WHEREAS, the City of Austin is a jurisdiction governed by its citizens, through their hard-earned system of local and diverse representation locally known as Ten One (10-1); and

WHEREAS, public safety is a fundamental responsibility of government; and

WHEREAS, by City Charter the City Council is responsible for determining the effective policies for regulating ground transportation services in Austin; and

WHEREAS, after months of deliberation through Council Committee and in collaboration with City staff and stakeholders, the City Council on December 17, 2016 approved by a 9-2 vote Ordinance No. 20151217-075 (hereafter Council Ordinance) to amend City Code Chapter 13-2 (Ground Transportation Services) to include reasonable and prudent regulations for Transportation Network Companies (TNCs); and

WHEREAS, almost immediately after passage of the Council Ordinance, a specific-purpose political action committee (SPAC) called Ridesharing Works for Austin was established for an initiative petition to propose their own ordinance for regulating TNCs (hereafter Petition Ordinance); and

WHEREAS, the City Clerk validated the submitted signatures of the initiative petition on February 2, 2016; and

WHEREAS, if an initiative petition is validated as sufficient, City Council shall either (1) pass the Petition Ordinance exactly as written within 10 days, or (2) order an election on the initiated Petition Ordinance exactly as written, with the election to be held on the next statutorily-allowable election date; and

WHEREAS, the passage of the Petition Ordinance by City Council failed by a 2-8-1 vote on February 11, 2016; and

WHEREAS, the City Council on February 17, 2016 ordered an election on the initiated Petition Ordinance exactly as written, to be held on May 7, 2016; and

WHEREAS, the Council ordinance includes public safety provision requiring emblem identification of vehicles (trade dress) while the petition ordinance does not; and

WHEREAS, the Council ordinance includes public safety provision requiring vehicle safety inspection specific to TNC vehicles and inline with current safety inspections for all ground transportation service vehicles while the petition ordinance limits inspections to typical Texas vehicle inspections; and

WHEREAS, the Council ordinance includes public safety provision prohibiting TNC drivers from stopping, standing, parking, loading, or unloading passengers in a travel lane or bus stop while the petition ordinance does not; and

WHEREAS, the Council ordinance includes public safety provision phasing in requirement of national fingerprint-based background checks for TNC drivers while the petition ordinance expressly prohibits the use of fingerprint-based background checks; and

WHEREAS, all other drivers of ground transportation services in Austin including taxis, limos, charters, shuttles, pedicabs and even horse-drawn carriages are required to undergo a fingerprint-based background check; and

WHEREAS, public safety experts with the Federal Bureau of Investigation and the Texas Department of Public Safety agree that fingerprint-based background checks are the best way to ensure that the person applying to be a driver is actually who he or she claims to be and that the records reviewed belong to the applicant, with a match accuracy rate of 99.6%; and

WHEREAS, the primary contributors to Ridesharing Works for Austin SPAC were Lyft, Inc. and Uber Technologies, Inc., with 92% of contributions from them, the same companies that are regulated by the ordinance in question; and

WHEREAS, this SPAC along with the TNCs utilized misinformation in the media by claiming that the City Council is “forcing” TNCs out of Austin, personally attacking Council Members with accusations of wanting to “run ridesharing out of town”, and using misleading slogans like “Keep Austin Uber”; and

WHEREAS, the TNC background checks do not utilize any unique identifying information, such as a fingerprint, but simply require applicants to submit information such as name, address, driver’s license number, and social security number through a webpage, which the TNC then provides to third party companies who actually perform the background checks; and

WHEREAS, Uber Technologies, Inc. is currently facing a class action lawsuit regarding claims about its safety including false and/or misleading representations of its background checks as “industry-leading”, “more rigorous that what is required to become a taxi driver”, and better than the FBI fingerprint check; and

WHEREAS, even the third party company Hirease, Inc. who performs the background checks for TNCs touts the superiority of fingerprint-based background checks, stating on its website “Fingerprinting helps uncover criminal history not discovered through traditional methods”; and

WHEREAS, the City of Houston requires fingerprint-based background checks for TNC driver applicants; and

WHEREAS, in the first ten months after Houston’s ordinance went into effect, the fingerprint-based background check found that several applicants for TNC driver’s licenses – who had passed a commercial background check – had a prior criminal history with charges including murder, assault, battery, racketeering, indecent exposure, DWI/DUI, possession of a controlled substance, prostitution, fraud, robbery, aggravated robbery, larceny, violation of probation, sale of alcohol to a minor, traffic of counterfeit goods, unlawful carry of a weapon, reckless driving, public intoxication, driving with a suspended license and unauthorized use of a vehicle; and

WHEREAS, these TNCs consistently oppose and resist the various state and local regulations regarding safety which are applied to other ground transportation services; and

WHEREAS, with Lyft, Inc. valued at an estimated $5.5 billion and Uber Technologies, Inc. valued at an estimated $62.5 billion, these companies are likely to outspend any political opponents; and

WHEREAS, recent changes at the Texas Legislature allow for unlimited corporate contributions to SPACs, such as Ridesharing Works for Austin SPAC; and

WHEREAS, the influence of these powerful companies threatens to supplant the will of the people by undermining our ability to write our own laws and determine the fate of our city; NOW, THEREFORE,

BE IT RESOLVED:

The Travis County Democratic Party supports City Council Ordinance No. 20151217-075, and opposes the passage of the Petition Ordinance on the May 7, 2016 ballot.

BE IT FUTHER RESOLVED:

The Travis County Democratic Party will support campaign efforts to defeat the ballot measure, actively engage in ‘get out the vote’ efforts, and encourage voters to vote ‘No’ on [Prop 1] on the May 7, 2016 ballot.