

Nicholas Schieldap

3-14-18

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Amy Bovee

From: Gregg Meyer
Sent: Tuesday, June 23, 2015 9:47 AM
To: Amy Bovee
Subject: FW: Uber Follow Up
Attachments: Uber's background checks don't catch criminals, says Houston - CNET.pdf; transportation_network_companies.pdf; houston_uber.PNG; Prosecutors_ UberX driver told woman after sex assault, 'I made you happy' - Chicago Tribune.pdf; Uber whistleblower exposes breach in driver-approval process _ Technology _ The Guardian.pdf; Mom Wants Uber to Pay After Driver Sexually Assaulted Her Daughter - The Daily Beast.pdf

From: Charlie Herrick [mailto:charlie@greencabvt.com]
Sent: Monday, June 22, 2015 3:34 PM
To: Kevin McCabe
Subject: Uber Follow Up

To All,

in response to some of the questions asked by the city councilors last Wednesday, we completed some research on Uber and have found the following items. We also offer some perspective from the local transportation industry. Councilor Mason, could you include this email and the attached documents as a communication for tomorrow's meeting?

Councilor Mason asked if there were any municipalities that perform background checks on Uber drivers. Multiple cities do, most notably Houston. Uber and UberX exist in Houston, and Houston requires all TNC drivers to submit to a fingerprint background check, get licensed by the city, and have their vehicles be inspected by the city. In fact, a letter from Uber general manager Chris Nakutis to the mayor of Houston claimed that it was Uber policy to notify drivers that they must get a license from the city.

So the claim that their business model prevents their drivers from being licensed by the city is a fallacy. It is happening right now in Houston. If Uber is informing their drivers in Houston that they must obtain a city license (and by extension undergo a background check and vehicle inspection performed by the city), then why can't they do it here?

I have attached a copy of Houston's TNC ordinance (http://www.houstontx.gov/ara/chapter46docs/transportation_network_companies.pdf), a screenshot of the Houston UberX page (<https://www.uber.com/cities/houston>), and a pdf version of the CNET web page (<http://www.cnet.com/news/ubers-background-checks-dont-catch-criminals-says-houston/>) that contains a reference to the letter from Uber to the mayor of Houston.

ACA Meyers mentioned in response to Councilor Tracy's question about who was driving the negotiations that "the city made an effort to get background checks done, and wanted a list of drivers," but "Uber did not want that." So the city administration wanted it, but Uber did not agree. The city council has an opportunity to fulfill

the city administration's initial desires by requiring that Uber drivers undergo background checks by the city and be licensed by the city.

Councilor Bushor asked if Uber was liable if something happens in their vehicles. According to the legal language on their web site and in their app, Uber is not liable for anything that happens in their vehicles, and "does not guarantee the safety" of their drivers or vehicles.

This is directly from Uber's legal page: "Uber does not guarantee the quality, suitability, safety, or ability of third party providers. You agree that the entire risk arising out of your use of the services, and any service or good requested in connection therewith, remains solely with you, to the maximum extent permitted under applicable law."

"You agree to indemnify and hold Uber and its officers, directors, employees, and agents harmless from any and all claims, demands, losses, liabilities, and expenses (including attorneys' fees), arising out of or in connection with: (i) your use of the Services or services or goods obtained through your use of the Services; (ii) your breach or violation of any of these Terms; (iii) Uber's use of your User Content; or (iv) your violation of the rights of any third party, including Third Party Providers."

They are asking for the responsibility of performing background checks on their drivers and inspections on the vehicles, yet they are not willing to take the responsibility of liability if anything happens in those vehicles. So who will be liable? The city? The city will have no knowledge of who these drivers are or the condition of the vehicles, and yet ultimately may be accountable for allowing these drivers to operate these vehicles for hire on its roads. Shouldn't the city have the final say as to whether or not these people are permitted to operate vehicles for hire here?

Ms. Shen and City Attorney Blackwood have mentioned the usefulness of Uber's rating system, and how effective it is in regulating their partners. Uber's rating system failed a 13 year old girl in Virginia, whose family is now suing Uber.

"On November 7, Marin again gave the girl a ride home. During the drive, at a time when she could not safely exit the vehicle, Marin reached back between the seats and rubbed the girl's inner thigh and asked if her mother was home, according to the complaint."

"The child gave Marin a low rating, according to the complaint, thinking that it would cause the app to send a different driver, but Marin continued to respond."

Marin had previously been arrested for DUI and assault and battery.

<http://www.thedailybeast.com/articles/2015/06/17/mom-wants-uber-to-pay-after-driver-molested-her-child.html>

Councilor Shannon has asked about the differences between the Uber background checks and the background checks required of the current transportation industry, and Councilor Bushor has voiced concern over the fact that Uber does not conduct interviews in person or at least through a video call. We believe that Uber's background checks and hiring process are faulty, and that a person can circumvent the requirements very easily.

I have attached a story (<http://www.theguardian.com/technology/2015/jun/18/suspend-uber-london-black-cab-drivers-claims-flawed-checks>) from the Guardian detailing how an investigative reporter signed up and was

approved to be an Uber driver using fake insurance documents that he had created in Photoshop on his computer.

Another concerning story (<http://www.chicagotribune.com/news/local/breaking/chi-former-uber-driver-charged-in-november-sexual-assault-of-customer-20141229-story.html>) is from Chicago, where a man used his wife's Uber account to pick up a girl and sexually assault her. "Prosecutors and Fohounhedo's attorney said he shared an Uber account with his wife, Sheena Lemon Fohounhedo, who had a regular driver's license since December 2009. The account was in her name, prosecutors said, but used his photo and phone number."

One difference that has not been addressed is the requirement for annual checks. The current ordinance requires every single driver to undergo a background check annually; the TOA with Uber does not specify annual checks and could be construed to mean that Uber will only perform the check the first time, and never again. I would ask that Uber be required to conduct annual background checks.

A couple of weeks ago, Councilor Bushor asked about Uber's handling of personal information. Uber's new privacy policy, which is effective on July 15, allows Uber to track your movements even if you are not logged in to the app. The Electronic Privacy Information Center has filed a formal legal complaint with the Federal Trade Commission (FTC), asking federal authorities to halt Uber's pending "unfair and deceptive data collection practices." The group said that Uber had "a history of abusing the location data of its customers." (http://www.nytimes.com/2015/06/23/technology/uber-data-collection-changes-should-be-barred-privacy-group-urges.html?_r=0)

Thank you.

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