



May 9, 2019

Briana Orr
Transportation Demand Management Specialist I
Bureau of Transportation
City of Portland
1120 SW 5th Avenue, Suite 800
Portland, OR 97204

Re: City of Portland E-Scooter Pilot Project

Dear Briana Orr:

We write on behalf of Disability Rights Oregon (DRO), a statewide nonprofit that upholds the civil rights of people with disabilities to live, work, and engage in the community. DRO works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon's federally funded Protection & Advocacy system. We believe that everyone should be able to safely navigate sidewalks throughout our state freely and without fear of being hurt.

We are deeply concerned the City of Portland's e-scooter pilot program has undergone insufficient vetting, continues to lack an open and transparent public process, and has not sufficiently considered how use of these motorized vehicles respect the civil rights and safety of people with disabilities, older Oregonians, and others who are entitled to equal access to our public spaces.

After reviewing an article in the *Willamette Week* published on May 1, DRO reached out to the Portland Bureau of Transportation (PBOT) through you on Thursday, May 2, requesting information and expressing concern regarding the e-scooter complaint process. We received a response on Tuesday that fails to address our concerns and instead appears to attempt to pass on the city's obligations to ensure governmental transparency and accountability onto the private e-scooter companies.

In reviewing your response and the City of Portland's website, the city is defending its choice to tell pedestrians to report complaints only to private e-scooter companies, which the city will then audit the anonymized "companies' response time to complaints." Response time is not the only concern the city should have regarding e-scooters. Instead, transparency, accountability, and safety should be of paramount concern given your admission that PBOT "fielded thousands of questions, concerns and complaints during the pilot's four months."

The option to leave feedback about the program *generally* is still present, but is located at the bottom of the screen where most viewers are unlikely to encounter it having already seen the contact information for the e-scooter companies. This is deeply troubling since DRO has already received contact from dozens of concerned citizens.

DRO continues to be concerned about the lack of transparency and public accountability. Firstly, we are concerned that complaints made to private companies will be part of the public record only after they have been anonymized and assuming the companies provide this information. The effect of this anonymizing, or scrubbing the records for any identifying information, is neutering public records requests—a key tool for public transparency—related to the e-scooter pilot.

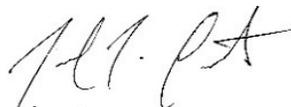
We are also concerned about the quality and granularity of the data that e-scooter companies will agree share with the city. If the companies are receiving the complaints directly, they have an incentive to downplay the seriousness of any complaints received or, even worse, to withhold the information. This could easily occur because the draft regulations reviewed by DRO's staff attorneys only require e-scooter companies share with the city "anonymized data regarding Users and non-Users public reports at monthly intervals." This draft regulation then details the minimal data that must be shared: "issue type" (such as "parking") and "report description" but does not specify the level of detail required. The regulations also do not specify if the data include the text of any original written complaint to the company.

Clearly, if an e-scooter company is taking the complaints and knows those complaints are shielded from the public record, the company may be incentivized to downplay the seriousness of any complaints when they transmit "minimal" required data to PBOT as part of the pilot. This would seem to undermine the purpose of the pilot, in so far as one goal is to examine potential impacts from e-scooters on the larger community, the rate of complaints, and how they impact people with disabilities' rights to equal sidewalk access.

DRO is deeply concerned that PBOT's approach to monitoring complaints will result in less transparency, less accountability, and a less effective pilot that will leave the city with more questions about the impact of e-scooters than it will have learned answers. We ask that PBOT create and promote its own accessible complaint process as well as a response time from the city when a consumer makes a report.

Our staff would welcome the opportunity to discuss this issue further with PBOT. To arrange a meeting, please contact staff attorney Matthew Denney at (503) 243-2081. We look forward to working with the City of Portland to make sure the Rose City is one of the most accessible, welcoming, and inclusive in Oregon and the nation.

Sincerely,



Jake Cornett
Executive Director



Matthew Denney
Staff Attorney