

ORDINANCE NO. 20160128-092

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD A NEW CHAPTER 4-17 RELATING TO PEER TO PEER ENTERPRISES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Title 4 (*Business Regulation and Permit Requirements*) is amended to add a new Chapter 4-17 to read:

CHAPTER 4-17 PEER TO PEER ENTERPRISES.

ARTICLE 1. GENERAL PROVISIONS.

- § 4-17-1 DEFINITIONS.
- § 4-17-2 PURPOSE.
- § 4-17-3 AUTHORIZATION.

ARTICLE 2. GROUND TRANSPORTATION SERVICES.

- § 4-17-10 APPLICABILITY.
- § 4-17-11 INCENTIVE PROGRAM.
- § 4-17-12 LIST OF INCENTIVES.
- § 4-17-13 RULES.

ARTICLE 1. GENERAL PROVISIONS.

§ 4-17-1 DEFINITIONS.

In this chapter:

- (1) **PEER TO PEER ENTERPRISE** means an enterprise, whether for profit or not, providing a mechanism for customers to receive goods and services, usually but not always without the use of an intermediary, through the use of software platforms designed and implemented for the sharing, provision, and receipt of goods and services, and for personal and business interactions and networking.

- (2) **DIRECTOR** means the city department director designated by the city manager.

§ 4-17-2 PURPOSE.

- (A) This chapter addresses the public health and safety concerns related to Peer to Peer Enterprises.
- (B) For each category of Peer to Peer Enterprises, this chapter authorizes incentives for the creation in the private sector by an independent third party, or by the City if needed, of methods or programs consistent with the City's need to protect public health and safety in the use of the enterprises.

§ 4-17-3 AUTHORIZATION.

The City Manager is authorized to establish programs, processes, and procedures to incentivize vendors, consumers, volunteers, and other users of software platforms designed and implemented for the sharing, provision and receipt of goods and services, and for personal and business interactions and networking, in peer-to-peer and sharing markets, to participate voluntarily in a verifier, certificate, or badge program in which the City participates, or which is handled by an independent third party, that can be used to provide users more information and choices related to other participants and that fosters or promotes a legitimate public interest, concern or policy including, but not limited to, helping to make the City safer and those in the City feel safer.

ARTICLE 2. GROUND TRANSPORTATION.

§ 4-17-10 APPLICABILITY

This Article applies to ground transportation services as defined in Chapter 13-2 (*Ground Transportation Passenger Services*). This Article does not apply to charter bus services regulated under Chapter 13-2, Article 2, Division 2, Subpart D (*Charter Bus Service*).

§ 4-17-11 INCENTIVE PROGRAM.

- (A) This section describes the program, to be known as the Incentive Program, authorized under section 4-17-3 (*Authorization*) to address traffic, public, and personal safety issues related to ground transportation in the City of Austin such as drinking while intoxicated, assault, emergency vehicle access, and safe and efficient flow of traffic in which the City participates or which is handled by an independent third party, potentially available for

multi-platform use, that can be used by drivers and riders to provide meaningful mobility choices. The Incentive Program may be created and implemented by an independent third party, or by the City if needed.

- (B) To participate in the Incentive Program, a badge holder must meet the following criteria, regardless of who issues the badge:
 - (1) fingerprint based national criminal background check information that complies with the requirements in subsections (D) and (E) of Section 13-2-102 (*Contents of Application*), or
 - (2) a valid chauffeur's license under Chapter 13-2.

§ 4-17-12 LIST OF INCENTIVES.

The Incentive Program shall include, to the extent feasible, as directed by the City Manager, and without limitation, the incentives listed in this Section for companies, drivers, or passengers participating in the program. The incentives in this section shall not be construed to deny access by a driver who is not a badge holder to a legally accessible area that was available to a Transportation Network Company driver on January 28, 2016.

- (A) Allow only badge holders the preferred ability to pick-up, and where feasible drop-off, passengers at a designated or geo-fenced location:
 - (1) during large gatherings and special events, including but not limited to South by Southwest Festival, Austin City Limits Festival, and the Trail of Lights;
 - (2) within entertainment districts established by the director; and
 - (3) within hours established by the director, including evening hours.
- (B) Allow only badge holders the preferred ability to wait or queue in areas established by the director.
- (C) Allow only badge holders the preferred ability to load and unload within "Safe Loading Zones" established by the director in and around downtown entertainment areas. The safe loading zones may be physically or virtually fenced so as to ensure access only to badge holders.
- (D) Provide a reduced fee schedule for badge holders, only as approved in the city budget, for any fees that may be charged by the City to support any safety programs that may be established by separate ordinance relating to

the operation and use of ground transportation services and allowing that the savings inure to the benefit of a company, driver, or passenger;

- (E) Provide a reduced fee schedule for any ground transportation service company regulated under City Code Chapter 13-2 (*Ground Transportation Passenger Services*) if the company requires its drivers to be badge holders or the company has badge holders operating under the company's platform. The reduced fee must be approved in the city budget, and may be for all or a portion of any fees that may be charged by the City, including but not limited to any fees charged by the City to support any safety programs that may be established by separate ordinance relating to the operation and use of ground transportation service providers.
- (F) Reward badge holders, or participate in programs that reward badge holders who voluntarily participate in the Incentive Program.
- (G) Reward passengers, or participate in programs that reward passengers who choose badge holders for their transportation needs.
- (H) To the extent feasible, participate in a program to exempt, credit, or provide discounts to badge holders from tolls while the drivers are driving a ground transportation service vehicle, or allowing such drivers to access HOV or managed lanes from which they may otherwise be excluded.
- (I) Promote or otherwise support the Incentive Program or any independent third party issuing badges that allow participation qualify for incentives under the Incentive Program.
- (J) Reward ground transportation service companies that visually represent on their app that a particular assigned driver is a badge holder in a manner that is readily discernable.
- (K) Reward ground transportation service companies that establish methods to enhance the ability of drivers or passengers to identify and choose a Badge Holder for transportation services.
- (L) Reward transportation service companies that establish methods to allow a passenger to cancel without charge an assigned driver that is not certified.

- (M) Reward ground transportation service companies that provide passengers the ability to select certified drivers then available and operating.
- (N) Reward ground transportation service companies that visually represent on their app the location and number of proximate vehicles being operated by a certified driver.

§ 4-17-14 RULES.

- (A) The director shall adopt rules necessary to implement the Incentive Program, to include:
 - (1) areas required to be designated by the director in subsections (A), (B), and (C);
 - (2) methods to address traffic safety and other public health and safety issues related to ground transportation passenger services including at the Austin Bergstrom International Airport (ABIA); and
 - (3) methods preserving existing regulations while adding the ability for badge holders to queue and receive requests for rides while on ABIA grounds.
- (B) The director shall consider adopting rules to provide additional entitlements for badge holders to further increase the public safety benefit of the Incentive Program, such as:
 - (1) providing a separate fee schedule for meeting established benchmarks;
 - (2) providing funding for a limited period of time for some or all of the cost to the drivers to participate in the Incentive Program; and
 - (3) exempting badge holders from certain parking meter fees, including for city owned parking facilities.

PART 2. This ordinance takes effect on February 8, 2016.

PASSED AND APPROVED

January 28, 2016

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk