

Testimony SB1166 rideshare, April 28th 1pm, 2025/ David Fowell, rideshare driver

To: Senate Committee on Rules

Senator Kayse Jama, Chair

Senator Daniel Bonham, Vice Chair

Senator Jeff Golden, Member

Senator James Manning Jr., Member

Senator Kim Thatcher, Member

From: David Fowell, Rideshare driver for both Lyft and Uber 7.5 years

Subject: Testimony for SB 1166 Ridshare, 2025 in support of.

Background: Rideshare Driver for over 400k miles

Lyft 24,869 rides

Uber 5,873 rides

7.5 years signed up for both at the same time

Thank you for your time senators. I am here as a rideshare driver to give further insight into how the driver sees this legislation working in their daily lives since you do not live this line of work.

So the merits of each line item are more than reasonable, and I support SB1166 on legislation for rideshare drivers for the year of 2025.

\$6 minimum charge on a fare for dispatch:

Portland's minimum wage is \$16.30 as of July 1, 2025, and as a minimum wage nothing can be expected to be spent from that \$16.30 if I were an employee. Ok taking this into account drivers on average can do 3 minimum rides (not guaranteed to be dispatched to 3) in an hour and can spend at least \$20 on gas a day. So simple math. $\$20/8 = \$2.5/\text{hr}$ in gas some will get better some worse and some of course are electric, but the initial cost of those vehicles are well above this.

So is \$6 minimum justified, yes:

$\$16.30 + 2.5 = 18.8 \text{ min/hr}$

$18.8/3 = \$6.26$ per ride so **\$6** is in line for minimum fare.

3 is the average max a driver can do in an hour especially during peak traffic times

Please wait for the complete context of testimony on rate card to see this justification.

Rate Card:

\$0.68/min

\$1.59/mile

This is harder to show as a lot of variables have to be included to show how this pans out:

Freeway 55mph= $87.45 + 40.8 = \$128.25/\text{hr}$ if you had continuous occupancy

Neighborhoods and downtown 20mph = $31.8 + 40.8 = \$72.6/\text{hr}$ if you had continuous occupancy

Reality of transportation is you end up 50% of your time spent on the app is unpaid in response and/or waiting for the next ride so you split what you make in half for the unpaid time resulting in:

Freeway 55mph = $\$64.13/\text{hr}$ total app hours worked

Neighborhoods and downtown 20mph = $\$36.3/\text{hr}$ total app hours worked

A car that you own is variable in the payment you pay using googles example for rideshare. Lets say a used camry at \$25,000 while these companies are pushing for low carbon which often means tesla this price will go higher. So, \$25000 and if you get 250,000 miles then the car its more like \$40k and possible push miles higher so minimum \$0.10/mile

\$0.10/mile cost

Personal insurance required for offline operation \$366/mnth if tesla then higher as accidents are more likely total loss

$366/30/8 = 1.53/\text{hr}$

Maintenance: oil changes 2x month \$200 so $\$0.83/\text{hr}$

Tires: $\$1000/6 \text{ months} = 0.69/\text{hr}$

So, 55 mph= $\$64.13 - 5.5 - 1.53 - \$0.83 - 0.69 = \$58.64/\text{hr}$ total hours worked on app

20 mph= $\$36.3 - 2.0 - 1.53 - \$0.83 - 0.69 = \$31.25/\text{hr}$ total hours worked on app

You could have any variety of mix of rides between. These are potential wages made.

During the rush hour 3 rides at minimum rate is more and of course not guaranteed so likely:

$\$6 \times 3 = \$18/\text{hr} - 8.55 \text{ reoccurring expenses} = \$9.45/\text{hr}$

Your mix of rides are a combination of these totals on total app time dynamic system is more variable than this, but for our example here:

\$9.45/hr

\$31.25/hr

\$58.64/hr

These are your mix of variables a driver will receive after the driver recurring the driver's expenses and by no means is all the expenses with registration, taxes, car washes, etc. and we are in a dynamic system that floats up and down.

So, mix is likely, but by no means guaranteed as we are again talking of a dynamic system as follows:

8hr day mix of rides = $\$9.45(8\text{hr}) (30\%) + 31.25(8\text{hr}) (50\%) + 58.64(8\text{hr}) (20\%)$

8hr day= $\$22.68 + \$125 + \$93.83 = 241.51 / 8\text{hr day} =$ **\$30.19/hr total hrs worked logged in** after reoccurring expenses not total expenses.

This rate card is more than fair. If you make further comparisons to living wages taxis have fought for you will see that this is proportionally fair to relative work between taxi and rideshare with rideshare being still significantly less than taxi rate cards. Rideshare companies will argue that they will have to charge higher rates than taxis, but that will be due to their overall overhead of their system compared to the efficiencies taxi management has achieved under their system. Drivers with SB 1166 will not make more than taxi drivers if you just look at rate cards, they are set up lower than taxis. The rideshare companies increased fare by adding fees to the customers that intend to close the gap with taxis while still being under their rates. The question shouldn't be why taxis are so expensive, but rather why rideshare are so cheap and we are here today to ask the Senate Committee on Rules to step in and do their part to help the rideshare drivers with this legislation. I support SB1166 as it provides the protections that the drivers need to operate their vehicles and allow them to maintain safe cars and to be able to afford to acquire new vehicles when the time of need of replacement arises.

I know you struggle with the independent contractor definition. If it makes it easier, we work in a captive app environment under one employer environment. So, if you were to establish this new category for captive environments, it would model after the difference of hourly to salaried employees, but what threshold should be established that makes an independent contractor is as opposed to an hourly employee. We don't have a schedule, we can clock on and off as we wish, and work as many hours as we want within guidelines of 12hrs on 6hrs off, but it is one company at any given time, and they have set the rates whether directly or indirectly. This lends itself to establishing a threshold to consider the position of rideshare driver as a independent contractor and that is what SB 1166 does.

Sick Pay:

1hr passenger platform time for every 30 hour passenger platform time:

Realistically this matches state sick pay so if you work 60 hours and 50% is excluded by wait time then 30 hours/week passenger platform time so 1 hour a week. A regular Oregon employee under state law gets 0.03X40hrs equal to 1.2 hrs per week so this is equivalent.

Deactivations:

The proposed legislation brings due process into the deactivation process that currently does not exist definitively.

- Written policies on account deactivations
- An appeals process with minimum requirements
- Prohibition on deactivation without just cause.

Rider's words leading to deactivation need to be very carefully considered as riders can try to game the system at the driver's expense this is not to say complaints cannot be valid, but to blindly accept everything the rider states as fact can lead to discrimination and wrongful deactivations.

Some realities of working for rideshare companies:

- If you go to the airport, you could get a \$25 ride, which sounds great, but the reality is that you waited 2 hours to get that \$25 ride.
- If you go to a large event you must go through garage traffic letting out to get to the customer so while you may or may not get a little extra for responding to the customer at such an event it is more than eaten up in the time it took to get to the customer.
- If you go to the airport and don't know what you're doing and park curbside, you get \$85 ticket for not dropping off the passenger in the right location.
- You get a passenger that gets sick in your car and if you don't take multiple pictures from multiple angles and not just one good picture then you will not receive compensation for cleanup. If you drive during the holidays and it happens too often then they want it with a receipt of professional cleaning so no compensation for the cleaning up, just reimbursement for the cost of professional cleaning, lost time driving not considered even though it is in the rider's app that they are responsible for damages.
- If you have a lost phone, then how do you return it in a timely manner. It's their phone. Usually forgotten from the furthest place you have driven for the day which by the time you find out is usually 45 minutes out of your way, but here is your \$20 to get it too them off app and on your own time which means on your own insurance if you're not on the app even though your providing a company service by returning the phone.

- Believe it or not, but water on a cloth seat is the biggest problem in a seat looking dirty. So, all those water bottles in bags or flung on the back seat you guessed there is your stain culprit, but time and time again oh don't worry I have a lid on it.
- Wet grocery bags and the occasional umbrella or someone sitting on a wet bench at a bus stop.
- Covid was fun during the mask mandate as I have never been so verbally abused and on one occasion physically assaulted.
- Overnight drivers were getting robbed so of course service during that time grind to a halt when that was happening in Portland.
- Rideshare drives are for booking 1 seat, but people crowd it with 4 so wasting time responding having to cancel, but if we succeed then taxed on each rider even though when both or more passengers are in the ride at the same time the driver only receives single fare during shared portion of ride as the customers split that fare hence rideshare.
- I bought a camry hybrid relatively new to qualify for some premium rides classified as comfort rides. After 3 months of driving this car I'm told by uber that I will be ineligible after year as the camry is being phased out of comfort class not grandfathered out as I bought it with specifically for the added comfort rides to offset its operational cost as opposed to the prius with better gas mileage. I later learned that I would also lose green status as hybrids are being phased out for going fully electric, but I couldn't justify buying an EV having to charge it for 45 minutes every 4 hours. It just didn't make operational sense to me, but kudos for those that do. The problem is especially with random long drives(Long drives such as in Portland to Seattle or Portland to Medford). So, two class sets of drives just gone and I have owned it for three months. SB 1166 will just help to cover this additional expense that I thought was going to be revenue.

These are just a few of the realities of the job that can cumulatively lead to lower pay, higher maintenance and complaints to lowering our scores leading us down the path to deactivation.

Summary:

Again, thank you chairs and members of the Senate Committee on Rules. Thank you for your time and consideration.

Rideshare drivers are classed as independent contractors when we are a hybrid gig workforce. I know that it is a concern for you as the senate committee on rules you have. We work in a captive app environment, but we don't have scheduled hours so consider a threshold that these companies must meet to have the classification of independent contractors. SB1166 establishes a threshold if you hold independent contractors to similar thresholds of minimum to qualify like a salaried employee since there are no schedules, but this is contract work so that threshold needs to be paid equivalent to an hourly rate and go beyond the 40hr work week with operational expenses to cover so that is where those similarities end. I have outlined why I feel the \$6 fare on minimum fare for dispatch is more than reasonable. I have shown that the rate card is a complex system to navigate to achieve what the true expected wage can be and have provided a reasonable average mix of rides, but since it is a dynamic system, the actual wage can vary widely. Minimum sick pay standard as shown aligns with other employment in Oregon that already provides this basic protection. Deactivation protections are needed to ensure a fair system is in place and not just punitive and random.

Thank you for your time, members of the Senate Committee on Rules:

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Senator Jeff Golden, Member

Senator James Manning Jr., Member

Senator Kim Thatcher, Member

Thank you to the Senate rules committee for your consideration of this bill and urge you to pass SB1166 as is.

David Fowell, Rideshare Driver for Lyft and Uber for 7.5 years