

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Police
AGENDA DATE: July 26, 2016—First Reading
August 9, 2016—Public Hearing
CONTACT PERSON/PHONE: Assistant Chief Michelle Gardner, 212-4301
Dionne Mack, City Manager's Office, 212-1070
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL: Goal 2: Set the Standard for a Safe and Secure City

SUBJECT:

An ordinance amending Title 6 of the El Paso City Code (Vehicles for Hire); making it applicable to all modes of transportation for hire, to add transportation network company regulations, update definitions, and remove redundant language; revising Chapter 6.04 to rename it (Transportation for Hire), and to add Article I (General Provisions), Article II (Taxicab Operations), Article III (TNC Operations), Article IV (Alternative Transportation-for-Hire), Article V (Sightseeing, Charter, Limousine and Shuttle Operations), Article VI (International Transportation-for-Hire); to update language in Chapter 6.36 (Driverless Automobiles); delete Chapter 6.16 (Taxicabs); delete Chapter 6.20 (International Taxicabs); delete Chapter 6.28 (Sightseeing or Charter Operations); delete Chapter 6.32 (Limousine Service); delete Chapter 6.34 (Nonmotorized Vehicles for Hire); delete Chapter 6.08 (Passenger Buses and Streetcars); delete Chapter 6.12 (Chauffer's License); delete Chapter 6.24 (Jitneys); delete Chapter 6.40 (Emergency and Transfer Ambulance Services); the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

BACKGROUND / DISCUSSION:

On August 25, 2015, City Council unanimously carried to direct staff to review the Taxicab Ordinance and revise as needed or provide for a new ordinance to allow transportation network companies (TNC's) to operate legally in the City of El Paso, remove outdated language that no longer applies, remove over-extensive requirements, and ensure compliance with accommodating disabled persons. On May 17, 2016, City Council discussed proposed revisions and directed that staff work with the taxicab and TNC industry to make the taxi industry thrive and be competitive, allow TNC's to operate and compete as well, level the playing field and possibly put forth incentives. Such reviews and consultation with the industry leaders resulted in a significant revision and change in context requiring movement of some portions of Title 6 to other more suitable locations within the Code.

SELECTION SUMMARY: N/A

PRIOR COUNCIL ACTION:

City Council adopted the current ordinance on November 18, 2008.

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

by Michelle M Gardner

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 OF THE EL PASO CITY CODE (VEHICLES FOR HIRE); MAKING IT APPLICABLE TO ALL MODES OF TRANSPORTATION FOR HIRE, TO ADD TRANSPORTATION NETWORK COMPANY REGULATIONS, UPDATE DEFINITIONS, AND REMOVE REDUNDANT LANGUAGE; REVISING CHAPTER 6.04 TO RENAME IT (TRANSPORTATION FOR HIRE), AND TO ADD ARTICLE I (GENERAL PROVISIONS), ARTICLE II (TAXICAB OPERATIONS), ARTICLE III (TNC OPERATIONS), ARTICLE IV (ALTERNATIVE TRANSPORTATION-FOR-HIRE), ARTICLE V (SIGHTSEEING, CHARTER, LIMOUSINE AND SHUTTLE OPERATIONS), ARTICLE VI (INTERNATIONAL TRANSPORTATION-FOR-HIRE); TO UPDATE LANGUAGE IN CHAPTER 6.36 (DRIVERLESS AUTOMOBILES); DELETE CHAPTER 6.16 (TAXICABS); DELETE CHAPTER 6.20 (INTERNATIONAL TAXICABS); DELETE CHAPTER 6.28 (SIGHTSEEING OR CHARTER OPERATIONS); DELETE CHAPTER 6.32 (LIMOUSINE SERVICE); DELETE CHAPTER 6.34 (NONMOTORIZED VEHICLES FOR HIRE); DELETE CHAPTER 6.08 (PASSENGER BUSES AND STREETCARS); DELETE CHAPTER 6.12 (CHAUFFER'S LICENSE); DELETE CHAPTER 6.24 (JITNEYS); DELETE CHAPTER 6.40 (EMERGENCY AND TRANSFER AMBULANCE SERVICES); THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010, 1.08.020 AND 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, on November 18, 2008, the City adopted its currently effective Vehicles for Hire ordinance; and

WHEREAS, on August 25, 2015, City Council discussed the current vehicle for hire ordinance in relation to transportation network companies (TNC's);

WHEREAS, on August 25, 2015, the second and final motion of City Council was unanimously carried to direct the City Manager to direct staff to review the Taxicab Ordinance and revise as needed or provide for a new ordinance that will allow TNC's to operate legally in the City of El Paso; to remove outdated language that no longer applies; to remove over extensive requirements; and to ensure compliance with accommodating disabled persons;

WHEREAS, on May 17, 2016, City Council discussed the proposed regulations and provided direction to work with the taxicab and TNC industry to make the taxicab industry thrive, be competitive and allow TNC's to operate and compete as well; deregulate; and possibly put forth some incentives; and

WHEREAS, the City wishes to amend the ordinance in the best interest of the community in order to protect the health and welfare of its citizens and visitors, provide expanded public transportation options, and promote free enterprise and competition within the transportation-for-hire industry.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. Title 6 – Vehicles for Hire – be revised as follows:

Title 6 – TRANSPORTATION-FOR-HIRE

Chapter 6.04 Transportation for Hire

Article I - General Provisions

- 6.04.010 – Purpose.
- 6.04.020 - Administration.
- 6.04.030 – Exclusions; applicability.
- 6.04.040 – Definitions.
- 6.04.050 – General authority and duty of the appropriate enforcement authority.
- 6.04.060 – Enforcement.
- 6.04.070 – Operating authority permit—Required.
- 6.04.080 - Operating authority permit—Term.
- 6.04.090 – Operating authority permit—Application.
- 6.04.100 – Operating authority permit—Qualifications.
- 6.04.110 – Drivers - Qualifications.
- 6.04.120 – Operating authority permit – Fees.
- 6.04.130 – Operating authority permit—Denial; Suspension; Revocation.
- 6.04.140 – Operating authority permit and taxicab zone permit denial, suspension, revocation—Appeal.
- 6.04.150 – Records and information – Required.
- 6.04.160 – Audit.
- 6.04.170 – Permit - Display.
- 6.04.180 – Two-way mode of communication – Required.
- 6.04.190 – Carrying passengers by most direct route.
- 6.04.200 – Solicitation; Street hails—Prohibited.
- 6.04.210 – Accessibility; Non-discrimination.
- 6.04.220 – Zero tolerance for alcohol or drug abuse.
- 6.04.230 – Permit required; Validity of permit—Offense.

Article II – Taxicab Operation.

- 6.04.240 – Established taxicab zones—Permit required; Driver conduct.
- 6.04.250 – Taximeters required—Specifications.
- 6.04.260 – Taximeter—Inspections.

- 6.04.270 – Taximeter—Operation.
- 6.04.280 – Rates schedules—Regulations.
- 6.04.290 – Fare rates displayed.
- 6.04.300 – Receipts—Required.
- 6.04.310 – Vehicle identification—Requirements.

Article III – TNC Operations.

- 6.04.320 – Fare information; Dynamic pricing.
- 6.04.330 – Identification of TNC vehicles and drivers.
- 6.04.340 – Electronic receipt—Required.
- 6.04.350 – Disclosure.

Article IV - Alternative Transportation-for-Hire.

- 6.04.360 – Alternative transportation-for-hire vehicles—Applicable regulations.
- 6.04.370 – Pedi-cabs—Safety equipment and specifications.
- 6.04.380 – Pedi-cab operation—Restrictions.
- 6.04.390 – Neighborhood Electric Vehicle (NEV) and Low Speed Vehicle (LSV) — Safety equipment and specifications.
- 6.04.400 – NEV and LSV operation—Restrictions.
- 6.04.410 – Care of horses.

Article V – Sightseeing, Charter, Limousine and Shuttle Operations.

- 6.04.420 – Services provided.
- 6.04.430 – Rate information.
- 6.04.440 – Receipt required.

Article VI – International Transportation-for-Hire.

- 6.04.450 – International transportation-for-hire vehicle permit —Required.
- 6.04.460 – International Transportation-for-hire vehicle permit—Term.
- 6.04.470 – International Transportation-for-hire vehicle permit—Application.
- 6.04.480 – International transportation-for-hire—Operational limitations.

Chapter 6.36 Driverless Automobiles

- 6.36.010 – Driverless automobiles—Definitions.
- 6.36.020 – Driverless automobile operation operating permit—Required.
- 6.36.030 – Driverless automobile operation operating permit—Term.
- 6.36.040 – Driverless automobile operation operating permit—Application.
- 6.36.050 – Driverless automobile operation public liability insurance—Requirements.
- 6.36.060 – Driverless automobile operation operating permit—Qualifications.
- 6.36.070 – Driverless automobile operation operating permit—Display.
- 6.36.080 – Driverless automobile operation operating permit—Changes to information.

- 6.36.090 – Driverless automobile operation operating permit—Denial; Suspension; Revocation.
- 6.36.100 – Receipt for payment—Required.
- 6.36.110 – Payment of taxes.
- 6.36.120 – Restrictions on renting.
- 6.36.130 – Contracting requirements.

Chapter 6.04 Transportation for Hire

Article I – General Provisions.

6.04.010 – Purpose.

The City of El Paso sets forth transportation-for-hire industry regulations to accomplish the following:

- A. Protection of public welfare;
- B. Availability of multiple public transportation options from which consumers may select; and
- C. Facilitation of free enterprise and competition within the transportation-for-hire industry.

6.04.020 – Administration.

The Chief of Police, or designee(s), may establish rules and forms to administer and enforce this chapter. Unless otherwise stated in this chapter, the terms Chief of Police, airport director, and animal control officer or veterinarian employed by or contracted with the city shall include the specified position and/or designee(s).

6.04.030– Exclusions; applicability.

A. This chapter does not apply to:

- 1. Government-owned and/or operated vehicles;
- 2. Courtesy vehicles;
- 3. Carpool or vanpool arrangement or service;
- 4. The transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;
- 5. A motor vehicle used to transport persons for hire that is regulated by another title of this code, such as private ambulances regulated under Title 9; or
- 6. A bus or shuttle vehicle that is:
 - a. operated for a funeral home in the performance of funeral services;
 - b. provided by an employer or employee association for use in transporting employees between the employees' homes and the

employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

- c. owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
 - d. used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;
 - e. operated under state or federal authority; or
 - f. owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers.
- B. Any person currently performing transportation-for-hire services who does not hold a permit or license to operate the same or similar services issued under a previous El Paso Municipal Code ordinance or chapter, and who does not meet an exception to regulation under this chapter, is subject to the regulations, requirements, prohibitions, and/or conditions and shall be in full compliance with this chapter no later than 180 days after the chapter is in full force and effect.
- C. Any person currently performing transportation-for-hire services who holds a valid permit or license issued under a previous El Paso Municipal Code ordinance or chapter, and who does not meet an exception to regulation under this chapter, shall be deemed compliant with the portions of this chapter requiring a permit until such time as any permit or license previously issued becomes expired.

6.04.040 – Definitions.

The definition of a term in this chapter applies to each grammatical variation of the term unless the context specifies a different definition.

- A. “Abnormal Market Disruption” means any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption which results in the declaration of a state of emergency by the governor.
- B. “Alternative Transportation-for-hire Vehicles” includes pedi-cabs, horse-drawn carriages, low speed vehicles and neighborhood electric vehicles.
- C. “Appropriate Enforcement Authority” means the Chief of Police, the airport director, or an animal control officer or veterinarian employed by or contracted with the city or their designee(s) who have enforcement authority as described in this chapter.

- D. "Bicycle" carries the same definition as that provided in Texas Transportation Code (TRC) Section 541.201.
- E. "Bus" means a motor vehicle that has a manufacturer's rated seating capacity of more than 10 passengers.
- F. "Carpool or vanpool" means any voluntary sharing of transportation without compensation.
- G. "Chief of Police" means the director of the Police Department and includes representatives, agents, or department employees or designee(s) as designated by the Chief of Police to carry out duties under this chapter.
- H. "Compensation" means any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.
- I. "Courtesy Vehicle" means a vehicle that is not for hire or used to transport passengers for compensation, and is operated by or for a business to provide free transportation to customers as an accessory to the main business activity.
- J. "Digital Network" means an online-enabled application, website or system offered or used by a transportation network company (TNC) that enables a prearranged ride with a transportation network company driver.
- K. "Director of the Airport" means the city's director of aviation or designee.
- L. "Dispatch" means any communication system that conveys passenger ride requests to drivers.
- M. "Drive" means to control the physical movements of a transportation-for-hire vehicle.
- N. "Driver" means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle. Drivers may be an employee, an independent contractor, or other person who is performing the transportation services of a transportation-for-hire service.
- O. "Dynamic Pricing or Surge Pricing" means a TNC's ability to adjust pricing when market demand has increased and the TNC desires to attract more TNC drivers to increase availability to accept passengers. Dynamic or surge pricing is not allowed during periods of abnormal market disruption.
- P. "Electric Bicycle" carries the same definition as that provided in TRC Section 541.201.
- Q. "Fare Estimator" means a feature provided by a TNC that estimates the fare of a requested pre-arranged ride that allows a potential passenger to check the fare in advance of accepting the fare.
- R. "Horse" means any member of the species *Equus Caballus*.
- S. "Horse-drawn Carriage" means an alternative vehicle designed to carry passengers while being pulled by one or more horses.
- T. "International Transportation-for-hire Vehicle" means any motor vehicle that transports passengers for hire from cities in Mexico to the City of El Paso.
- U. "Low Speed Vehicle" or "LSV" means a motor vehicle that is four-wheeled with a speed attainable in one mile of not more than twenty-five miles per hour on a paved level surface, and whose GVWR is less than three thousand pounds.

- V. "Meter" means a device that measures the time and distance of a trip.
- W. "Motor Vehicle" means a vehicle that is self-propelled, capable of transporting a person or persons or any material, and is required to be registered under the laws of the State of Texas.
- X. "Neighborhood Electric Vehicle" or "NEV" means a vehicle that can attain a maximum speed of thirty five miles per hour on a paved level surface and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for LSVs.
- Y. "Operating Authority" means a person who is granted operating authority under this chapter to provide transportation-for-hire services either personally or through employees or contracted individuals.
- Z. "Operating Authority Permit" means the permit required by this chapter to provide transportation-for-hire services. Issuance of such a permit grants permission to the holder to provide transportation-for-hire services within the City.
- AA. "Pedi-cab" means an alternative bicycle or tricycle, including an electric bicycle or tricycle, which transports passengers occupying seats attached to a trailer, sidecar or similar device, for compensation.
- BB. "Person" means an individual, corporation, agency, trust, partnership, or two or more persons having a joint or common economic interest.
- CC. "Personal Vehicle" means a vehicle that is used by a TNC driver and is owned, leased or otherwise authorized for use by the driver, and is not a taxicab, limousine or similar transportation-for-hire vehicle.
- DD. "Prearranged Ride" means transportation provided by a TNC driver to a TNC rider or passenger, beginning at the time a driver accepts a ride requested by a rider or passenger through a digital network controlled by a TNC and ending at the time the last requesting rider or passenger departs from the driver's personal vehicle. The term does not include: 1) a shared expense carpool or vanpool arrangement or service, or 2) transportation provided using a taxicab, limousine, or similar transportation-for-hire vehicle.
- EE. "Pre-established Schedule" means transportation-for-hire services from established locations based on a regular schedule that is published on a website, bulletin, calendar or other means under which transportation-for-hire services are provided.
- FF. "Shuttle Vehicle" means a motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers.
- GG. "Sightseeing Tour Vehicle" means a vehicle operated as a transportation-for-hire service that transports passengers, and makes interim stops at one or more locations deemed to be tourist attractions, historical sites or other points of interest, with such trips originating inside or outside the city to any point within the city when such trips conclude and discharge passengers at the same location at which passengers were picked up. This definition does not include any such vehicles regulated by federal regulation providing like services.
- HH. "Transportation Network Company " or "TNC" means a corporation, partnership, sole proprietorship, or other form of organization operating in this state that uses a digital

network to connect a TNC passenger to a TNC driver for a prearranged ride. A TNC shall not be deemed to control, direct or manage the personal vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract. The term does not include an entity arranging non-emergency medical transportation under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.

- II. “Transportation Network Company Driver” means an individual who receives connections to potential TNC passengers through a digital network controlled by a TNC in exchange for payment of a fee to the company, and provides passenger transportation for compensation with the driver’s personal vehicle.
- JJ. “Transportation Network Company Passenger or Rider” means an individual who uses a TNC’s digital network to connect with a TNC driver who provides transportation to the individual between points chosen by the individual. The terms passenger or rider are interchangeable.
- KK. “Transportation Network Company Service” means transportation pre-arranged through a TNC’s digital network between points chosen by the passenger. TNC service commences when a TNC driver accepts a transportation request via the digital network and concludes when the passenger exits the TNC vehicle. TNC service is not a taxicab service or available via street hail.
- LL. “Transportation-for-hire by Appointment” means transportation for hire service arranged and provided by pre-scheduling of services through communication by phone, e-mail, website or other means. This term is not applicable to TNC’s.
- MM. “Transportation-for-hire Service” means the business of offering or providing transportation of persons for compensation.
- NN. “Transportation-for-hire Vehicle” means any vehicle, motor vehicle, shuttle, limousine or alternative vehicle, including alternative transportation-for-hire vehicles, used to offer or provide transportation-for-hire services.
- OO. “Vehicle” means a device in or by which a person or property is or may be transported or drawn on a public highway (including a road, street, bridge or thoroughfare), other than a device used exclusively on stationary rails or tracks. Sightseeing tour vehicles, pedi-cabs, horse-drawn carriages, NEVs and LSVs are vehicles for purposes of this chapter.
- PP. “Wheelchair Accessible Vehicle” means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA).

6.04.050– General authority and duty of the appropriate enforcement authority.

- A. The Chief of Police shall implement and enforce this chapter, except where otherwise noted, and may by written order establish such rules or regulations, not inconsistent with this chapter or state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this chapter.

- B. Operations at the El Paso International Airport are subject to the regulations outlined in Title 14 of this Code. The Chief of Police or the airport director, or designee(s), shall have the authority to enforce violations of this title occurring at the El Paso International Airport.
- C. Animal control officers and/or veterinarians employed by or contracted with the City or designees may carry out and/or enforce the provisions in Section 6.04.400.

6.04.060– Enforcement.

- A. The Appropriate Enforcement Authority may inspect a transportation-for-hire service, vehicle or driver to determine whether the service complies with this chapter, or other applicable law.
- B. For any violation of this chapter, the Appropriate Enforcement Authority may issue a citation. As provided in Chapter 1.08 of this code, it is a misdemeanor offense for any person, firm, corporation, partner, officer or other entity representative, manager, operator or agent to violate, by act or omission, any provision, requirement or prohibition set forth in this chapter.
- C. Nothing in this title shall prevent the issuance of a warrant of arrest on the same charge, and trial and conviction thereon as in other cases.
- D. Every holder of an operating authority permit shall ensure that its employees, agents and independent contractors are in compliance with provisions of this chapter. It is a violation for an operating authority permit holder to allow an employee, agent or independent contractor to perform services under this chapter when such employee, agent or independent contractor is operating in violation of this chapter.
- E. An operating authority whose employee, agent or independent contractor violates a provision of this chapter concurrently violates the same provision and is subject to the same penalty as the employee, agent, or independent contractor.
- F. Prosecution for any violation of this chapter does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct involved in the offense.
- G. Further, if any provision of this title be held insufficient as the basis of criminal prosecution, the same shall nevertheless be a ground for revocation or suspension of any license or permit issued under this title.
- H. A culpable mental state is not required for the commission of an offense under this chapter, unless the provision defining the conduct expressly requires a culpable mental state.

6.04.070– Operating authority permit—Required.

- A. A person may not operate a transportation-for-hire service inside the city without an operating authority permit granted under this chapter.
- B. A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle, or another who employs or contracts with the driver, has been granted operating authority under this chapter.

- C. It is required for each person to be granted an operating authority permit for each transportation-for-hire service. Each transportation-for-hire service may deploy or operate the types of transportation-for-hire vehicles that are listed on the operating authority permit application.

6.04.080 – Operating authority permit—Term.

An operating authority permit expires one year from the date it is issued.

6.04.090 – Operating authority permit—Application.

- A. To obtain an operating authority permit, a person shall make application in the manner prescribed by this section. The applicant must be the person who will own, control, operate and/or manage the proposed transportation-for-hire company. An applicant shall file with the City a verified application statement and pay the established annual fee. Such application shall be investigated by the Chief of Police to determine if the applicant meets the qualifications for issuance of a permit. The application shall contain the following:
1. The form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and mailing address of each person with a 20% or greater ownership interest in the business;
 2. The verified signature of the applicant;
 3. The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, along with the name of the person maintained in the State of Texas for notifications, correspondence and service of process;
 4. The name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority or service of process, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;
 5. Documentary evidence that the operating authority and/or its employees or independent contractors who provide transportation-for-hire services are in full compliance with insurance requirements as set forth by the State of Texas. An operating authority shall ensure that employees and/or independent contractors are provided written information about the insurance coverage and liability limits of the insurance provided by the operating authority as well as the potential coverage limitations or exclusions of a driver's personal automobile liability insurance policy when that vehicle is in use in connection with providing transportation services. The insured provisions of the policy must name the city, its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a transportation-for-hire vehicle when driven by any authorized driver. Notice to the City shall be made within 10 calendar days if the policy is cancelled or materially changed; and

6. A statement that the applicant is legally authorized to conduct such business in the United States.

6.04.100 – Operating authority permit—Qualifications.

A. A permit may not be issued if the applicant:

2. operates a place of business that is not in compliance with applicable state laws or local ordinances; or
3. has performed an act constituting fraud, misrepresentation, or false statement of facts of material consequence in the application; or
4. does not meet the requirements set forth on the permit application; or
5. is not legally authorized to work in the United States; or
6. has any outstanding warrant of arrest; or
7. is registered in the National Sex Offender Registry database; or
8. has received two or more convictions for violations, and/or findings of liability, under this chapter or Chapter 14.16 of this Code within the 36-month period preceding the date of application; or
9. has not paid the established fee; or
10. is not current in payment of ad valorem taxes or other taxes, as applicable and required.

- B. Any changes to the information provided in the operating authority permit application must be reported to the Chief of Police, in the manner prescribed by the Chief of Police, within 10 business days of the change.

6.04.110– Drivers—Qualifications.

- A. Operating authorities shall obtain a comprehensive national criminal background check on all drivers or operators employed by or contracted with the operating authority. Such background checks shall be conducted through a background check company that is accredited through the National Association of Professional Background Screeners, is Fair Credit Reporting Act compliant, and is acceptable to the City, or through the Texas Department of Public Safety. Such background checks shall include a multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); the National Sex Offender Registry database; and a driving history report(s) from all states in which the driver or operator has held a driver's license. The required background check shall be conducted annually on each driver and/or operator.
- B. An operating authority may not employ or contract with a person as a driver who:
1. has performed an act constituting fraud, misrepresentation, or false statement of facts of material consequence in the application; or
 2. is not at least 18 years of age; or

3. does not hold a valid driver's license that meets the requirements of TRC Chapter 521; or
4. does not possess proof of current and valid Texas registration for the motor vehicle(s) to be used to provide services, or, for vehicles registered outside the State of Texas, does not hold a current and valid Texas Vehicle Inspection Report indicating the vehicle has passed a safety and emission inspection; or
5. does not possess proof of automobile liability insurance for the motor vehicle(s) or other mode(s) of transportation to be used to provide services; or
6. is not legally authorized to work in the United States; or
7. is afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or alternative transportation-for-hire vehicle, or that is likely to otherwise endanger the public health or safety; or
8. has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or class B misdemeanor or higher; or
9. has been convicted of more than three moving violations arising out of separate incidents in the prior three-year period, or has been involved in more than one automobile accident in which it could be reasonably determined that the applicant was at fault within any 12-month period during the 24 months preceding the date of application; or
10. has had a driver's license issued by any state suspended during the 5 years preceding the date of application; or
11. has had a driver's license issued by any state revoked or canceled; or
12. has an outstanding warrant of arrest; or
13. is a match in the National Sex Offender Registry database; or
14. has been convicted two or more times of violations and/or findings of liability under this Chapter or Chapter 14.16 of this Code within the 36-month period preceding the date of application; or
15. is not current in payment of ad valorem taxes or other taxes, as applicable and required.

6.04.120 – Operating authority permit – Fees.

No operating authority permit shall be issued or in effect unless the established annual fee has been paid. Such fee is adopted on Schedule C through the City's annual budget process.

6.04.130 – Operating authority permit—Denial; Suspension; Revocation.

The Chief of Police may deny an operating authority permit, whether an initial issuance of a permit or a renewal, if the Chief of Police determines that the operating authority permit applicant failed to perform the required acts in the chapter or failed to meet the qualifications set out in this chapter.

The Chief of Police shall have the authority to suspend or revoke an operating authority permit under the grounds set forth in this chapter.

- A. The Chief of Police may suspend an operating authority permit if the permit holder:
 - 1. Employs or contracts with a driver not qualified pursuant to the provisions of this chapter; or
 - 2. Allows operation of a vehicle in the course of business that is not qualified pursuant to this chapter.
- B. The Chief of Police may revoke an operating authority permit if the operating authority permit holder:
 - 1. Made a false statement of material fact in the application for an operating authority permit; or
 - 2. Submitted false or fraudulent documents during the application process; or
 - 3. Failed to maintain appropriate insurance policies; or
 - 4. No longer meets all qualifications for issuance of an operating authority permit; or
 - 5. Engaged in conduct reasonably determined to be detrimental to public safety.

6.04.140 – Operating authority permit and taxicab zone permit denial, suspension, revocation—Appeal.

- A. The Chief of Police shall notify an applicant for an operating authority permit or a taxicab zone permit of a denial, suspension or revocation of a permit. Such notice shall be made in writing via certified U.S. Mail. The notification shall include a statement as to the reason(s) for denial, suspension or revocation and the option and process for appeal, including a notice provision informing the applicant of his or her right to appeal the decision of the Chief of Police by submitting a written notice requesting an administrative hearing before a hearing officer. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the Chief of Police not later than the 15th city business day after the date of the written notice of denial, suspension or revocation of a permit. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial, suspension or revocation of a permit.
- B. During the pendency of an appeal for a denial, suspension or revocation of an operating authority permit or taxicab zone permit, the action by the Chief of Police shall remain in effect. However, if the denial is for the respondent's renewal application for an operating authority permit, and such denial is not for a reason that could result in the suspension or revocation of that permit pursuant to Section 6.04.130, the existing permit will remain valid and in effect during the pendency of the appeal and until such time as the decision of the hearing officer becomes final.
- C. If the respondent submits a written statement appealing the denial, suspension or revocation of a permit, the Chief of Police will immediately contact the city attorney's office in order to coordinate the retention of a hearing officer and to schedule a hearing.

The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant or permit holder files the written notice requesting an administrative hearing. The hearing officer will conduct a hearing on the denial, suspension or revocation of the permit. The hearing may be continued to a sooner or later date by agreement of the parties, and with the hearing officer's approval, or upon the finding of good cause by the hearing officer for the granting of an earlier or later hearing date.

- D. At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the witnesses for the Chief of Police. The Chief of Police, who may also be represented by counsel, bears the burden of proving the grounds for denying, suspending or revoking the permit by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the hearing officer, to meet the requirements of due process and the proper administration of justice.
- E. The hearing officer will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The hearing officer's decision is final.
- F. If the decision is to affirm denial, suspension or revocation of a permit, the effective date of the denial, suspension or revocation remains the date of the action by the Chief of Police. If the hearing officer's decision finds that no grounds exist for the denial of a permit, the hearing officer will, contemporaneously with the issuance of the decision, order the Chief of Police to immediately withdraw the denial of the permit and notify the respondent in writing by certified mail of such action. If the respondent is not yet permitted, the license official will contemporaneously therewith issue the permit to the applicant. If the hearing officer's decision finds that no grounds exist for suspension or revocation of a permit, the hearing officer will, contemporaneously with the issuance of the decision, order the Chief of Police to immediately withdraw the suspension or revocation of the permit and notify the respondent in writing by certified U.S. Mail of such action.
- G. If a person whose operating authority permit or taxicab zone permit is suspended or revoked and the person opts to not appeal, or the suspension or revocation is affirmed by the hearing officer, the person is not eligible to apply for a subsequent permit for a period of three years from the date of suspension or revocation. Such application shall be considered a new application and shall be processed accordingly.

6.04.150 – Records and information - Required.

- A. An operating authority shall maintain the following:
 - 1. Records of each trip including the identities of the driver and passenger. Such records shall be retained for one year from the date of each trip.
 - 2. Records of drivers, whether employees or independent contractors, for at least one year after the driver's employment was terminated for any reason

or the driver's independent contractor relationship terminated. Such records shall include documented proof that each driver meets the qualifications set forth in this chapter.

B. Requests for information shall be handled as follows:

1. Any law enforcement officer investigating a criminal case may request information on drivers and/or vehicles from an operating authority in situations where a person is in danger of bodily injury, serious bodily injury and/or death. The operating authority shall respond immediately and such response shall include all information relevant to the investigation.
2. Upon receipt of a duly issued subpoena, court order or warrant relating to the investigation of a criminal matter, the TNC operating authority shall furnish the requested records to the appropriate person named in the subpoena, court order or warrant within the time frame specified.
3. In the event a specific and credible complaint is received against a driver, the City shall be provided access to records necessary to investigate and/or resolve the complaint. Such access shall be provided in the City of El Paso. Identities of specific drivers or passengers may be redacted unless such identification of a driver or rider is directly related to the complaint.

6.04.160 – Audit.

To allow the City of El Paso to verify compliance with this chapter, an operating authority shall allow the City of El Paso to inspect a randomly selected sample of records required by this chapter. Both parties shall mutually agree on the method or manner used to select the sample. Audits shall be conducted in the City of El Paso and shall occur no more frequently than once per calendar year. An operating authority may redact information that may identify specific drivers and/or passengers.

6.04.170 – Permit—Display.

A holder of an operating authority permit shall allow the Appropriate Enforcement Authority or designee to examine the permit upon request.

6.04.180 – Two-way mode of communication; Required.

All drivers shall have an operable means of two-way communication readily available when engaged in providing transportation-for-hire services.

6.04.190 – Carrying passengers by most direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

6.04.200– Solicitation; Street Hails—Prohibited.

A. A driver may not solicit passengers:

1. By word, sound or gesture while driving a transportation-for-hire vehicle on any public street, or while the same is parked on such street, or while the person so soliciting is on any such street or sidewalk; or
2. By paying an employee of another business to solicit passengers or to give preferential treatment in directing passengers to the driver's transportation-for-hire vehicle.

B. A person may not hail a TNC or taxicab. Requests for TNC and taxicab transportation shall be made through a digital network or dispatch center.

6.04.210 – Accessibility; Non-discrimination.

- A. An operating authority shall adopt policies regarding non-discrimination and accessibility.
- B. An operating authority shall provide this policy along with procedures to report complaints on the company website of the operating authority.
- C. Upon any passenger or potential passenger requesting a wheelchair accessible vehicle, or vehicle capable of accommodating other mobility assistance devices/equipment, an operating authority, employee and/or independent contractor shall provide an appropriate vehicle or refer the requesting passenger to an alternate company that is capable of accommodating the request. Such referrals shall be made in a way that does not unreasonably delay the provision of service to the requesting passenger(s).
- D. Upon any passenger or potential passenger requesting an accommodation for a service animal, an operating authority, employee and/or independent contractor shall reasonably accommodate such service animal. If a service animal cannot be reasonably accommodated, an operating authority, employee and/or independent contractor shall provide an appropriate vehicle capable of accommodating the request or refer the requesting passenger to an alternate company that is capable of accommodating the request. Such referrals shall be made in a way that does not unreasonably delay the provision of service to the requesting passenger(s).
- E. Higher fares or additional fees shall not be charged to passengers who require a wheelchair or other mobility assistance device/equipment or service animal accommodation.
- F. No operating authority or driver shall discriminate on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers.
- G. No operating authority or driver shall discriminate based on passenger or potential passenger pick up or drop off location in relation to Section D other than for reasons of geographic distance or route limitations imposed by this chapter.
- H. It is a violation for an operating authority to fail to perform the requirements in Sections A-B.
- I. It is a violation for operating authorities and/or employees and/or independent contractors to fail to perform the requirements of Sections C-D.
- J. It is a violation for an operating authority, an employee and/or an independent contractor to perform an act in violation of the acts prohibited in Sections E-G.

6.04.220 – Zero tolerance for alcohol or drug abuse

- A. An operating authority shall implement zero tolerance policy regarding the use of any drug or alcohol by a transportation-for-hire driver while providing transportation services or while on duty or while logged in to a TNC digital network. This policy along with procedures to report complaints shall be clearly provided on the company website of the operating authority. If the operating authority does not have a website, the same information shall be made readily available to passengers by the transportation-for hire driver.
- B. Upon receipt of a complaint alleging a violation of such policy, the operating authority shall suspend the employee or independent contractor and shall conduct an investigation. If the investigation results in findings that the employee or independent contractor violated the policy, the operating authority shall immediately and permanently remove the employee from providing transportation services and/or revoke the independent contractor's access to the digital network.

6.04.230 – Permit required; Validity of permit—Offense.

A person commits an offense if he:

- A. Operates a transportation-for-hire company with an expired, revoked or suspended operating authority permit;
- B. Operates a transportation-for-hire company without an operating authority permit;
- C. Forges, alters, or counterfeits, or causes to be forged, altered, or counterfeited, an operating authority permit required by this section; or
- D. Possesses or uses a forged, altered, or counterfeited operating authority permit required by this chapter.

Article II Taxicabs

6.04.240 – Established taxicab zones—Permit required; Driver conduct.

- A. Taxicab zones at locations other than the airport:
 - 1. Taxicab zones are designated by the City pursuant to Title 12 of this Code.
 - 2. Only taxicabs may use the taxicab zones.
 - 3. Only upon approval of the application and payment of the established non-refundable fee shall a taxicab zone permit be issued.
 - 4. Taxicab zone permits expire one year from the date issued.
 - 5. Drivers shall not interfere with the orderly progression of taxicabs from the rear to the front of the taxicab zone.
 - 6. Drivers shall not enter a taxicab zone unless there is a vacant space.
 - 7. Drivers shall not interfere with a taxicab entering a taxicab zone in which there is a vacant space.
 - 8. Drivers shall not leave the immediate vicinity of the taxicab zone when parked except to provide reasonable assistance to a passenger upon being engaged to transport that passenger.

9. Drivers shall not occupy a space in a taxicab zone unless the taxicab is available for hire.
 10. Drivers shall not perform maintenance or repairs to a vehicle while occupying a space within a taxicab zone.
- B. The Chief of Police may deny renewal, suspend or revoke a taxicab zone permit issued for locations other than the airport if a driver has received two or more citations for violations of Section A in a 12-month period. Drivers may appeal such actions in accordance with Section 6.04.140.
- C. Taxicab zone at the El Paso International Airport:
1. Unless specifically exempted under this chapter, a person shall not operate a transportation-for-hire service at the airport for the transport of persons between the airport and locations within or outside the City without a permit granted under this section.
 2. A person shall not advertise, nor cause to be advertised, the operation of a transportation-for-hire service at the airport without having a valid permit granted under this section to provide such service when the advertisement is reasonably calculated to be seen by persons seeking transportation-for-hire services at the airport.
 3. A person shall not operate a transportation-for-hire vehicle at the airport without a valid permit issued under this section.
 4. Only upon approval of the application and payment of the established non-refundable fee shall a taxicab zone permit be issued.
 5. Operation of a transportation-for-hire service and operation of a transportation-for-hire vehicle at the airport are subject to additional regulations as set forth in Chapter 14.16.
 6. Taxicab zone permits expire one year from the date issued.

6.04.250 – Taximeters required—Specifications.

If an operating authority elects to operate as a traditional taxicab with no digital network or fare calculator, vehicles shall be equipped with taximeters and the following regulations apply:

- A. The taximeter shall accurately show:
1. The legal fare for each trip;
 2. The minimum fare;
 3. When the distance allowed for such minimum fare shall have been traveled; and
 4. The total fare as the same increases with each additional fraction of a mile. If any charge is incurred for waiting time, such charge shall be included in the total shown.
- B. The taximeter shall be installed and operated per manufacturer's instructions.
- C. The taximeter shall be deemed to show accurately the distance traveled if the error, either above or below the correct distance, is not more than one hundred feet to the mile.

6.04.260 – Taximeter—Inspections.

After installation, the taximeter shall at all reasonable times be subject to inspection by the Chief of Police in accordance with the standards set forth in this chapter, and if the taximeter does not comply with the requirements of this chapter, the taxicab shall be taken out of service until the taximeter is properly adjusted, repaired or replaced.

6.04.270 – Taximeter—Operation.

- A. The taximeter shall be so installed, and when necessary, lighted as to be plainly visible to all passengers. The meter shall be placed in the earning position when the taxicab is in use by a passenger or passengers, but shall not be so placed at any other time so as to charge any passenger with waiting time or mileage for which he should not be charged.
- B. The taximeter shall be deemed to be in use by the passenger from the time he enters the same, or, if the taxicab is responding to a call, from the time the taxicab arrives at the place where the passenger is to be picked up and he is notified of such arrival; and ends when the passenger leaves the taxicab, unless he requests the driver to wait.
- C. The taximeter shall be operated in the earning position whenever the taxicab is being operated with any person other than the driver in the cab, except when flat rates as provided in this chapter are in effect.
- D. It is a violation to activate a taximeter, or to fail to activate a taximeter, as required by this chapter.

6.04.280– Rates schedules—Regulations.

All transportation-for-hire vehicles operating with a taximeter and/or through a dispatch center may charge minimum fares as follows:

- A. A minimum trip fee of five dollars for any trip less than 1 mile in distance that does not originate at the airport; and
- B. A minimum trip fee of ten dollars for trips originating at the airport, or the rate on the taximeter, whichever is higher.

6.04.290 – Fare rates displayed.

All taxicab vehicles shall have a card displayed with a color, font and size that is clearly legible from a distance of three feet outside the vehicle, and from the rearmost seat of the vehicle, which shall include the following:

- A. A schedule listing fare costs;
- B. The operating authority's contact information;
- C. A statement that wheelchair accessible vehicles are available upon request, or contact information for a provider of wheelchair-accessible services; and
- D. Information on how to report complaints to the operating authority and the City.

6.04.300– Receipts—Required.

An operating authority shall provide the payer of a fare with a legible receipt at the time of payment. Such receipt shall be in hard copy form, or in electronic format that can be sent to the passenger electronically by e-mail address or text message. The receipt must contain the following information:

- A. The fare rate;
- B. The total fare;
- C. The trip distance (if fare based in whole or in part on distance);
- D. The duration of the trip in minutes (if fare based in whole or in part on time);
- E. The name of the operating authority under which the driver was operating at the time of the ride; and
- F. The driver's first name or vehicle number.

6.04.310–Vehicle identification—Requirements.

All taxicabs shall have the name and telephone number of the taxicab service painted or affixed on both sides of the vehicle. Letters and numbers used shall be color contrasted against the vehicle and be of sufficient size and font to be easily visible at a distance of at least 30 feet.

Article III – Transportation Network Companies

6.04.320 – Fare information; Dynamic pricing

- A. A TNC shall disclose to passengers the method of fare calculation either on its website or within the app used to access the digital network.
- B. Upon requesting a ride, the TNC shall provide to the potential passenger the option to receive an estimated fare and the passenger shall have the option to accept or decline the transportation.
- C. An operating authority for a transportation-for-hire service operating as a TNC may utilize dynamic pricing through its application or digital network to incentivize drivers and increase the supply of available vehicles on the network to meet demand. If dynamic pricing is utilized the application or digital network shall accomplish the following before the potential passenger accepts or declines the transportation:
 - 1. Clear and visible notice that dynamic pricing is in effect;
 - 2. Require potential passengers to confirm that they understand that dynamic pricing is in effect and will be applied in order for the ride request to be completed; and
 - 3. Provide a fare estimator that enables the potential passenger to estimate the cost of the trip under dynamic pricing.
- D. Dynamic pricing is prohibited during periods of abnormal market disruptions.
- E. TNC's and TNC drivers shall not solicit or accept cash payments for transportation services from passengers or persons acting on behalf of passengers.

6.04.330 – Identification of TNC vehicles and drivers.

Before a transportation request is accepted by a TNC passenger, the TNC's application or website shall display the driver's first name, an accurate picture of the TNC driver, a picture or description of the vehicle, and the license plate number of the motor vehicle utilized for providing the TNC service.

6.04.340 – Electronic Receipt Required.

Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:

- A. The origin and destination of the trip;
- B. The total time and distance of the trip; and
- C. An itemization of the total fare paid.

6.04.350 – Disclosure.

- A. Any record or information made available by a TNC pursuant to this chapter is confidential and proprietary, and shall not be made public without the TNC's express written permission. If the City is required to disclose confidential information under court order or other applicable law, the City shall promptly notify the TNC operating authority of such requirement, prior to disclosure unless not possible, and shall make diligent efforts to limit disclosure pursuant to any available basis in the Texas Public Information Act or other applicable law.
- B. The personal identity information of passengers shall not be disclosed by a TNC to a third party with the following exceptions:
 - 1. A passenger expressly consents to the disclosure;
 - 2. There exists a legal obligation to disclose; or
 - 3. Disclosure is necessary to protect or defend the terms of use of a service or to investigate violations of such terms.
- C. A TNC may share a passenger's name and/or anonymized phone number with a TNC driver in order allow communication between such parties to facilitate identification of the passenger by the driver.

Article IV – Alternative Transportation-for-hire Vehicles

6.04.360 – Alternative transportation-for-hire vehicles—Applicable regulations.

Alternative transportation-for-hire vehicles may only offer services in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the City. Such routes shall be submitted with each application submitted for an operating authority permit.

6.04.370 – Pedi-cabs—Safety equipment and specifications.

A. In addition to any State law requirements, an operating authority shall ensure each pedi-cab is equipped and operates as follows:

1. At least one white headlight visible from a distance of at least 500 feet;
2. Two red taillights visible from a distance of at least 500 feet;
3. A reliable braking system;
4. Sufficient rubber and treading on all wheels;
5. A slow-moving vehicle sign attached to the rear of the vehicle;
6. A red reflector on the rear of the pedi-cab;
7. The distance between each pedi-cab wheel must remain constant while turning;
and
8. Floorboards must have non-skid contact surfaces without holes.

6.04.380– Pedi-cab operation—Restrictions.

In addition to complying with all applicable traffic laws, a pedi-cab driver may not:

- A. operate a pedi-cab on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour, but may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;
- B. operate a pedi-cab on any sidewalk, median, bike trail or hike trail; or
- C. permit or allow a passenger to ride in or on a pedi-cab in such a position that the driver's vision forward, to the side or the rear is blocked.

6.04.390 – Neighborhood Electric Vehicle (NEV) and Low Speed Vehicle (LSV)—Safety equipment and specifications.

In addition to any State law requirements, an operating authority shall ensure each NEV or LSV is equipped as follows:

- A. Two white headlight(s) visible from a distance of at least 500 feet;
- B. Two red taillights visible from a distance of at least 500 feet;
- C. Front and rear turn signal lights;
- D. At least two stop lights;
- E. A slow-moving vehicle sign attached to the rear of the vehicle;
- F. Red reflectors visible to the rear and sides;
- G. An exterior mirror mounted on the driver's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;

- H. A parking brake;
- I. A glazed windshield; and
- J. Seatbelts at all designated seating positions.

6.04.400– NEV and LSV operation—Restrictions.

In addition to complying with all applicable traffic laws, a NEV and LSV driver may not:

- A. Operate on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour, but may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;
- B. Operate on a street or highway at a speed that exceeds the lesser of:
 - 1. The posted speed limit, or
 - 2. 35 miles per hour;
- C. Operate on any sidewalk, median, bike trail or hike trail; or
- D. Permit or allow a passenger to ride in or a NEV or LSV vehicle in such a position that the driver's vision forward, to the side or the rear is blocked.

6.04.410 – Care of horses.

- A. Operating authorities shall ensure that humane care is given to horses at all times and that appropriate and sufficient food and fresh, potable drinking water are available for each horse and that, while working, each horse is permitted to eat at reasonable intervals and have access to drinking water as necessary. No horse shall be worked for more than eight hours in any continuous twenty-four hour period. No horse shall be worked if there are signs of illness, injury, or exhaustion, or if horse shoes are missing, ill-fitting or broken.
- B. Operating authorities shall not allow a horse to be worked on a public highway, path or street during conditions which are determined by Appropriate Enforcement Authority or his designee to pose a threat to the health, safety or well-being of the horse, passengers, or general public. If such conditions develop while a horse is being worked, however, said horse shall be returned, without delay, to its stable by the most direct route, and, if the threat posed is an immediate one, then the return of the horse to its stable shall be by horse trailer.
- C. Operating authorities shall ensure that horses are provided the below listed medical treatments and vaccinations by a licensed veterinarian at the listed intervals, or at other intervals deemed appropriate by a licensed veterinarian. Operating authorities shall provide proof of such medical treatment and vaccinations upon submitting an application for an operating authority permit and/or upon request of the Appropriate Enforcement Authority.
 - 1. Venezuelan, Western, Eastern Encephalomyelitis—annually;
 - 2. Equine Influenza—annually;
 - 3. Rabies—annually;
 - 4. Eastern/Western Tetanus and West Nile Virus—annually;
 - 5. Equine Rhino/Flu—annually;
 - 6. Coggins Certificate (Equine Infectious Anemia)—annually; and
 - 7. Treatment for Internal Parasites—quarterly.

- E. Operating authorities shall ensure that horses are kept clean, especially those areas in contact with the harness or other tack. Additionally, horses must receive appropriate and necessary hoof trimming and shoe resetting every six to eight weeks. The operating authority must maintain records of all trimming and shoeing, which shall be made available to the Chief of Police upon request.
- F. Operating authorities shall, have each horse examined by a veterinarian within 30 days prior to issuance of a new or renewal permit for the horse to be used in a transportation-for-hire service. The veterinarian shall certify that the horse is in a sound and fit condition to perform the task of drawing a carriage, meets the requirements set forth in Section D, and is properly shod so as to provide adequate protection to a horse which will travel on paved roads.
- G. A person commits an offense if the person allows the continued use of a horse which is unfit for use as defined in this section.
- H. Operators of horse and carriage transportation-for-hire vehicles shall ensure that any excrement is immediately removed from any public place and disposed of properly.
- I. All stables where a horse used in a transportation-for-hire service is kept must be located within the geographic boundaries of the city and must comply with the requirements of Title 7 of this code. Upon request at any reasonable time and after giving written notice to the operating authority, the operating authority shall make the stable available for inspection by the Appropriate Enforcement Authority. If the inspection reveals a lack of humane care, unsafe or unsanitary conditions which may affect the health of the horse or a violation of Title 7, the Appropriate Enforcement Authority may take action as authorized under Title 7 of this code. Failure to bring the stable into compliance as ordered is prohibited and shall be cause for the revocation of the operating authority permit by the Chief of Police.

Article V – Sightseeing, Charter, Limousine and Shuttle Operations.

6.04.420– Services provided.

Sightseeing or charter operations may be provided as transportation-for-hire services by appointment or based on pre-established schedules.

6.04.430 – Rate information.

Potential passengers shall be provided the rate information and total cost estimates before charges are incurred.

6.04.440 – Receipt required.

An operating authority shall provide the passenger with a legible receipt at the time of payment. Such receipt shall be in hard copy form, or in electronic format that is caused to be sent to the passenger electronically by e-mail address or text message.

Article VI – International Transportation-for-Hire.

6.04.450 – International transportation-for-hire vehicle permit—Required.

No vehicle shall be operated in the City as an international transportation-for-hire vehicle unless the vehicle has been issued a vehicle permit.

6.04.460 – International transportation-for-hire vehicle permit—Term.

All international transportation-for-hire permits shall expire 12 months from date of issuance.

6.04.470 – International transportation-for-hire vehicle permit—Application.

A. To obtain a vehicle permit to operate as an international transportation-for-hire vehicle, a person shall submit an application and pay the established non-refundable fee. The following documents shall be submitted with the application:

1. *Tarjeta de Circulación Vehicular* which includes vehicle make, model, plates and vehicle identification number;
2. A current certificate indicating the vehicle has passed a Texas state inspection;
3. Current vehicle registration from a state in Mexico; and
4. Proof of an appropriate insurance policy equivalent to that required by the Texas Insurance Code and/or other Texas statutes that is issued by a solvent company and that provides coverage in the City limits of El Paso.

B. Only vehicles that meet the definition of a motor vehicle pursuant to TRC 541.201 may be operated as international transportation-for-hire vehicles.

6.04.480 – International Transportation-for-hire—Operational limitations.

Authorized international transportation vehicles have the following limitations:

- A. Passengers may be dropped off anywhere in the El Paso city limits, or the vehicle may pass through the El Paso city limits;
- B. No passengers may be solicited or picked up, nor may the international transportation for hire vehicle allow solicitation or hailing by potential passengers, in the El Paso city limits;
- C. Passengers may only be dropped off at one location per passenger and interim stops before the final destination are not allowed;
- D. Once passengers have been dropped off, the driver shall depart the El Paso city limits without unreasonable delay using the most direct route, or if the vehicle had originally passed through the city limits, the vehicle may enter the city limits again to return to the desired location in Mexico using the most direct route; and
- E. International transportation-for-hire vehicles may not operate in the City without a current identification sticker on display.

Chapter 6.08 – ~~Passenger Buses and Streetcars~~

RESERVED

Chapter 6.12 – ~~Chauffer's License~~

RESERVED

Chapter 6.16 – ~~Taxieabs~~

RESERVED

Chapter 6.20 – ~~International Taxieabs~~

RESERVED

Chapter 6.24 – ~~Jitneys~~

RESERVED

Chapter 6.28 – ~~Sightseeing or Charter Operations~~

RESERVED

Chapter 6.32 – ~~Limousine Service~~

RESERVED

Chapter 6.34 – ~~Nonmotorized Vehieles for Hire~~

RESERVED

Chapter 6.36 – Driverless Automobiles

6.36.010 – Driverless automobiles—Definitions.

The definition of a term in this chapter applies to each grammatical variation of the term unless the context specifies a different definition.

- A. "Driverless automobile" means any passenger automobile rented or offered for rent to the public or to any member of the public, without services of a driver, except those automobiles not regularly available for rental for less than one month.
- B. "Good and safe mechanical condition" means such condition that the automobile may be reasonably expected to perform the services for which it is rented to the customer, without the necessity for repair while on such service if operated with ordinary skill and care; and equipped with safety devices required by law, in good working order.

6.36.020 – Driverless automobile operation operating permit—Required.

No person shall operate a driverless automobile operation, franchise or business inside the City without an operating permit granted under this chapter.

6.36.030 – Driverless automobile operation operating permit—Term.

An operating permit expires one year from the date it is issued.

6.36.040 – Driverless automobile operation operating permit—Application.

An application for a permit or renewal of a permit under this chapter shall be submitted along with the established non-refundable fee. The application shall be completed in full by the applicant and will contain as attached documents the following items of information:

- A. Documented proof of ownership by the individual, company or corporation requesting such permit and date business was established;
- B. Name, address and phone number of the owner or principal officer of the business; and
- C. A certificate of insurance showing compliance with the applicable provisions of this chapter.

6.36.050 – Driverless automobile operation public liability insurance—Requirements.

- A. No permit shall be issued under this chapter unless the applicant provides proof of the proper liability insurance coverage as required by State law and this chapter.
- B. The policy shall contain a provision that it may not be cancelled, revoked or annulled by the insurer without giving ten days written notice thereof to the Chief of Police. The permit holder shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section, or surrendering the issued permit.

6.36.060 – Driverless automobile operation operating permit—Qualifications.

An applicant for a driverless automobile operating permit may be denied issuance of a permit under the following conditions:

- A. The applicant has been convicted of a felony;
- B. The applicant has been convicted of any misdemeanor involving moral turpitude committed in connection with the licensed business or a similar business;
- C. The applicant has been convicted of an offense involving fraud or theft;
- D. The applicant has any outstanding warrant of arrest;
- E. The applicant is registered in the National Sex Offender Registry database;
- F. The applicant performed an act constituting fraud, misrepresentation, or false statement of facts of material consequence in the application; or

- G. There are two or more violations of this chapter within the twelve-month period immediately preceding submittal of the current application, and such violations resulted in a citation or arrest of the applicant, or any employee or independent contractor of the applicant, or a combination of citation or arrest on the part of both the applicant and the employee or independent contractor of the applicant.
- H. Applicants are required to obtain a comprehensive background check through a background check company that is accredited through the National Association of Professional Background Screeners, is Fair Credit Reporting Act compliant, and is acceptable to the City, or the Texas Department of Public Safety, and to submit, or cause to be submitted, background check results with the application form.

6.36.070 – Driverless automobile operation operating permit—Display.

The operating permit shall be kept posted in a conspicuous place at the location at which the business is conducted.

6.36.080 – Driverless automobile operation operating permit—Changes to information.

Any changes to the information provided in the operating permit application must be reported to the Chief of Police, in the manner prescribed by the Chief of Police, within 10 business days of the change.

6.36.090 – Driverless automobile operation operating permit—Denial; Suspension; Revocation.

- A. The Chief of Police may deny issuance of a permit under the following conditions:
 - 1. The applicant for a new or renewal permit fails to meet the required qualifications; or
 - 2. The applicant fails to submit required documentation with the application.
- B. The Chief of Police may suspend a permit if the permit holder:
 - 1. has failed to pay any final judgment of a court of competent jurisdiction against him on a claim arising out of the conduct of the licensed business; or
 - 2. has habitually violated any provision of this chapter, whether convicted in court or not. Habitually violated means that a permit holder has been cited for the same violation at least twice and there has been no effort on the part of the permit holder to correct the problem or become compliant with this chapter.
- C. The Chief of Police may revoke a permit if the permit holder:
 - 1. has violated Title 14 of this Code in a matter related to the licensed business; or
 - 2. no longer meets the qualifications to be issued an operating permit under this chapter.

- D. An applicant or permit holder may appeal a denial, suspension or revocation of a permit per Section 6.04.140 of this chapter.

6.36.100 – Receipt for payment—Required.

The operating permit holder or employee or independent contractor shall issue a receipt to any person paying for the hire of any driverless automobile.

6.36.110 – Payment of taxes.

Permit holders shall promptly fully pay all ad valorem taxes levied upon any property used in the licensed business.

6.36.120 – Restrictions on renting.

No person shall rent any driverless automobile to any person who does not hold a driver's license, or who is intoxicated, or who is obviously unable to drive safely because of illness or any other reason.

6.36.130 – Contracting requirements.

- A. Permit holders shall set out in the body of its contract with the lessee of any driverless automobile that the lessee shall be liable for payment of fines due to the issuance of a citation for any parking or traffic violation while the automobile is under the control of or in operation by the lessee.
- B. The contract between the permit holder and the lessee of any driverless automobile shall contain the lessee's name, address, driver's license number and the state from which such license was issued. This information shall be made available upon request to the City or its duly authorized and appointed representative if no action has been taken by the lessee within fifteen days after the parking citation was issued to the lessee. Traffic citations shall be subject to established State law and/or City-established ordinance rules and procedures.

Chapter 6.40 – ~~Emergency and Transfer Ambulance Services~~

RESERVED

Section 2. That except as amended herein, Title 6 – Vehicles for Hire – shall remain in full force and effect.

Section 3. That provisions of this amendment shall be effective July 26, 2016.

PASSED AND APPROVED this _____ day of _____, 2016.

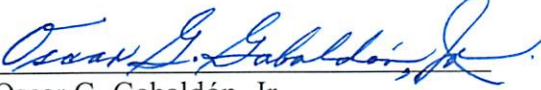
CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Oscar G. Gabaldón, Jr.
Assistant City Attorney

APPROVED AS TO CONTENT:


for _____
Gregory K. Allen
Chief of Police



Transportation for Hire Ordinance Amendment & Schedule of Fees Revision

August 9, 2016

City Council Strategic Goal

Goal 2 : Set the Standard for a Safe and Secure City



Overview

August 25, 2015- City Council Directive:

- Review the Taxicab Ordinance and revise as needed or provide for a new ordinance that will allow TNCs* to operate legally in the City of El Paso.
- Remove outdated language that no longer applies.
- Remove over extensive requirements.
- Ensure compliance with accommodating disabled persons.

**Transportation network company" means a corporation, partnership, sole proprietorship, or other entity operating in this state that uses a digital network to connect a transportation network company rider to a transportation network company driver for a prearranged ride.- Texas HB no 1733.*

"Delivering Outstanding Services"



Overview

May 17, 2016- City Council Directive:

- **Work with taxicab and TNC industry to make taxi industry thrive and be competitive**
- **Allow TNC's to operate and compete as well**
- **Level playing field and de-regulate**
- **Possibly put forth incentives**



Purpose/Focus

- **Simplify, streamline and reduce regulations**
- **Maintain policy of**
 - ✓ **Protection of public welfare**
 - ✓ **Availability of transportation options**
 - ✓ **Business enterprise / market competition**



Approach

- **Reviewed/evaluated current ordinance**
- **Researched other cities' ordinances**
- **Researched market failure in other cities**
- **Solicited customer and industry input through multiple community meetings and focus groups**



What is Transportation for Hire?

- ☐ Taxicabs
- ☐ TNC's
- ☐ Limousines
- ☐ Sightseeing/Charter
- ☐ Shuttles
- ☐ Non-Motorized (Pedicabs, Horse and Carriage)
- ☐ Low Speed and Neighborhood Electric Vehicles (LSV's and NEV's)



Regulation Titles Affected

- Reviewed Title 6 and Title 14
- Title 6 covers operation throughout city
- Title 14 is specific to airport operations
- Proposed Title 6 is completely new
- Proposed Title 14 is modified
- Project included amendments to Titles 6, 9, 10, 12, 14 and Schedule of Fees



Proposed Regulation Structure

Title 6

- Title 6 formatted to apply to all transportation-for-hire with defined Articles
- All businesses must have an *Operating Authority Permit*
- All drivers or operators of a mode of transportation must pass a background check
- Vehicles must comply with State registration/inspection requirements
- Taxicab zone permit still required (taxicab use only)



Proposed Regulation Structure, Title 14

- **Airport operation continues to require separate permits for taxicab, shuttle and limo zone/areas**
- **Airport zone permits issued with additional requirements: trade dress, vehicle age**
- **Airport TNC operation requires fee of \$1 per trip (pick up only)**



Accessibility & Non-Discriminatory Service Rules

- Operating Authority must provide service or contract with a company to provide wheelchair-accessible vehicles upon request
- Cannot charge a higher fare for wheelchair or service animal accommodation
- Citywide service*
- No portion of the city shall be excluded from service*
- No refusal of passengers due to point of origin, destination, or length of trip
- No discrimination against passengers based on race, color, age, religion, sex, marital status, sexual orientation, gender identity, national origin, disability, political opinions or affiliations

* Does not apply to non-motorized transportation vehicles for hire



Rates/Display of Fare Rates

- **Potential passenger / payer advised in advance of rate for ride with option to accept/decline**

OR

- **Rate schedules published / available on fare card**

OR

- **Services by appointment / reservation with agreed upon rates**



Title 6 Regulations Repealed / Amended

- **City Council hearings for permit issuance removed***
- **Chief of Police hearings for fleet increase***
- **City vehicle inspections eliminated***
- **Driver and vehicle permits not required***
- **Set months for permit renewal changed to expiration 12 months from date of issuance**
- **Aligned appeals process for denials, suspensions, revocations with other existing ordinances***

**Indicates a fee reduction associated with the change*



Title 6 Regulations Repealed / Amended, continued

- **Prescribed fare schedules for taxis removed**
- **Medical certification requirement removed**
- **Removed tax and insurance regulation from ordinance and cited existing statutes**
- **Removed two-way radio requirement for taxis in favor of a mode of two-way communication**
- **Color scheme/marketing regulations amended (only Title 6)**
- **Removed trade dress requirement (only Title 6)**
- **Age limit on vehicles removed (only Title 6)**



Improvements

- **ADA Accessibility requirements**
- **Broader scope of background checks**
- **All application processes on-line**
- **Added minimum fares for certain distances**
 - ~ **\$5 for less than one mile other than airport**
 - ~ **\$10 for trips originating at airport**
- **No minimum/maximum fare requirements allow flexibility**



Transition

- **Six month grace period from adoption for full compliance**
- **Permits issued before the effective date remain valid until expiration**



Schedule of Fees Proposed Amendments



Proposed Fees Required All

Requirement	Annual Fee
Operating Authority Permit	\$300
International Vehicle Permit	\$40
Driverless Rental Operation Permit Fee	\$175
Driverless Rental Permit Transfer Fee	\$5

*26 fees deleted



Proposed Fees Optional

Optional Access	Fee
Airport:	
Shuttle Service Permit	\$150 / year
Airport Zone Permit	\$250 / year
TNC Pick-ups	\$1 per trip
Non-Airport:	
Taxi Zone Permit	\$250 / year



Proposed Fees Illustration

Taxi Company A

60 Permitted Vehicles*

Current: \$17,040

Proposed: \$300

Reduction of 98%

Limousine Services B

20 Permitted Vehicles*

Current Cost: \$3,720

Proposed Cost: \$300

Reduction of 92%

Non-Motorized Company C

3 Permitted Vehicles*

Current: \$714

Proposed: \$300

Reduction of 58%

*includes inspections and fare cards, if applicable



Questions