



City of Everett
Office of the Mayor
Carlo DeMaria, Jr.
484 Broadway
EVERETT, MASSACHUSETTS 02149

PRESS RELEASE

Monday, May 15, 2017

MAYOR DEMARIA SUBMITS TESTIMONY TO DEPARTMENT OF PUBLIC UTILITIES REGARDING TRANSPORTATION NETWORK COMPANY REGULATIONS

On Tuesday, May 9th Mayor Carlo DeMaria submitted a written testimony to the Department of Public Utilities on proposed regulations regarding transportation network services. The proposed regulations are being written to implement the Massachusetts General Law of last year establishing statewide requirements for transportation network companies.

In September, Mayor DeMaria met with company officials at Uber and separately with Commissioners of the Department of Public Utilities (DPU), who regulate transportation network companies, to advocate for enhanced background screening of Uber drivers. Mayor DeMaria arranged for these meetings following the arrest of two Uber drivers for sexual assault in Everett.

The meetings took place on September 6th and 7th and followed Mayor DeMaria's call for the fingerprinting of drivers for transportation network companies and the expedited implementation of state regulations required under a new law to improve background checks across the industry. Mayor DeMaria also wrote a letter to Uber's CEO, Travis Kalanick, requesting a discussion of ways that the city could partner with Uber to use its resources to better protect public safety.

Below are Mayor DeMaria's written comments on the proposed transportation network company regulations.

Dear Secretary Marini:

On behalf of the City of Everett, I am writing to offer comment on the rulemaking process to implement the Massachusetts General Law of last year establishing statewide requirements for transportation network companies and the provision of transportation network services.

As you may know, in the summer of 2016, after the state legislature and Governor enacted the Transportation Network Company (TNC) legislation but before regulations were implemented, the City of Everett experienced two extremely troubling crimes involving TNC drivers.

In the first incident, an Uber driver was arrested and charged with the rape of a teenaged girl. The driver had an extensive criminal record.

In the second incident, an Uber driver was arrested on several counts of lewd and lascivious and open and gross behavior after a teenaged girl reported him to the police. He had several open cases of a similar nature.

Because of these criminal incidents, perpetrated by people who never should have been given the opportunity to work as a rideshare driver, I reached out to and met with officials at both Uber and the Department of Public Utilities (DPU).

During my meeting with DPU commissioners and staff, I expressed my hope that regulations relative to criminal background checks of TNC drivers could be established by the agency well before the Fall 2017 deadline mandated within the legislation.

Earlier this year, I was very pleased to see the DPU act quickly to develop and promulgate emergency regulations that resulted in the denial of 51 TNC driver applications from sex offenders, and the denial of several hundred more from applicants with a history of other serious criminal offenses.

These numbers clearly demonstrate that the residents of Massachusetts were at risk before these regulations were implemented, and I want to express my sincere appreciation to the DPU and to the entire Baker administration for swiftly moving to protect public safety. The types of criminal incidents that happened in Everett last summer before these regulations were implemented are intolerable, and these regulations serve to protect the safety of our residents.

While my concern from the beginning has been with keeping violent offenders out of TNC positions, I would respectfully request the opportunity to weigh in relative to another issue: drivers whose applications were denied for reasons other than violent or serious criminal offense records.

After the emergency regulations were implemented, I was contacted by both residents of Everett and residents of other communities whose TNC driver applications had been rejected by the DPU due to seemingly minor and/or very old driving offenses.

Because many residents of the Commonwealth depend upon their TNC driving jobs as a primary or secondary means of income, I urge the DPU to consider adopting standards relative to non-violent and minor offenses that are more consistent with the spirit of CORI reform in Massachusetts.

In 2010, the state legislature enacted a law making it easier for individuals with minor offense records to obtain employment. At the time, the Executive Office of Public Safety and Security advised that employer background checks must be job-related and consistent with business necessity. When considering conviction records, employers must look at (1) the nature and gravity of the offense, (2) the amount of time that has passed since the offense, and (3) the nature of the position sought. I respectfully request that the DPU take a second look and establish final regulations that apply this type of a

determination standard to applicants with very minor nonviolent offenses.

Thank you very much for the opportunity to offer input on this major issue at the intersection of public safety and transportation, and for the work that you have done. I am deeply appreciative of your fast action that resulted in the screening out of violent offenders from TNC driver positions, and I know that our communities are safer for it.

If you have any questions, please feel free to contact me or Catherine Rollins of my staff at 617-394-2270. Sincerely,

Carlo DeMaria Mayor

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For additional press information please contact:

Tom Philbin

Director of Communications

City of Everett

484 Broadway

Everett, MA 02149

617-309-8038

Tom.Philbin@ci.everett.ma.us