

Ross Buetow

From: Robbie Johnson <beerfoodandtunes@gmail.com>
Sent: Tuesday, September 13, 2016 3:28 PM
To: Ross Buetow
Subject: Changes requested to Parking Policy for TNC services

Good Afternoon Mr. Buetow,

Thank you for your time a few weeks ago at City Hall to discuss the bagging of meters in Downtown Appleton. I am addressing this to you and have provided some background for those you choose to share this email with. My apologies for the length, but I felt that you and the committee would prefer this in a readable version rather than me standing before you for several minutes at a meeting in a long presentation, which can tend to turn people off.

My name is Robbie Johnson. I am a resident of Appleton for nearly 21 years. In addition to many other things I do, I am an independent contractor for Uber. I am a former manager at a few hospitality businesses in Downtown Appleton as well as a volunteer for ADI. I was also a huge advocate for the previous Appleton SafeRide program. Part of the reason I drive for Uber is to make sure that at the end of the night, people who enjoyed our Downtown and other areas of the Fox Valley make it home safely. I am requesting a change in the Parking Policy to allow Uber drivers to request that meters could be reserved/bagged.

I have taken some considerable time to respond to you since our last discussion as I wanted to do more research. I wanted to contact interested parties including businesses in the Downtown Area, to assess the feelings of Uber passengers as well as other Uber drivers and then come up with at least one solution to improve or remedy the situation.

The City of Appleton has become, over the years, the "hot spot" in the Fox Valley. It has been amazing and fun to watch and a pleasure to be a part of in a few ways. City leaders and business groups have done us all well to develop the downtown Appleton area into an Entertainment District to include the Performing Arts Center, a wide variety of restaurants, bars, taverns and many other attractions for residents and visitors. The introduction of a new Convention Center is a very positive addition, as well. This transition has allowed great things like Oktoberfest and the Heid Music Thursday Night Concert Series to thrive and incredibly successful new events like Mile of Music to sprout up and become the amazing things that they have become in such a short time. All great things!

This popularity brings thousands of people to downtown Appleton over the course of a week to enjoy it. Sometimes that causes parking issues. Sometimes those people also choose to partake in consuming alcohol to the point of intoxication and they choose not to drive to get to their starting point, or once they have had a few drinks too many, they choose to opt for a safe ride to where they need to go.

Appleton also has some excellent options in public transportation from a highly rated bus service during the day and evening hours to taxicabs and now the rideshare service Uber that operates all hours and days of the week.

For those who don't know, Uber is a Transportation Network Company (TNC) that connects riders in need of a ride for whatever the reason to drivers that are available. In May of 2015, Wisconsin passed a bill allowing TNC's to operate within the state (<http://media.jrn.com/documents/ridesharebill.pdf>). Uber became available in the Appleton area in late spring of 2015.

Unlike a taxicab, the connection between rider and driver is not made with a phone call or by hailing a vehicle from the street; it is made through a free smart phone app. Uber is cashless which is an innovation that protects the safety of both the driver and passenger. Neither is required to carry cash. Passengers are not required or expected to tip, but if they do, a driver can accept if they wish to.

All Uber drivers are independent contractors. They use their own vehicle and there are requirements as well as restrictions on the vehicles that can be used. Vehicles must have 4 independently operating doors, must be rust and damage free and maintained in good mechanical condition. In this market, from Green Bay to Fond du Lac as well as the Lakeshore area including Manitowoc and Sheboygan, vehicles must be at least a 2004 model year or newer. Riders as well as other drivers are able to report vehicles that do not comply with company requirements.

Prior to being approved to become part of the Uber system and go online to accept ride requests, a potential driver must submit their valid drivers license, valid registration, valid vehicle insurance and then undergo a background check. Drivers that do not meet the requirements or lack valid vehicle insurance or registration are not allowed to drive and are not able to access the system on the drivers app. When a driver is approved, they are able to choose the hours and days that they wish to work. They simply open their driver app and go online, ready for service.

Available vehicles of online drivers can be seen on the Uber passenger app and they can see the approximately distance away the closest vehicle is to them. If a vehicle is not available within 15 minutes, which is very rare, the app will say "No Uber X Available". A passenger can watch the app and when a driver becomes available they can request a pickup. Instead of looking up one of multiple phone numbers for taxis in the area or city they are in, an Uber passenger simply opens their smart phone app, selects and confirms their pickup location, requests a ride and the closest available driver is notified. That driver accepts the pickup request and then travels to the pickup spot, similar to a taxi company dispatcher notifying the nearest available driver of a person that called them for a ride. Just like a taxicab, the service is door to door, to any location or multiple locations requested.

Once the driver accepts the call, passengers are notified of the estimated arrival time. They are also given the driver's name and photo, the type of vehicle they are driving and the license plate of the vehicle picking them up. Many Uber drivers have a lighted sign or a sticker on their vehicle to denote that they are an Uber driver, similar to a cab company having a light on their vehicle and markings to denote that they are a taxicab. Within the Uber app, a rider or driver can place a call to one another to coordinate the smooth pickup. This is very helpful on busy weekend nights downtown when pickup areas are limited and passengers are ready to go home from their night out. Instead of having intoxicated people wandering around all over looking for where their requested vehicle is, they can communicate directly with them and insure a quick and safe pickup right where they are.

There is a rating system for drivers as well as passengers. Because they rate each other and ratings can determine whether someone can use the system, it is in the best interest of drivers to provide the highest quality service. A low rating as a driver will get a driver suspended. A report of unsafe driving will get a driver suspended or removed from the system permanently. It is also in the best interest of the passenger to behave while on the ride. Abusive or rude riders can be reported and flagged, and either temporarily or permanently prevented from using the system if they have consistently low ratings. A passenger that vomits or damages a vehicle can receive a low rating and be reported by a driver as well. This dual rating system insures that drivers in particular are doing their best to provide the best service possible.

Once a rider enters the vehicle, the driver swipes the app to start the ride. Drivers can use many mapping programs to navigate. For safety and fare purposes, rides are tracked by GPS through the Driver's smartphone. Passengers are charged by the mile while in motion or per minute if speeds drop below 7 MPH for several

minutes, such as a stop at a store or other location or if there is a delay due to construction or a train, for instance. When they arrive at the final destination, the driver swipes the app again to end the ride and is prompted to rate the rider. (This must be done before they can accept another ride request.) The fare is calculated within the Uber software and the amount needed to cover the fare is taken electronically from the account the rider has set up and a receipt is sent to the rider by email. Transactions are cashless and convenient.

The popularity of Uber and other TNC's like Lyft and Sidecar have grown exponentially in recent years. Although originating and thriving in large markets like San Francisco, Seattle, Nashville, etc., the major TNC providers have recently spread into smaller and medium markets across the United States.

Because an Uber driver can work in any city in Wisconsin where Uber provides service, it is difficult to know how many locally based drivers there are, but there are many. A glance at the rider app on a weekend night between 6PM and 3AM will show that there can be as many as 2 dozen drivers available inside the area bordered by Highway 41 to the north and west and Highway 441 to the east and south. There are also many drivers outside of that area serving areas like the Heart of the Valley, Neenah/Menasha and Greenville. As such, independent Uber drivers collectively comprise the largest private, door to door ride service in the Fox Cities area...quite possibly larger than all other taxicab companies combined.

Usage of Uber in the Appleton area has increased dramatically in the past several months. Although I obviously do not have hard numbers from Uber as to the dollar amount or number of rides originating in the Appleton area, I and many other drivers can share anecdotally this increase of usage from local Appleton residents, people from the greater Fox Valley as well a large number of people visiting our area for business and pleasure. Because Uber is known worldwide, many visitors from other areas are elated that they can conveniently summon a safe ride where they need to go using the app on their phone and don't have to worry about looking up local phone numbers for a cab and then finding out that most are "cash only".

Local Uber drivers also promote the service through referral cards, face to face contacts, advertising at Timber Rattlers games and other events as well as through social media marketing like Facebook. I can tell you that I have personally spent several hundred dollars of my own money promoting local Uber Facebook pages. It has resulted in many new, local users and has kept an untold number of intoxicated people off the roads. From that standpoint, Uber and their drivers are large and important part of a safe, vibrant Appleton.

Many of the local drivers are long time or lifelong residents, as well. Because of that, we can offer suggestions or local information, basically becoming ambassadors or tour guides for visitors. The recent LSU/Wisconsin game at Lambeau Field was another example of the popularity of Uber by people visiting the area. If you ask any driver that worked that weekend, the demand was very high. As wonderful as our locally based taxicab services are, there is no possible way that demand would have been reasonably covered with the speed and efficiency it was without the presence of Uber.

Unfortunately, every success comes with a glitch or two now and then.

As we know, taxicabs are licensed at the local level by the City of Appleton. There is a background check and a fee paid to the City. State law states that TNC companies must do a comprehensive background check on their drivers before they are allowed to be activated on the TNC company's system. Because of the perception of diminished market share by more competition, there has been SOME occasional tension between SOME taxicab operators toward Uber drivers. There has also been instances of Uber drivers (who are providing essentially the exact same service as taxicab drivers) being treated differently by the local police departments.

For instance, if a taxicab arrives at a bar location downtown to pick up a passenger that has called them, they typically stop in front of the business, turn on their hazard warning lights and wait a brief period of time for the passengers to come out and get into their vehicle. Likewise, when a taxicab is dropping off passengers at a

location, they stop on the street, activate their hazard lights and then the passengers exit. Police officers let them do this without telling them to move along.

My first hand experience has been that when an Uber driver does this, the police seem to be very quick to tell the driver to move along. I have personally had this happen to me on multiple occasions. Other drivers have relayed the same story to me. I had it happen this past weekend, and just 20 minutes later witnessed THREE cab drivers parked in the street area of College and State while the police did nothing to move them along. This was not a simple, single weekend occurrence. I have been driving for Uber since September of 2015 and have had this happen many times. New Years Eve, one of the busiest cab/Uber nights of the year was terrible, with officers literally yelling at Uber drivers.

We understand that the police have a difficult job and that there could be a safety concern, but just because your car says "Taxi" on it doesn't make stopping in the street any safer...yet they were allowed to do just that while Uber drivers providing the same service were not.

Because taxicabs pay a fee to the city for the privilege to operate here, the city allows only licensed taxicabs to use the designated taxicab stand area in front of the Performing Arts Center. Most Uber drivers understand that and attribute that as a part of them being licensed. Their business plan involves direct hailing, which is not allowed under Wisconsin law for TNC drivers. To have a designated "Uber stand" doesn't make sense for either passengers or drivers because of the way that the calling system works.

Since safety was a concern cited by a few of the officers I talked to one on one (even though they let cab drivers stop on the street and don't bother them) a few drivers decided to experiment and "buy" a meter or a few together in the area that has been the main area to drop off and pick up passengers on weekend nights...in front of D2 and Sal's Pizza. This experiment brought out some interesting finds.

First, having paid for these spots, the drivers that spent money on the fees were obviously allowed to use them to park in and wait. Once they received a ride request, their passenger was obviously close by. We simply and safely notified them where we exactly were. Once the passengers were loaded safely, that driver that "owned" the spot was gone and the spot was vacant.

The first week, there were issues with people parking in those spots, even though the bags clearly said they would be ticketed and/or towed. The other driver that I partnered with and I agreed that it was in the best interest as "ambassadors" of the city and the Uber brand to not have anyone towed if we could possibly avoid it. Nobody was ever towed, but a few were given tickets after lengthy stays. Every officer or CSO that we spoke with thought it was a great idea to reserve the spots. They all seemed appreciative of the service we provide to keep people safe.

The second week, to avoid the problems of the first week, we added a simple sign at the meter that said "No Parking" and then put an orange cone out. Most people understood that there was something happening there and paid closer attention. They would pull in, see the spot was reserved and then leave. There was an issue with a taxicab using the spot once later at night and also with another Uber driver. Both were understanding and cordial once the situation was explained.

After that week I returned to City Hall to reserve spots for future weeks and as you know, we were informed that we would no longer be able to reserve spots with bags as we had been because of "City Policy" that was last revised in January 2014, before TNC's were an option in Appleton. As I had already reserved and paid for the spots for the weekend of the LSU/Wisconsin game we were told we could still have them reserved. I can assure you that I and the hundreds of riders that were able to load in the two spots (CAW 401 and CAW 403) were extremely appreciative. Many passengers remarked how awesome it was that we had easily accessible, Reserved Spots to pick up and drop off at.

That was the last weekend of doing this, as we still had the bagged meters reserving the spots. We (Brian and I) told other Uber drivers in our online forum pages and other contacts that if Brian and I were not in the spots, they could use them for a safe drop off and pick up spot.

What we have seen by doing this is that having the ability to do this increases the safety and convenience for riders that are choosing to use what has become the largest door to door, private ride service in the Valley.

I have never been the type to point out a problem without trying to propose a reasonable solution. So, now I am writing to you asking that some accommodations be made to facilitate the safe and convenient operation for users of TNC services, as this service is now an integrated and growing part of the local transportation options of those visiting or those regularly enjoying Downtown Appleton.

In the simplest change, it would be nice if there was a way that the Appleton Police Department would treat Uber drivers the same as cab drivers and allow them to do the quick street level pickup. Allowing Taxis to do on-street level pickups while shooing along an Uber driver with a bona fide request seems unfair and delays transportation services to the public.

Changing the current Policy to allow for TNC drivers to reserve meters with red cloth bags as we have been doing over the past few weeks during this "experiment" would be one of the simplest solutions, but we also understand there could be unintended consequences by just opening up the option with no restrictions or changes.

As a former employee and manager of a few hospitality businesses in downtown Appleton, I understand that not allowing parking in a parking spot or two consecutive spots for an entire day may cause a business to believe they are losing business...whether that is actually the case or not. I would postulate that having a designated night time drop off spot directly in front of a hospitality based business would actually be a benefit to those businesses. Likewise, if your late night food place is where an easily available and safe pickup spot is, that would be a benefit as well.

I also understand that the concept of having meters in place is to cause turnover during daytime metered hours.

To that end, I would propose an alternative...a NEW modified/Reserved Meter bag, with a new color (bright yellow?) that would be for use by TNC drivers and possibly other purposes. That bag would say along the top in large font "Reserved Parking After 8 PM". Below that portion, a notation that "FREE 2 Hour Parking Until 8PM" and a prominent notation that vehicles would be ticketed and towed at and after that time. This bag would be at a proposed fee of \$13 per day.

By having a \$13 fee, not only does the City get the \$9 to cover the parking meter revenue, it also would also receive an addition fee from TNC drivers for the ability to have what is essentially a taxicab stand on demand for a particular day. Since TNC drivers do not pay the city an annual fee for a vehicle or taxi operator license, a fee like this over 20 or more weeks in a year levels the playing field and allows the city to obtain equivalent revenue from regular TNC drivers that would potentially do this on multiple weeks during the year.

After discussing this situation and the idea of the "2 Hour" bag with downtown business owners, members of Appleton Downtown Incorporated, other Uber drivers and a few police officers, I understand that having multiple meters bagged in a row is not ideal either. A nightmare would be 6 or all 8 spots reserved on south side the 400 block of West College. So as part of this, there should be a reasonable limit. I would propose no more than four bagged meters on a block for this purpose and no more than 2 consecutive bags in a row. For instance, if the first two spots on Eastbound College Avenue are reserved (CAW 401 & 403) then the next available meter or meters would be CAW 407 and 409.

Although the focus of this conversation has seemingly been the "busy block" between Walnut and Division, my conversations with other drivers would lead me to believe they would be interested in reserving spots on parts of other blocks the length of the College Avenue corridor.

I would be open to discussing these and other ideas with you or anyone else that may have an interest or role in the decision making. I believe that a change would be beneficial for regular patrons as well as visitors to our incredible and vibrant downtown.

Please advise me on the process to move this forward through committee and onward to city council to effect these changes.

Respectfully Submitted,
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