.40. PCC
14 16.40.090 A. Uber has contracted drivers to drive for-hire transportation vehicles without
15 requiring such drivers to obtain valid, current for-hire transportation driver’s permits and Uber
16 drivers have failed to obtain such permits.

17 21.

18 The City of Portland asserts that Uber also is in violation of the following civil and
19 criminal provisions of Chapter 16.40.

20 a. As a Taxicab Company

- 21 ● 16.40.150 Taxicab Company Permits Required – Application Process
& Requirements.
- 22 ● 16.40.190 LPT Decals and Taxiplates Required; Application Process
& Requirements.
- 23 ● 16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.
- 24 ● 16.40.270 Minimum Standards of Service for Taxicab Companies.
- 25 ● 16.40.280 Taxicab Digital Security Camera Systems.
- 26 ● 16.40.290 Taxicab Fare Rates.
- 16.40.300 Wheelchair Accessible Taxicabs.
- 16.40.310 Taximeter Requirements.
- 16.40.320 Required Taxicab Equipment.

- 16.40.330 Identification of Taxicab Vehicles.
- 16.40.410 LPT and Taxi Insurance Requirements.
- 16.40.450 Limousine, Executive Sedan and Taxi Logs Required.
- 16.40.500 Compliance with Federal, State and Local Laws.
- 16.40.560 Criminal Penalties.

and/or

b. As Limited Passenger Transportation Vehicle

- 16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.
- 16.40.130 LPT Company Permits Required – Application Process & Requirements.
- 16.40.190 LPT Decals and Taxiplates Required; Application Process & Requirements.
- 16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.
- 16.40.410 LPT and Taxi Insurance Requirements.
- 16.40.450 Limousine, Executive Sedan and Taxi Logs Required.
- 16.40.500 Compliance with Federal, State and Local Laws.
- 16.40.560 Criminal Penalties.

22.

In accordance with the provisions listed in paragraph 21, above, Chapter 16.40 of the Portland City Code subjects LPT Companies and LPT vehicles to a number of general regulations that are also applicable to Taxicab Companies and Taxicabs. Both LPT and Taxicabs (vehicles and companies) are generally subject to the same treatment with regard to driver permitting, conduct and maximum hours, the renewal of company permits, insurance requirements, financial information, reporting obligations, vehicle inspection and the licensing and maintenance of vehicles used by the companies. PCC 16.40.090 through 16.40.170.

23.

Taxicab Companies must track the date and time of the initial reservation, and the initial and destination addresses. PCC 16.40.450 C.

24.

LPT Companies must track the customer name, the passenger name if different from the customer name, the date and time of the initial reservation, the date, start and end times of the trip, the initial and destination addresses, and the fare amount paid. PCC 16.40.540 B.

25.

In addition to the requirements applicable to LPT Companies and vehicles, Taxicab Companies and Taxicabs are subject to regulations including:

- a. Having a dispatch system in operation 24 hours per day capable of providing prompt service.
- b. Acceptance of any request for taxicab service received from any location within the City.
- c. Service city-wide, 24 hours per day, 7 days a week.
- d. Having no more than 65% of the company's permitted vehicles within a one mile radius of the Portland International Airport at any given time.
- e. The company must have a minimum fleet of 15 taxicabs.
- f. At least two-thirds of the company's permitted fleet must be utilized and in service at all times.
- g. Digital security cameras are required in all taxicabs.
- h. Taxicabs are subject to maximum rates proscribed by Portland City Code currently set at \$2.50 initial charge for one passenger and \$1.00 for each additional passenger, a waiting charge of \$30.00 per hour, and no more than \$2.30 per mile traveled.
- i. At least 20% of a taxicab company's fleet must be wheelchair accessible.
- j. A taxicab must limit the hours its drivers are on duty to no more than 14 hours in a 24-hour period.
- k. Each taxicab must be painted a unique color and display on both sides of each taxicab the full name of the company, the taxi number, the company telephone number and the word "taxi," "cab," or "taxicab."

PCC 16.40.270 through 16.40.330.

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26.

LPT Companies engaged in limousine or executive sedan services are also subject to a \$50.00 minimum trip fare between Portland’s downtown core and/or the Amtrak station and the Portland International Airport. The minimum rates are proscribed in Administrative Rules. PCC 16.40.480 A and 16.40.480-1. The minimum flat rate currently set by Administrative Rule is \$50.00.

27.

Portland City Code also requires limousine and executive sedan services must be at 35% higher than the prevailing taxicab rates for the same route. PCC 16.40.480 B.

28.

All limousine and executive sedan service must be provided on a prearranged basis. Prearranged is defined in Administrative Rule and means that 60 minutes must pass between the time that a reservation is made and the time that the customer is transported. PCC 16.40.460 A, 16.40.460-1.

29.

Although Uber effectively dispatches drivers to pick up the same passengers as taxicabs and LPT vehicles, Uber’s drivers do not comply with the requirements set by the City of Portland.

30.

Uber drivers and companies violating City Code are subject to potential civil and criminal penalties. PCC 16.40.530 and 16.40.560.

31.

Civil penalties are provided in a table at PCC 16.40.540 which ranges in several thousands of dollars. Criminal penalties are also provided in PCC 16.40.560 with a fine of \$1,000 or imprisonment for not more than six months or both.

/////

1 32.

2 Uber's drivers similarly do not conform with Portland City Code sections.

3 33.

4 In Portland, all taxicab and for-hire vehicles must pass regular inspections showing that
5 they are safe, clean and comfortable, tasks which the drivers themselves typically must complete
6 although they do not earn fare revenue. Similarly, drivers are prohibited from providing taxi or
7 for-hire service unless their vehicles are equipped with a digital security camera, and fare meter.
8 The company is required to carry commercial liability insurance and vehicle insurance. Upon
9 information and belief, the vehicles dispatched by Uber do not comply with these requirements,
10 avoiding the costs imposed on drivers and other companies.

11 34.

12 While Uber presently employs different terminology in their promotional materials to
13 describe their services than do other Taxicab and LPT providers, the services provided are
14 nonetheless private for-hire transportation operated in contravention of applicable legal
15 requirements:

- 16 a. Uber effectively dispatches for-hire passenger transportation services, for
17 compensation over the roads of the City of Portland.
- 18 b. Uber does not hold a valid company permit for either a Taxicab Company or a
19 LPT Company, nor are they permitted in any jurisdiction as a Taxicab or LPT
20 service.
- 21 c. All prospective customers of Uber must first download a Smart Phone application
22 "app" and enter into an online agreement under terms dictated by Uber. Those
23 terms include a waiver of any and all liability to Uber.
- 24 d. The customer provides credit card information to Uber.
- 25 e. Customers hail a car through the "app" instead of a human dispatcher. Uber
26 charges for service are calculated by the "app" software, based on time and

1 distance and billed to the customer's credit card through the "app" rather than
2 through a certified taxi meter.

3 f. Drivers do not directly collect a fare from the customer. Instead, Uber charges the
4 fare to the customer's credit card through its "app." Uber collects a portion of the
5 total charges (including tip) and pays the balance to the driver.

6 g. Uber drivers are drawn from the general public and use personal vehicles which
7 are personally insured. Uber does not require Uber drivers to purchase
8 commercial auto insurance or have local business licenses or permits.

9 h. Uber does not require its drivers to comply with for-hire passenger carrier
10 regulations, either state or local, including City of Portland regulations. Drivers
11 are screened by Uber based on their own criteria, not through City of Portland
12 employees.

13 i. Unlike licensed Taxicab Company and LPT Companies lawfully permitted to
14 dispatch taxicabs and LPT vehicles to passengers which must satisfy all
15 applicable Code requirements, Uber exempts itself from any duty to provide fair
16 and equal service. Uber only dispatches drivers to customers who can pay by
17 credit card and have used its internet application or website to request a vehicle.
18 A phone call request from a customer is not accepted, nor is cash. Uber admits it
19 seeks to serve wealthy, technology-connected passengers, leaving those with less
20 means in technology to be served by the regulated taxicab and LPT drivers.

21 35.

22 On December 8, 2014, the City of Portland ordered Uber to cease and desist their
23 unlawful operations. A copy of the cease and desist letter is attached hereto as Exhibit A.

24 36.

25 Currently, Uber is illegally operating for-hire transportation services by providing
26 vehicular transportation for compensation without a valid permit issued by the City of Portland

1 or any permit issued by any local jurisdiction to authorize Taxicab and LPT services nor
2 complying with the numerous additional regulations outlined above. In so doing, Uber is
3 willfully refusing to comply with City of Portland Code and regulations enacted to protect people
4 of the City of Portland.

5 FIRST CLAIM FOR RELIEF – UNLAWFUL AND UNPERMITTED ACTIVITY
6 (Declaratory Judgment Under ORS 28.010 and .020 Declaring That Uber Technologies, Inc.
7 Is Subject to Chapter 16.40 of the Portland City Code and
8 Accompanying Admin. Rules and that Uber Technologies, Inc. Is
9 In Violation of PCC 16.40 and Accompanying Regulations)

10 37.

11 The allegations contained in paragraphs 1 through 36, above, are hereby incorporated by
12 this reference.

13 38.

14 Uber is subject to the provisions of Chapter 16.40 of the Portland City Code and the
15 accompanying Administrative Rules.

16 39.

17 Uber is in violation of Chapter 16.40 of the Portland City Code and the accompanying
18 Administrative Rules.

19 40.

20 Uber’s failure to comply with Chapter 16.40 of the Portland City Code and the
21 accompanying Administrative Rules harms the public interest by depriving the public of the
22 rights and protections provided within those regulations.

23 SECOND CLAIM FOR RELIEF – UNLAWFUL AND UNPERMITTED ACTIVITY
24 (Declaratory Judgment Under Portland City Charter 1-103 Declaring That Uber Technologies,
25 Inc. Is Subject to Chapter 16.40 of the Portland City Code and
26 Accompanying Admin. Rules and that Uber Technologies, Inc. Is
In Violation of PCC 16.40 and Accompanying Regulations)

41.

The allegations contained in paragraphs 1 through 40, above, are hereby incorporated by
this reference.

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42.

Uber is subject to the provisions of Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules.

43.

Uber is in violation of Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules.

44.

Uber’s failure to comply with Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules harms the public interest by depriving the public of the rights and protections provided within those regulations.

THIRD CLAIM FOR RELIEF – UNLAWFUL AND UNPERMITTED ACTIVITY
(Declaratory Judgment Under ORS 30.315 Declaring That Uber Technologies, Inc. Is Subject to Chapter 16.40 of the Portland City Code and Accompanying Admin. Rules and that Uber Technologies, Inc. Is In Violation of PCC 16.40 and Accompanying Regulations)

45.

The allegations contained in paragraphs 1 through 44, above, are hereby incorporated by this reference.

46.

Uber is subject to the provisions of Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules.

47.

Uber is in violation of Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules.

48.

Uber’s failure to comply with Chapter 16.40 of the Portland City Code and the accompanying Administrative Rules harms the public interest by depriving the public of the rights and protections provided within those regulations.

1 protections of Portland’s City Code and Administrative Rules by virtue of the fact that Uber
2 willfully ignores such laws and disclaims any responsibility.

3 54.

4 Plaintiff seeks an injunction immediately enjoining Uber from conducting business (as
5 defined in Portland City Code section 16.40.030 J.) or operating (as defined in Portland City
6 Code section 16.40.030 Y.) within the City of Portland, Oregon, including through the use of the
7 Uber smartphone application, and including contracting with unpermitted drivers, unless and
8 until Uber comes into compliance with the permit, insurance and other requirements of Portland
9 City Code Chapter 16.40 (Private for Hire Transportation Regulations).

10 55.

11 No equitable defenses exist and the public interest would be served by granting an
12 injunction.

13 FIFTH CLAIM FOR RELIEF
14 (Uber’s Failure to Register its Business-Portland City Charter 1-103,
15 City Code Section 16.40.500, and ORS 30.315)

16 56.

17 The allegations contained in paragraphs 1 through 55, above, are hereby incorporated by
18 this reference.

19 57.

20 Portland City Code Sections 7.02.300 and 7.02.510 require that all persons subject to the
21 requirements of this Chapter must register with the Bureau on a form provided or approved by
22 the Bureau.

23 58.

24 To date, Uber nor its drivers have complied with the provisions of PCC 7.02.300 and
25 7.02.510.

26 /////

/////

1 59.

2 The Court should declare that Uber is in violation of PCC 7.02.300 and 7.02.510 and
3 should be enjoined from operating in Portland until it has been complied with this provision.

4 60.

5 ORS 60.701 and 60.704 prohibits a foreign corporation from transacting business in this
6 State until it has been authorized to do so by the Secretary of State. State statutory provisions are
7 incorporated in Portland City Code 16.40.500 which requires compliance with federal, state and
8 local laws. A search of Corporation Commission records finds that Uber Technologies, Inc. has
9 failed to register with the State of Oregon and, accordingly, this Court should declare that Uber is
10 subject to ORS 60.701, ORS 60.704, PCC 7.02.300, PCC 7.02.510, and PCC 16.40.500 and that
11 Uber is in violation of those provisions and should be enjoined from doing business until it has
12 properly complied with those requirements.

13 WHEREFORE, based upon the foregoing, the City of Portland seeks an order as follows:

- 14 (a) For an Order declaring that defendant is subject to Chapter 16.40 of the
15 Portland City Code and accompanying Administrative Rules and that
16 defendant is in violation of Chapter 16.40 of the Portland City Code and
17 accompanying Administrative Rules under ORS 28.010, 28.020, Portland
18 City Charter 1-103 and/or ORS 30.315.
- 19 (b) That a preliminary injunction be issued immediately enjoining defendant
20 from conducting business (as defined in Portland City Code section
21 16.40.030 J.) or operating (as defined in Portland City Code section
22 16.40.030 Y.) within the City of Portland, Oregon, including through the
23 use of the Uber smartphone application, and including contracting with
24 unpermitted drivers, unless and until Uber comes into compliance with the
25 permit, insurance and other requirements of Portland City Code Chapter
26 16.40 (Private for Hire Transportation Regulations).

- 1 (c) That the Court, after a trial on the merits, issue a permanent injunction
2 against defendant, enjoining it from operating a for-hire transportation
3 company providing vehicular transportation for compensation in the City
4 of Portland.
- 5 (d) For an Order declaring that defendant is in violation of ORS 60.701,
6 60.704 and Portland City Code 7.02.300 and 7.02.510 for failing to
7 register as a foreign corporation with the State of Oregon and with the
8 City of Portland.
- 9 (e) For its reasonable attorney fees and costs, and whatever other relief the
10 Court deems just and proper in this case.

11 December 8, 2014.

12 Respectfully submitted,

13 *s/ Tracy Reeve*

14

TRACY REEVE, OSB #891123

15 City Attorney

16 Email: tracy.reeve@portlandoregon.gov

17 J.SCOTT MOEDE, OSB #934816

18 Chief Deputy City Attorney

19 Email: scott.moede@portlandoregon.gov

20 KENNETH A. McGAIR, OSB #990148

21 Senior Deputy City Attorney

22 Email: ken.mcgair@portlandoregon.gov

23 Of Attorneys for Plaintiff
24
25
26



Steve
Novick
Commissioner

December 8, 2014

Leah Treat
Director

Ms. Brooke Steger
General Manager, Uber, Inc.
506 2nd Avenue #3100
Seattle, WA 98104-2349

Email: brooke@uber.com

Re: Cease and Desist Order – Violations of Portland City Code Chapter 16.40

Dear Ms. Steger:

Portland City Code Chapter 16.40 regulates Private for-hire Transportation within the City of Portland. “[P]roviding vehicular . . . transportation for compensation of any kind within the Portland City Limits” constitutes Private for-hire Transportation subject to the City’s regulations. PCC 16.40.030 HH.¹ The requirements of PCC Chapter 16.40 apply to all Private for-hire Transportation companies, vehicles and drivers conducting business in the City, whether or not legally permitted. PCC 16.40.020. “‘Conduct[ing] Business’ means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.” PCC 16.40.030 J. “Operate” means “driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.” PCC 16.40.030 Y.

It has come to our attention that Uber Technologies, Inc. (“Uber”) and/or its wholly owned subsidiary Rasier, LLC (collectively “Uber”) began illegally conducting and operating Private for-hire Transportation (within the definition of PCC 16.40.030 J and Y) in the City of Portland through its uberX platform on the evening of December 5, 2014. Uber and its drivers have failed to comply with the permit and other important public health and safety requirements of PCC Chapter 16.40.

¹ The exception for “transportation provided by a public or governmental entity, transportation that is regulated entirely by the State of Oregon or the federal government” is inapplicable.

For example, no person may drive a for-hire transportation vehicle without a valid, current for-hire transportation driver's permit issued under Chapter 16.40. PCC 16.40.090 A. Uber drivers operating in Portland have not obtained such permits.

In addition, all for-hire transportation companies are required to obtain a permit to operate. PCC 16.40.020 A, PCC 16.40.130 A, and PCC 16.40.150 A. Under the City's regulatory scheme, there are two types of vehicular Private for-hire Transportation companies: Taxicab Companies and Limited Passenger Transportation Companies. A Taxicab Company is "any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company." PCC 16.40.030 NN.² A Limited Passenger Transportation Company is any "for-hire transportation company other than a taxi company." PCC 16.40.030 V. Both are required to obtain permits under PCC Chapter 16.40. PCC 16.40.150 ("No person or entity may conduct business as a taxicab company without a valid, current permit issued by the City under Chapter 16.40") and PCC 16.40.130 ("No person or entity may conduct business as an LPT for-hire transportation company without a valid, current LPT company permit issued by the City under Chapter 16.40"). All for-hire transportation companies must be validly registered with the Secretary of State of the State of Oregon, including all assumed business names. PCC 16.40.130 D (LPT Companies); PCC 16.40.150 C (Taxicab Companies).

All for-hire transportation companies must also obtain, comply with and maintain minimum levels of insurance to protect the public. PCC 16.40.410. Uber has provided no evidence of compliance with these requirements (or indeed of compliance with any of the City's applicable regulations). A full copy of the City of Portland's Private For-Hire Transportation Regulations can be found online at:

http://www.portlandonline.com/auditor/index.cfm?c=28593#cid_502545.

I am hereby directing that Uber Technologies, Inc., Rasier, LLC, uberX and/or any other Uber-affiliated entity immediately cease and desist operating within the City of Portland until such time as appropriate permits are obtained and Uber is in full compliance with the requirements of PCC Chapter 16.40. Please alert all Uber-affiliated drivers that they are to cease and desist operating any for-hire transportation on your behalf in the City of Portland without the required permits and until they are in full compliance with Chapter 16.40.

² A Taxicab is "any vehicle that carries passengers for-hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof." PCC 16.40.030 PP.

The City will be taking appropriate enforcement action against Uber's illegal activities and those of its drivers, which may include bringing suit against Uber for injunctive and other relief, imposing civil and criminal penalties, impounding illegally operated for-hire vehicles and any other steps deemed necessary and appropriate to protect the public.

Sincerely,



Leah Treat
Director, Portland Bureau of Transportation

KAM/kam

c: Gregory Chaimov
Harry Korrell

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing COMPLAINT FOR DECLARATORY
3 JUDGMENT OF UNLAWFUL AND UNPERMITTED ACTIVITY, INJUNCTIVE RELIEF
4 TO ENSURE UNLAWFUL AND UNPERMITTED ACTIVITY CEASES, AND STATUTORY
5 VIOLATIONS on:

6 Gregory A. Chaimov
7 Davis Wright Tremaine LLP
8 Suite 2400
9 1300 SW Fifth Avenue
10 Portland, OR 97201

11 Harry Korrell
12 Davis Wright Tremaine LLP
13 Suite 2200
14 1201 Third Avenue
15 Seattle, WA 98101
16 *Attorneys for Defendants*

17 on December 8, 2014, by causing a full, true and correct copy thereof, addressed to the last-
18 known address (or fax number) of said attorneys, to be sent by the following method(s):

- 19 by **mail** to Mr. Korrell in a sealed envelope, with postage paid, and deposited with the
20 U.S. Postal Service in Portland, Oregon.
21 by **hand delivery** to Mr. Chaimov.
22 by **facsimile transmission**.
23 by **email**.

24 *s/ Tracy Reeve*

25 _____
26 TRACY REEVE, OSB #891123
City Attorney
Email: tracy.reeve@portlandoregon.gov
Fax: (503) 823-3089
Of Attorneys for Plaintiff