

## Executive Summary

**To: City Council**

**From: Mayor Mike Rawlings**

**RE: Transportation for Hire**

**Date: October 23, 2013**

Following the direction of the City Council, I have led an investigation into the history of and actions taken by Dallas City Management and the City Attorney's office attempting to enforce the City of Dallas' transportation for hire ordinance and further create new regulations regarding the same. I engaged the services of Bill Hill, former Dallas County District Attorney, who then also engaged Dave Moore, to execute interviews and research. I asked Craig Kinton, our City Auditor, to obtain documents necessary for the investigation. I asked Adam McGough to schedule all internal meetings for the outside vendor. Attached is the report of Mr. Hill's investigation. I complemented that input with a series of interviews I did myself to clarify any vague understandings I had. It is important to note that all City employees have been accessible, professional and forthright with all answers and information.

### **Objectives:**

The objectives of the investigation were:

- Determine the actions taken by City employees that led up to the ordinances being put on the City Council agenda for August 28, 2013. *Why was it placed on the agenda?*
- Determine why City Management and the City Attorney's office engaged the Dallas Police Department in enforcement of perceived violations. *Was using our Vice Officers appropriate?*
- Determine if there was any action by any private entity that was beyond the course of normal City business which might call for a legal investigation. *Did unethical or illegal actions take place?*

The objective of the investigation was not to opine on the merits of ordinances as written or recommend a course of action for the City. That is the job of each elected official and that subject will be taken up by the Transportation Committee and eventually the entire City Council as a whole.

### **Key Highlights of Findings:**

The story I have learned goes as follows in a broad summary form (see attachment for greater detail):

- Uber began doing business in Dallas in 2012 and immediately started making a marketplace impact.
- Shortly following, staff at City Hall started discussing it. When I heard many of my friends booked an Uber car I asked Mary Suhm what is the City's role in regards to Uber's business? Ms. Suhm finds out her team is already working on this issue to better understand it.
- In November of 2012 City Attorney's office determines Uber is not operating legally and sends a Cease and Desist letter to Uber on the grounds it is not authorized to conduct business in Dallas.
- Uber ignores letter and continues to do business.
- City staff, acting on the judgment of the City Attorney's office that Uber is acting illegally, meets in Q1 2013 with Uber. Uber disagrees that they should be regulated by the City because they claim they are a technology company not a transportation company. City staff continues to believe Uber is acting as a transportation company and continues to act as they did in the past. (I am informed of this disagreement by Mary Suhm and send an email to her when I see an advertisement that "Uber is providing transportation").
- ACM Joey Zapata and Melissa Miles in the City Attorney's office decide to get first hand facts of the operation of Uber and engage DPD Vice for an investigation which ended with 65 citations issued.
- Yellow Cab's lawyer, John Barr becomes very active at City Hall pushing City Management to enforce City ordinances.
- In July 2013, A.C. Gonzalez takes over as Interim City Manager and decides to move the process and this issue along more quickly. One of the key decisions he makes is to strengthen and "clarify" City ordinances. He tells City Attorneys to draft new ordinances that are similar to the ones Yellow Cab's attorney had drafted.
- Over the objections of other City staff members, A.C. Gonzalez decides to put the new ordinances on the Council agenda without taking it to a committee. Because of his two week illness and his admitted oversight he did not communicate this decision to either the Mayor or members of City Council.
- On September 4, 2013 the City of Dallas prosecutes its first case of citations it issued. The case was against Uber Technologies, Inc. on the grounds it was operating illegally

because Uber had not registered with the City to be a provider of transportation for hire. A jury trial found Uber Technologies, Inc. not guilty. Subsequently the City Attorney's office has decided that the remainder of the citations be dismissed.

### **My Beliefs:**

First and most importantly, I did not hear of or discover any potential illegal or unethical activity or behavior that I believe should be investigated further.

Second, I believe several wrong decisions and bad judgments were made throughout this process. Following are the primary ones:

1. There was a significant lack of awareness by the investigating team of the broad marketplace dynamics of a changing market in Dallas and the United States that creates an extremely complicated policy dilemma and at best an unclear legal strategy. They were not fully aware of these dynamics and what the voice of citizens in this matter was. And furthermore, this small group of City individuals believed they alone could solve this problem. That judgment was naïve.
2. Mr. Gonzalez should not have asked City Attorneys to draft ordinances using Yellow Cab's lawyers draft as the primary guide. Even if he thought they were correctly written it creates the after-the-fact perception that one private company was getting too much influence within City Hall. And it is the City Attorney's office's job to determine how to best draft new ordinances.
3. The decision of Mr. Gonzalez to place the new ordinances on the Council agenda without any private or public briefings is an overreach of the City Manager's job. Furthermore to put it on the consent agenda assuming City Council might not want to discuss or debate exacerbates that initial bad decision.

In regards to the use of DPD Vice Squad staff, I understand that City staff normally works closely with our Police Department when they believe any citizen or business is not obeying the law. DPD agrees to help with appropriate resources as they deem it at the time. This situation was not out of the norm. But it is important to note that Chief Brown did express his opinion to the City Attorney's office and Mr. Gonzalez, that this would not be the most effective way in dealing with this issue.

It's important to note that while City staff should be held accountable for their actions, in this case it was accelerated by the judgment of the City Attorney's office that Uber was acting illegally. Those attorneys have a clear responsibility in this matter because of that judgment. It was unclear to me if legally the current ordinances stood by themselves or were they not sufficient and needed to be changed. This ambivalence from the City Attorney's office was at the crux of this problem.

I earnestly believe that staff working on this issue was working under good intentions to enforce the ordinances of the City Council. The mistake was they never stopped and asked for buy-in or advice from the Council on a subject that was a difficult issue in an industry that is undergoing a major transformation. The judgment of the Interim City Manager to surface this issue to City Council as a consent agenda item ready to be voted on without briefing is highly disappointing to me and I have told him such.

**Implications:**

As said before this in no manner should imply any decisions or opinion that this City Council will or should take in regards to the policy on how we regulate transportation for the City as to ensure the safety and benefit of all our citizens. It does say three things should change:

1. When City staff continues to work on a project for an extended period of time as it did on this project it should report its activity to the appropriate Council Committee, in this case Transportation.
2. We need a better and clearer understanding of what determines an item being placed on the agenda as a consent item. No one has been able to articulate for me the decision logic to make items consent or individual. We need to make it clear.
3. As Mayor, I will ask for briefings to Council more quickly than I have done in the past. I thought this issue would bubble up through the Transportation Committee so I didn't push for a briefing in this case. That will not happen again.

**William T. Hill, Jr.**  
Attorney at Law

October 21, 2013

The Honorable Mayor Michael S. Rawlings  
City of Dallas  
1500 Marilla, 5EN  
Dallas, Texas 75201

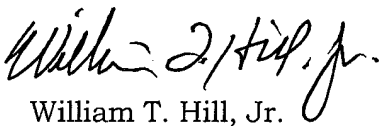
Dear Mayor Rawlings,

In response to your request of me to conduct an investigation into the details surrounding Addendum Item No. 5 on the August 28, 2013 Dallas City Council agenda, you will find attached my report as it relates to your request.

Mr. David Moore of Specialized Investigations, Inc. was retained by me to work under my supervision interviewing pertinent witnesses identified as those who might have some knowledge of the subject matter of the investigation. There was also a review of numerous documents produced by various employees of the City of Dallas. Witnesses outside the employee of the City were also interviewed and documents initiating from these individuals were reviewed.

The results of the investigation are condensed into the written report submitted by David Moore of Specialized Investigations, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "William T. Hill, Jr.", with a stylized flourish at the end.

William T. Hill, Jr.  
Attorney at Law

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October 21, 2013

CONFIDENTIAL

INVESTIGATIVE SUMMARY REPORT  
FOR CITY OF DALLAS  
REGARDING UBER TECHNOLOGIES, INC

**THIS DOCUMENT IS ATTORNEY WORK PRODUCT AND ATTORNEY-CLIENT  
PRIVILEGED**

Introduction

On September 5, 2013, Specialized Investigations, Inc was retained by Dallas attorney, Bill Hill, to investigate specific, designated issues regarding the City of Dallas' management, staff, and their dealings with Uber Technologies, Inc. This investigation was authorized by the Dallas City Council on or about August 28, 2013.

This investigation was conducted at the request and under the supervision of Hill, in anticipation of potential litigation. As such, all investigative efforts, communications, and work product, including this Report, are considered attorney work product and attorney-client privileged communications. Every effort should be taken to protect these privileges afforded this investigation; and all related documents.

Investigator was instructed to limit the scope of this investigation to the following two areas:

1. What was the history leading up to the amendment of Chapter 10A of the Dallas City Code being scheduled as a Consent Agenda item on August 28, 2013:
  - a. Who authorized the item to be placed on the August 28, 2013, Agenda; and
  - b. Why was it placed on the Agenda in the manner in which it was?
2. What was the history involving the City of Dallas' enforcement actions against Uber:

- a. What City officials were involved in the decisions resulting in the utilization of the Dallas Police Department's Vice Squad officers; and
- b. What was the goal, or purpose, of these enforcement activities?

### The Investigation

This investigation was conducted, and coordinated, with the assistance of Amy Messer, of the City Auditor's office, who provided the requested emails and documents; and Adam McGough, of the Mayor's office, who coordinated the interviews of City employees from the City Manager's office, City Attorney's office, Dallas Police Department, and City Council Members.

Although there were numerous interviews conducted, material and relevant information obtained was principally from the following City employees and Yellow Cab representatives:

- ☪ Mike Rawlings, Mayor;
- ☪ Mary Suhm, Special Projects Coordinator (former City Manager);
- ☪ Melissa Miles, Assistant City Attorney;
- ☪ Chris Bowers, Assistant City Attorney;
- ☪ Warren Ernst, Assistant City Attorney (City Attorney as of October 2013);
- ☪ Joey Zapata, Assistant City Manager;
- ☪ A.C. Gonzalez, Interim City Manager;
- ☪ Jack Bewley, Owner of Yellow Cab;
- ☪ John Barr, Attorney for Yellow Cab; and
- ☪ Representatives of Uber Technologies, Inc

### Investigative Findings

Pursuant to documents obtained from witnesses, Investigator, Dave Moore, developed the following timeline of the City of Dallas' actions involving Uber:

- ☪ Summer 2012, Uber launches services in Dallas;
- ☪ August 2012, Carol Reed, lobbyist for the taxi cab companies/drivers meet with staff of the City Manager's office, specifically regarding Uber;

- 🕒 November 2, 2012, Uber was notified by staff of the City Attorney's office, that Uber was operating without proper authority (Ex.1A & 1B);
- 🕒 December 2012, additional discussions were had between the lobbyist, Carol Reed and the City Manager's office, regarding Uber (Ex.1A);
- 🕒 December 20, 2012, City Code Compliance notified taxi cab and limousine drivers of violations in their use of Uber to arrange fares (Ex.1C);
- 🕒 Mid January 2013, staff of the City Attorney's office and the City Manager's office met with Uber representatives regarding Uber's code compliance issues (Ex.1A);
- 🕒 February 29, 2013, the City Attorney's office sent a letter to Uber's attorneys summarizing Uber's representations made during the January meeting, and requesting corrections or clarifications (Ex. 2);
- 🕒 March 29, 2013, Uber's attorneys respond to the City Attorney's letter correcting inaccuracies and misunderstandings, and providing an "accurate" description of the manner in which Uber operates (Ex. 3);
- 🕒 May 2013, Zapata and Miles engaged DPD Vice Squad officers to solicit Uber transportation services and gather information (Ex. 4);
- 🕒 June 6, 2013, John Barr, attorney for Yellow Cab, provided information regarding Uber, by email, to Zapata and Gonzalez (Ex. 5);
- 🕒 Early June 2013, a strategy meeting, regarding Uber, was held between staff of the City Manager's office, City Attorney's office, Public Works/Transportation office, and DPD. Included in this meeting was John Barr (Ex. 6A & 6B);
- 🕒 July 1, 2013, Mary Suhm resigned as City Manager and A.C. Gonzalez was appointed Interim City Manager;
- 🕒 July 2, 2013, at the request of Zapata and Miles, citations were issued to Uber drivers who were identified by DPD Vice officers (Ex. 7A & 7B);
- 🕒 July 4, 2013, John Barr forwarded additional information, regarding Uber, to Zapata and Gonzalez (Ex. 8);
- 🕒 July 11, 2013, Zapata asked Miles about obtaining permit/license information from limo drivers, when they were issued a citation, or "ticketed" (Ex. 9);
- 🕒 July 15, 2013, John Barr forwarded information regarding Uber to Zapata; message included, "We need to ticket for this advertising and avoidance of code" (Ex. 10);



- ☪ July 16, 2013, Barr forwarded more information, regarding Uber, to Zapata, copying Gonzalez; message included, "Come on, get DPD to write tickets to Uber or stop charging permits to the cab companies. This isn't right. This is your area of responsibility." (Ex. 11);
- ☪ August 2, 2013, Gonzalez sets the proposed Chapter 10A amendment on the August 14, 2013, City Council Consent Agenda (Ex. 12);
- ☪ August 7, 2013, Lisa Christopherson, Assistant City Attorney, completes proposed Chapter 10A revisions (Ex. 13);
- ☪ August 8 and 9, 2013, A.C. Gonzalez was out sick with kidney stones (Ex. 12 & 14);
- ☪ August 8 or 9, 2013, Mary Suhm and Ryan Evans moved the Chapter 10A proposed amendment to the August 28, 2013, Consent Agenda. Suhm stated that she strongly urged a briefing (Ex. 13 & 15);
- ☪ August 15, 2013, a small group meeting was held, which included Joey Zapata discussing the limousine ordinance (Ex. 16);
- ☪ August 15-23, 2013, Zapata prepared a brief, which was included with the Consent Agenda item #5 (Ex. 17);
- ☪ August 22 and 23, 2013, Gonzalez was out again with kidney stones (Ex. 12, 14 & 18);
- ☪ August 26, 2013, Zapata prepares a draft statement regarding the proposed amended ordinance (Ex. 19);
- ☪ August 27, 2013, Ryan Evans advises Gonzalez and Zapata that one hundred sixteen people were scheduled to speak on the Uber issue--Consent Agenda item #5 (Ex. 20);
- ☪ August 28, 2013, Sean McGrew distributed the Pulled Items List, which included the Consent Agenda item #5 "An ordinance amending Chapter 10A of the Dallas City Code..." (Ex. 21).

#### Interview of Mayor Mike Rawlings

During this investigation, Mayor Rawlings was interviewed by Investigator Moore. Rawlings advised that he began to hear about Uber issues from City staff in late 2012; at which time he spoke to, then City Manager, Mary Suhm about the matter.

During early 2013, Suhm generally mentioned to Rawlings that her staff was looking into issues involving Uber. She told Rawlings that Uber was claiming to be a technology company, not a transportation company.

On June 3, 2013, Mayor Rawlings sent an email to Mary Suhm, forwarding an Uber advertisement he had received. The Mayor advised that he forwarded the email with his brief comments to Suhm based on their discussions regarding Uber. A copy of this email is attached (Ex. 23).

Rawlings informed Moore that in discussions with Chief of Police, David Brown, regarding multiple matters, Brown relayed a conversation he had with A.C. Gonzalez. He informed the Mayor that in this conversation he had advised Gonzalez that he did not believe using DPD officers was the most effective way of dealing with the Uber issue.

Mayor Rawlings advised a late July 2013, meeting with A.C. Gonzalez and Mary Suhm, in which multiple city matters were discussed. Gonzalez commented that the Uber matter was "heating up." Rawlings advised Gonzalez to let him know when he was ready to sit down and talk about Uber. Gonzalez never told the Mayor that he had intentions of placing the Uber matter on the Consent Agenda in August 2013.

#### Interview of Mary Suhm

On September 17, 2013, Mary Suhm was interviewed by Investigator Moore. Suhm advised that her resignation from the City Manager's office (CMO) was effective July 1, 2013. At which time she no longer had any authority concerning that position. She has remained in the office, under the title of Special Projects Manager, to assist on three City projects. She also has facilitated the transition to the new City Manager. After July 1, 2013, Suhm had no direct involvement with Uber.

Suhm advised that she learned in late July 2013, that A.C. Gonzalez was planing to place a proposed ordinance amendment on the Consent Agenda in August. She stated that she thought this action was premature and that the matter should be presented to committee before presentation to the City Council. She further advised that she expressed her position to Gonzalez and argued with him about his decision to move forward. Suhm said that she told Gonzalez the amended ordinance proposal was

going to create a controversy, and that he was making a mistake. Gonzalez had the matter scheduled on the Consent Agenda in spite of Suhm's warnings and advice.

Suhm claimed to have very limited knowledge of the City's enforcement activities involving Uber, including the Dallas Police Department Vice Squad activities. She stated that she may have "sat in" on some meetings but that the Uber enforcement activities were principally shepherded by Assistant City Manager, Joey Zapata. Suhm further explained that assistant city managers have much authority and are afforded considerable operational discretion. She did not consider it unusual that Zapata would have engaged the assistance of the DPD and City Attorney's office (CAO) without oversight from the city manager.

#### Interview of City Attorney's Office Staff

On October 10, 2013, an interview was conducted by B. Hill and Investigator Moore, at the Dallas City Attorney's office. Present and participating in the interview were Warren Ernst, Melissa Miles, Chris Bowers, Heather Mazac and Fred Williams. Melissa Miles had previously been interviewed by D. Moore, on September 17, 2013.

During this interview the following subjects were discussed and information obtained:

#### Enforcement and Prosecution:

City attorneys advised that, relative to the Uber matter, there was one citation issued to Uber for "code advertising violations," and approximately seventy citations were issued to Uber drivers for "lack of operating authority" and "lack of manifest requirements."

The Uber case has been litigated. The case was tried before a jury and resulted in a verdict of not guilty. City attorneys advised that Uber was represented by attorneys from Winstead PC, and their principal defense was that they are a technology company.

The Uber driver citations are still pending litigation. Attorneys advised that city prosecutors are evaluating each individual citation for case quality. These cases remain in the pipeline.

Chris Bowers advised that, upon determining that Uber was operating in Dallas, in apparent violation of existing City codes, he sent Uber a letter outlining regulations and demanding that Uber cease current operations until they were in full compliance. A copy of this letter, dated November 2, 2012, has been provided to Investigators and is attached here as (Ex 1B).

Attorneys advised that multiple meetings were conducted with CAO and the CMO to discuss how to deal with the Uber matter. It was determined that the city would use DPD Vice Squad officers to conduct operations for two purposes:

1. To gather information which would assist in defining Uber's business model; and
2. Issue citations for violations under existing city ordinances.

These operations were conducted in the spring and early summer of 2013. They resulted in the citations referenced above.

Attorneys also advised Hill and Moore that a number of the citations issued to Uber drivers were based on information gathered by private investigators working for John Barr and Yellow Cab. The information was provided to the city by Barr and resulted in the City Code Division issuing the citations to the drivers. City Attorney Ernst stated that, while this may have a negative appearance, there is nothing wrong with accepting or obtaining information from third parties for cause in issuing citations.

*Need to Amend Ordinance:*

As the matter involving Uber moved forward, the CMO, primarily A.C. Gonzalez and Joey Zapata, requested that the CAO amend existing ordinances governing limousines, specifically Chapter 10A of the City Code. Their reasoning being that there would be clarity in applying the ordinance to Uber and other Uber-like firms moving to Dallas. Gonzalez wanted to tighten the intent of the ordinance for better separation between the taxi companies and the limo companies, allowing for more effective enforcement against the technology companies like Uber. The CAO saw it as their responsibility to comply with the CMO request.

Attorneys explained that there were numerous meetings and communications with Gonzalez, Zapata and other city staff members, regarding the amendment. Some of these meetings included John Barr. In their opinion, Gonzalez was pushing for the amendment and Zapata was more equivocal. Miles and Bowers recalled Gonzalez saying that he did not expect the amendment to pass, but he wanted the City Council to get involved.

After the interview was concluded, Moore was contacted by Chris Bowers and Melissa Miles, who had recalled a brief meeting with Joey Zapata. During that meeting Zapata had provided Bowers with several pages of documents, given to Zapata by John Barr. Zapata described the documents as changes to Chapter 10A that Yellow Cab would like to see included in the amendment. Bowers told investigators that most of what Yellow Cab wanted included was not enforceable, and was not included in the amendment. These documents are attached (Ex 22).

#### Interview of Joey Zapata

On September 17, 2013, Investigator Moore interviewed Joey Zapata at City Hall. Zapata advised that he is the Assistant City Manager responsible for City code compliance.

Zapata stated that he first became aware that Uber had initiated services in Dallas, in or around, September 2012. His office began gathering information regarding Uber and in January 2013, in coordination with the CAO, a letter was written to Uber demanding that their operations cease until they were fully capable of complying with Dallas City Code regulations.

Zapata recalled that this letter resulted in a meeting between Uber attorneys and City staff, including Zapata, Gonzalez and attorneys from the CAO. Zapata explained that Uber was using a nontraditional business model, claiming to be a technology company, not a transportation company. Following the meetings, Uber persisted in their position, failed to provide that city with requested documents, and demonstrated an unwillingness to cooperate with City officials.

With guidance from the CAO, Zapata initiated enforcement action against Uber, using DPD Vice Squad officers. Zapata took full responsibility for the decision to use Dallas police officers; stating that there were only two transportation code officers available for enforcement action. These officers were to be known and identifiable by all Uber drivers. In addition, Zapata explained that effective enforcement would require that officers use Uber services, by hiring drivers and obtaining information for issuing citations. The fact that Uber required credit cards for payment was problematic for code officers, while DPD Vice officers were capable of dealing with the credit card obstacle. Although Zapata claims responsibility for the enforcement action, he did state that he discussed the matter with, then City Manager, Mary Suhm and she consented to the enforcement actions.

Zapata explained that the enforcement activities and subsequent prosecution efforts made it apparent that the existing ordinance--specifically Chapter 10A--needed to be amended; stating that the last amendment had occurred in 2008. Zapata advised that he requested the CAO draft an amended ordinance for consideration. Zapata stated that he provided input to the CAO as to what should be included in the final proposed amendment. He did verify that he received documents from John Barr, including Barr's draft of a proposed amendment. Zapata said that he gave Barr's documents to Chris Bowers at the CAO with instructions to consider them for the amended ordinance. A copy of the documents received from Barr are attached (Ex. 22). Zapata advised that he supports the proposed Chapter 10A amendment, as drafted.

Zapata stated that when Gonzalez assumed responsibilities as interim City Manager, there was a push to get the proposed amendment before the City Council, as soon as possible. While Zapata supported Gonzalez's efforts, he agreed with Suhm, that the matter should go before committee before being placed on the Consent Agenda. Gonzalez disagreed, but requested that Zapata prepare a brief to be circulated with the Agenda. Zapata does not believe that Gonzalez was motivated by anything more than the desire to get a proposal before the City Council for consideration and discussion.

On September 16, 2013, Gonzalez was interviewed by Investigator Moore. Gonzalez stated that he first became aware of the “Uber issue” from Dallas attorney, John Barr. Barr advised Gonzalez that he was representing Jack Bewley and Yellow Cab. Gonzalez had previously worked with Barr successfully, on a City matter involving graffiti. Gonzalez was aware that Zapata and Miles had initiated DPD enforcement action against Uber drivers. He agreed with the action because Uber had been uncooperative in the City Manager and Attorney’s requests for information. Considering his prior experiences with John Barr, Gonzalez thought that it would be productive to have a strategy meeting, which would include staff from the CMO, CAO, Public Works/Transportation office, DPD and John Barr, to discuss the Uber issue. This issue would include the ongoing police enforcement action. In hind sight, Gonzalez realizes that this was not a good idea.

July 1, 2013, Gonzalez was appointed Interim City Manager, and assumed the responsibilities of that office. Gonzalez advised that he was overwhelmed by the new responsibilities and immediately was faced with the task of finalizing the City budget. He stated that the budget monopolized his time and the Uber issue became “a blip on my radar screen.”

Being aware that the Uber issue had been an issue for the City Manager’s office for over a year, he felt it was time to submit an ordinance amendment to the City Council, for a vote. Gonzalez stated that he felt a vote would “pacify” those complaining, get Uber’s attention, and work toward a resolution.

Gonzalez explained that, taking the issue to a committee was not an immediate option, because all committee meetings had been temporarily suspended pending realignment.

Gonzalez further explained that he initially set the issue on the August 14, 2013, Consent Agenda. However, the item was removed from the August 14, 2013, Agenda, and moved to the August 28, 2013, Agenda, for the following reasons:

1. The revision/amendment to the ordinance was not complete; and
2. Gonzalez was out ill with kidney stones

Gonzalez also advised, that former City Manager, Mary Suhm--who was still present in the City Manager's office, as a Special Projects Coordinator--strongly disagreed with Gonzalez's decision to put the ordinance on the Agenda, without taking it through the committee process first. Gonzalez felt that this was an opportunity to demonstrate his aggressiveness and ordered the Agenda move forward.

Gonzalez readily admitted that he underestimated the public response to the proposed ordinance change. He recognizes that the manner in which the agenda item was presented to the City Council was not the best. He took full responsibility for his decisions, admitting that it was one of the worst decisions of his career.

#### Interview of John Barr and Jack Bewley

On October 18, 2013, Investigator Moore met with Jack Bewley of Yellow Cab and his attorney, John Barr, at Barr's office.

Bewley advised that he became aware that Uber had initiated services in Dallas in August 2012. By late October and early November 2012, he had initiated efforts to communicate Uber activities to City staff. Barr had two meetings with City staff, including A.C. Gonzalez and Joey Zapata, during this time. Barr was assured that Uber was operating outside of compliance and that efforts would be taken to enforce existing City ordinances, as they applied to Uber. Bewley stated that his objective was to have the City enforce the existing code.

Barr advised that he had regular communications with both the City Manager's office and the City Attorney's office. He provided both Zapata and Gonzalez with information describing Uber's activities and code compliance issues in other municipalities. Barr was advised by City staff that they were moving to change the existing codes for clarification. He also explained that he provided Zapata with proposed code changes for consideration. Barr advised that he had not seen the proposed



amendment in question; and therefore had no knowledge of any of his proposed changes being included as part of what was submitted on the August 28, 2013, Consent Agenda.

Barr strongly asserted his actions were in furtherance of his responsibilities in representing his client. No actions had been taken by his client, or him, which were designed to inappropriately influence anyone in this matter.

#### Interview of Uber Technologies, Inc

Following several telephone calls to Leander Johns, General Manager for Uber in Dallas, Investigator Moore received a call concerning his attempts to contact Mr. Johns. Moore received a return call from Paul Wageman with Winstead PC, advising that Uber declined participation in an interview, but would like to provide a written letter statement explaining Uber's position.

Moore advised that communications from Uber would need to be received by 12:00 p.m. On October 21, 2013, if it was to be included in Moore's Report. Shirin Schokrpur, paralegal with Uber, emailed their statement to Moore at 4:09 p.m. on Monday, October 21, 2013. The Uber letter statement is attached. (Ex. 24).

#### Conclusions

The history leading to the amendment of Chapter 10A of the Dallas City Code, and scheduled on the August 28, 2013, Consent Agenda, is set out in the timeline and the interviews within this Report.

From his own admissions, Interim City Manager, A.C. Gonzalez authorized the placement of the amendment on the August Consent Agenda. His admissions are corroborated by witnesses, including Mary Suhm and Joey Zapata, as well as emails circulated in July and August 2013.

Gonzalez placed the amendment on the Agenda over the objections of Suhm. He said he made his decision for the following reasons:

1. Uber had been an issue for the City Manager's office for well over a year;
2. It was time to submit an ordinance amendment to the City Council for a vote;

3. His actions would stop the complaints, get Uber's attention, and assist in resolving the issue;
4. Committee meetings had been temporarily suspended pending realignment; therefore taking the issue to committee was not an option, and he did not want to wait.

Gonzalez recognized that he underestimated public response and that the manner in which the Agenda item was presented to the Council was not the best. He accepted full responsibility.

There was no evidence discovered by Investigator, that Gonzalez's decisions were made, or based upon any personal benefit or enrichment to Gonzalez himself.

The history involving the City of Dallas' enforcement actions against Uber is set out in the timeline and interviews within this Report.

The decisions to use Dallas Vice Squad officers was made by Assistant City Manager, Joey Zapata. Zapata stated that he informed, then City Manager, Mary Suhm of the DPD Vice Squad enforcement efforts. Gonzalez participated in meetings concerning the enforcement actions. Attorneys from the City Attorney's office participated in the meetings and provided some oversight to the enforcement operations.

The following goals and purpose for the DPD enforcement actions were identified as:

1. Obtain information from Uber drivers, which would provide a better understanding of Uber's operations and business model;
2. Get Uber's attention and facilitate a resolution of the Uber matter; and
3. Enforce the existing ordinance and promote compliance.

Very truly yours,

**Specialized Investigations, Inc**

/s/

F. David Moore

**From:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Subject:** Re: Need update on Uber situation before I see mayor at nine this am.  
**Date:** February 1, 2013 7:06:42 AM CST  
**To:** 'Suhm, Mary' <Mary.Suhm@dallascityhall.com>;

Be there ASAP and before 9 am to ensure you have the information you need. Additionally, here's a summary.

1. In late November, the City notified Uber by letter that they lacked the necessary operating authority granted by the City to operate in Dallas.
2. In December, Code Compliance distributed letter to all taxi and limo drivers informing them that using Uber to arrange for transportation for hire is a violation of the City Code due to inconsistent rates, type of metering devices, lack of operating authority and other violations.
3. In mid-January, staff met with Uber representatives in response to the November letter. Uber stated that they were in compliance because they worked with limousine companies, not directly with limo or taxi drivers.
4. Staff is verifying the information presented by Uber to ensure that there are no violations of transportation for hire regulations due to Uber.

Joey Zapata  
Assistant City Manager  
City of Dallas  
1500 Marilla Street, Suite 4BN  
Dallas, Texas 75201  
(214) 670-3009

Sent from my iPhone

On Feb 1, 2013, at 6:30 AM, "Suhm, Mary" <[Mary.Suhm@dallascityhall.com](mailto:Mary.Suhm@dallascityhall.com)> wrote:

*This message has no content.*

**From:** 'Suhm, Mary' <Mary.Suhm@dallascityhall.com>;  
**Subject:** Fwd: UBER  
**Date:** March 26, 2013 3:13:25 PM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;

Sent from my iPhone

Begin forwarded message:

**From:** Carol Reed <CReed@thereedsprc.com>  
**Date:** March 26, 2013, 3:05:44 PM CDT  
**To:** Mary Suhm <mary.suhm@dallascityhall.com>  
**Subject:** Fwd: UBER

Note from Laura. Just an FYI.

Sent from my iPad  
Carol Reed  
The Reeds Public Relations  
3232 McKinney Ave. Suite 855  
Dallas, Texas. 75204  
Office: 214/871-0783  
Mobile: 214/215-6324

Begin forwarded message:

**From:** Laura Reed Martin <lreed@thereedsprc.com>  
**Date:** March 26, 2013 2:24:21 PM CDT  
**To:** Carol Reed <CReed@thereedsprc.com>  
**Subject:** UBER

Mom,

Need your help – I have summarized our actions to date below. Our next step is to take to council level which we have been trying to avoid.

Back in August 2012, discussion began with city staff regarding concerns about UBER entering the Dallas market and in September, they officially launched transportation services in Dallas without an operating authority and began on demand dispatching of black cars that charged meter fares – both activities

prohibited by city ordinance.

In November 2012, the City Attorney's office issued a cease and desist letter to UBER. To date, UBER has been allowed to dispatch without an operating authority, collect fares, pay drivers and charge metered rates.

In December 2012, additional discussions were held with Transportation staff and a representative from the City Attorney's office which a main point of discussion was ensuring that drivers would begin being ticketed for violating the city ordinance on accepting a metered fare. In addition, assistance was offered in facilitating a sting operation in an effort to capture black car drivers violating the city ordinance.

We find ourselves 5 months later and, to our knowledge, not one citation has been issued to either a driver or to UBER. In this period of time, UBER has been allowed to operate only in neighborhoods UBER selects, implement surge pricing at peak times, and advertise on demand metered rates for black cars - **all in violation of current city ordinances**.

Below is a list of actions that have been requested:

Ticket UBER for each day operating without an operating authority – They announced operations in Dallas on Sept 14, 2012 – Blog post at <http://blog.uber.com/2012/09/14/uber-does-dallas/>

Immediately begin ticketing drivers of black cars for using metered devices. Meter type devices are prohibited for black cars in our ordinance. Sedans must have rates on file with the city and only charge the rates on file. The trips must be prearranged not on demand. UBER only offers on demand trips.

Ticket UBER for advertising without an operating license and have website pulled down. – Fares are posted on UBER Dallas Website and they have placed advertising on the Ticket. Advertising is prohibited by City Ordinance unless you have an operating authority.

**Laura Reed Martin**

theReeds

**Public Relations Corporation**

3232 McKinney Ave., #855

Dallas, TX 75204

214.871.0783 Office

214.871.7231 Fax

214.202.6355 Cell

[www.thereedsprc.com](http://www.thereedsprc.com)



November 2, 2012

*Sent via first-class U.S. Mail*  
Mr. Ryan Graves, Director  
Uber Technologies, Inc.  
800 Market Street, 7<sup>th</sup> Floor  
San Francisco, CA 94102

*Sent via first-class U.S. Mail*  
Mr. Travis Kalanick, Director  
Uber Technologies, Inc.  
800 Market Street, 7<sup>th</sup> Floor  
San Francisco, CA 94102

*Sent via first class U.S. Mail*  
Mr. Garrett Camp, Director  
Uber Technologies, Inc.  
800 Market Street, 7<sup>th</sup> Floor  
San Francisco, CA 94102

**Re: Operation of Uber.com service in the City of Dallas**

Dear Messrs. Graves, Kalanick, and Camp:

The City of Dallas is pleased to learn that uber.com ("Uber") is interested in expansion into Dallas and welcomes those who seek to legally operate within the City. We understand that Uber is currently offering transportation services via luxury vehicles with private drivers in Dallas. The services Uber provides require it to comply with either Dallas City Code Chapter 45 (which contains the regulations applicable to taxicabs) or Chapter 10A (which contains the regulations applicable to limousines). Copies of those chapters of the Code are enclosed.

At this time, Uber does not have operating authority for a taxicab service or for a limousine service. Operating a taxicab service or limousine service in the City without the appropriate operating authority violates the Code.

Section 10A-6 of the Code states:

- (a) A person commits an offense if he operates a limousine service within the city without valid operating authority granted under this article.
- (b) A person commits an offense if he advertises or causes to be advertised the operation of a limousine service that does not have valid operating authority granted under this article when the advertisement is reasonably calculated to be seen by persons seeking limousine service in the city.

November 2, 2012

Page 2

Before the City will grant operating authority for a taxicab service or limousine service, Uber must qualify for operating authority and submit a verified application containing all of the information listed under Section 45-2.4 (for taxicab operating authority) or Section 10A-8 (for limousine operating authority).

These Code provisions are meant to be helpful and are not exhaustive lists of the applicable laws. You may examine the Dallas City Code by going to this link: <http://dallascityattorney.com> and clicking on the button labeled "City Codes." Additionally, you may call Transportation Regulation at 214-670-3161 to inquire about the application process for operating authority.

The Dallas City Code imposes a duty on persons who engage in the operation of a taxicab service or limousine service to comply with the regulations in that Code. Please confirm that Uber will cease providing taxicab service or limousine service in the City until it has obtained appropriate operating authority and is in full compliance with applicable regulations.

I look forward to receiving your prompt response.

Sincerely,



Christopher D. Bowers  
First Assistant City Attorney

Enclosures

c w/ encl: *Sent via first class U.S. Mail*  
National Registered Agents Inc.  
1021 Main Street, Suite 1150  
Houston, TX 77002

c w/o encl: Thomas P. Perkins, Jr., City Attorney  
Joey Zapata, Assistant City Manager  
Jimmy Martin, Director, Code Compliance  
Stephanie McHenry, Assistant Director, Code Compliance





December 20, 2012

To: All Limousine and Taxicab Service Permit Holders

Re: UBER AND OTHER SERVICES OF THIS TYPE

The City of Dallas wants to educate the private passenger transportation industry about a new type of transportation service that is operating in Dallas. This type of service contracts directly with individual drivers (rather than authorized taxicab and limousine companies) and dispatches them through the use of a smart-phone application. This type of service uses the same technology to calculate the fare and charge the passenger, including a 20 percent gratuity automatically added to each bill. No service of this type currently has authority to operate in the City.

The City of Dallas has several concerns with this type of service:

Taxicab issues include, but are not limited to, the following:

- The rates charged by this type of service are not consistent with taxicab rates authorized in accordance with Section 45-6.1(a) of the City Code, which provides "A holder or a driver shall not charge any fare for providing taxicab service in the city that exceeds the maximum taxicab rates of fare...."
- This type of service uses a meter type device that is not authorized by Section 45-6.4(b) of the City Code, which provides "A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the director...."
- This type of service is operating a taxicab service in violation of Section 45-2.1(a) of the City Code, which provides "A person may not operate a taxicab service inside the city without operating authority granted under this chapter...."
- This type of service is allowing its drivers to drive even though they are not in compliance with applicable laws in violation of Section 45-4.2(b) of the City Code, which provides "A holder shall not permit a driver who is employed by or contracting with the holder to drive a taxicab if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director or other applicable law."
- A driver who transports a passenger for a company that does not have valid operating authority violates Section 45-2.1(a) of the City Code, which provides: "...nor may a person transport a passenger for hire inside the city by taxicab unless the person driving the taxicab or another who employs or contracts with the driver has been granted operating authority under this chapter."

All of these violations are punishable by a fine in accordance with Section 45-8.6(a) of the City Code, which provides: "A person commits an offense if he violates or attempts to violate a provision of this chapter, or a rule or regulation established by the director under this chapter, that is applicable to the person....An offense committed under this chapter is punishable by a fine of not more than \$500."

Limousine issues include, but are not limited to, the following:

- This type of service uses an electronic device to calculate fares based on time and mileage in violation of Section 10A-47(f) of the City Code, which provides "The use of any type of meter or measuring device to calculate rates of fare for limousine service is prohibited."
- The rates charged by this type of service violate Section 10A-47(a) of the City Code, which provides "A driver or holder shall not charge a fare for operating a limousine that is inconsistent with the rates authorized in the limousine service operating authority."
- This type of service is operating a limousine service in violation of Section 10A-6(a) of the City Code, which provides "A person commits an offense if he operates a limousine service within the city without valid operating authority granted under this article."
- This type of service is allowing its drivers to drive even though they are not in compliance with applicable laws in violation of Section 10A-35(b) of the City Code, which provides "A holder shall not permit a driver who is employed by or contracting with the holder to drive a limousine if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law."
- A driver who transports a passenger for a company that does not have valid operating authority violates Section 10A-6(c) of the City Code, which provides: "A person commits an offense if he transports, or offers to transport, a passenger for hire by limousine from a location within the city to a location either inside or outside the city unless the person driving the limousine or another who employs the driver holds valid operating authority issued under this article."

All of these violations are punishable by a fine in accordance with Section 10A-54(a) of the City Code, which provides: "A person commits an offense if he violates or attempts to violate a provision of this chapter applicable to the person.... An offense committed under this chapter is punishable by a fine of not more than \$500."

Please contact Gary Titlow, Manager of Transportation Regulation at (214) 670-3161 if you have any questions concerning these matters.

Sincerely,



Stephanie D. McHenry, Assistant Director  
Department of Code Compliance



City of Dallas

February 27, 2013

*Sent via email to [pwageman@winstead.com](mailto:pwageman@winstead.com) and first class U.S. mail*

Mr. Paul Wageman  
Winstead PC  
500 Winstead Building  
2728 N. Harwood Street  
Dallas, Texas 75201

**Re: Operation of Uber.com service in the City of Dallas**

Dear Mr. Wageman:

I want to thank Salle Yoo (the General Counsel of Uber, Inc.), Leandre Johns (a General Manager of Uber, Inc.), Tommy Mann (an associate in your firm), and you for meeting with us last month to discuss how Uber operates in the City of Dallas. I am writing in order to be certain that we accurately understood the information Uber provided and its stated position on certain issues. I have summarized below our understanding of the issues we discussed, and we ask you to please transmit this letter to the appropriate representatives of Uber and to respond at your first convenience with corrections or clarification if you find any inaccuracies.

Regarding its operations in the City of Dallas, Uber has represented to the City that Uber:

- does not provide "taxicab service" as that term is defined in Section 45-1.5 of the Dallas City Code;
- contracts only with limousine companies who are licensed by the City of Dallas to operate a limousine service in Dallas and DFW International Airport in accordance with Chapter 10A of the Dallas City Code;
- independently verifies, as part of its initial screening process, that the prospective limousine company in fact holds a current valid license to operate a limousine service in Dallas and DFW Airport;
- contracts only with the drivers of the contracted limousine company who have current valid driver's permits issued by the City of Dallas to be a driver for hire in Dallas and DFW International Airport;
- independently verifies, as part of its initial screening process, that the prospective driver in fact holds a current valid driver's permit to be a driver for hire in Dallas and DFW Airport;
- does not own the limousines nor employ the drivers;
- provides mandatory training for its prospective drivers;
- gives prospective drivers a mandatory driving test;
- verifies that every limousine used for Uber-generated fares are no more than 5 years old;

- does not require that the limousines display any type of signage or sticker that identifies Uber and does not provide its drivers or limousine companies with "Uber" signage or stickers for display on or in the limousines;
- maintains a \$5 million liability insurance policy;
- provides to limousine companies and customers, by a smart phone application, a method for routing, dispatching, and collecting payment for limousine services;
- provides on-demand service to customers;
- does not accept street "hails" from customers;
- when Uber receives a request for limousine service, Uber dispatches the driver closest to the pick-up point who will agree to transport the prospective passenger;
- allows its drivers to decline to transport a prospective passenger for any or no reason, in which case it contacts the next closest driver to determine if that driver will transport the passenger;
- allows its drivers to take passengers wherever they want to go at the moment and does not require customers to disclose any trip specific information in advance other than the pick-up point;
- allows passengers to rate drivers and drivers to rate passengers;
- monitors feedback on the drivers it uses;
- allows regulators to audit rides;
- will not voluntarily provide any trip specific or cumulative information to municipalities, including the identity of its limousine companies and drivers;
- typically charges fares that are 30-50% more than standard taxicab fares for the same route;
- calculates fares during the ride with its smart phone application using a combination of speed and distance traveled;
- will accept payment by credit card only;
- automatically adds a 20% gratuity to the total fare and transmits that portion of the money collected directly to the driver;
- provides immediate electronic receipts to passengers, including a map of the route;
- transmits the fare collected (less its fee and the drivers' tips) to the limousine company with which Uber has a contract and under whose operating authority the driver was working when they accepted the fare; and
- charges fares that typically conform to the limousine companies' rate tables, but admits that "surge pricing" could result in fares that exceed the authorized rates for the limousine companies.

Again, we want to be sure we thoroughly and accurately understand the information you presented at our meeting about how Uber operates in the City of Dallas. If Uber finds any inaccuracies in the summary above, we request it to respond and provide us with the correct or clarified information. If we do not hear from Uber or you by March 22, 2013, we will assume that this letter correctly states what Uber has conveyed to us about how it operates in the City.

We appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Chris Bowers".

Christopher D. Bowers  
First Assistant City Attorney

c: Thomas P. Perkins, Jr., City Attorney  
Joey Zapata, Assistant City Manager  
Jimmy Martin, Director, Code Compliance  
Stephanie McHenry, Assistant Director, Code Compliance

500 Winstead Building 214.745.5400 OFFICE  
2728 N. Harwood Street 214.745.5390 FAX  
Dallas, Texas 75201 winstead.com  
direct dial: 214 745-5173  
pwageman@winstead.com

Via E-Mail and U.S. Mail

March 29, 2013

Mr. Christopher D. Bowers  
First Assistant City Attorney  
City of Dallas  
1500 Marilla Street, Suite 7BN  
Dallas, TX 75201-6318

Dear Mr. Bowers:

I'm writing in response to your February 27, 2013 letter regarding Uber Technologies, Inc. ("Uber"). This letter corrects certain inaccuracies and misunderstandings set forth in your letter. It provides an accurate description of the manner in which Uber operates in the City of Dallas ("City") and thus should replace the summary in your letter. For ease of review, Uber's responses are organized by topic.

Nature of Uber's Business

As explained during our meeting, Uber is a technology company that has developed a software application ("App") that allows users to request transportation service from licensed limousine companies. Uber does not own or operate taxicabs or limousines. Therefore, it is neither a taxicab service nor a limousine service, as defined by the City code. In the City, Uber does not contract with any taxicab services, and the App does not allow users to request taxicab rides.

Uber Only Contracts with Holders of Limousine Operating Authority

Uber contracts only with holders of limousine operating authority issued by the City and DFW International Airport. Prior to activating the App for use, Uber independently verifies the party's City-issued operating authority. Additionally, Uber verifies the license and permit for each driver that will use the App.

As you know, limousine drivers must satisfy the City's screening and training requirements, including the requirement that an applicant for a limousine driver's permit complete a defensive driving course approved by the Texas Education

Agency. Uber does not administer an additional driving test but does administer a City knowledge test. Uber also trains drivers on the proper use of the App.

Each limousine company uses its own vehicles and drivers to provide the transportation requested via use of the App. Uber does not provide signage or stickers for display on or in a limousine

Limousine companies that contract with Uber retain all waybill information, including the name of the client, the pick-up/drop off location and the charge for the transportation.

Uber does not have a process for arranging for a regulator to audit a ride with a licensed limousine operator.

#### Insurance

The City's code requires holders of limousine operating authority to maintain insurance coverage of \$500,000 per vehicle. By contracting only with licensed limousine operators, Uber ensures that the users of its App are covered by the limousine operator's insurance policy in the event of an accident. Uber carries a \$5,000,000 excess liability policy.

#### Prearranged Rides

The App is used to prearrange rides only. For example, an Uber user requests transportation using the App. The App forwards the request to the limousine driver located closest to the requesting user. The driver has the option to accept or decline the request for transportation (perhaps the driver declines because he or she just received a call from a long-time corporate client requesting transportation). If the driver accepts the request, the driver proceeds to the pick-up location requested by the user. This process takes time and is materially different from a "street-hail."

Uber's description of the App service as "on-demand" refers to the fact that, unlike with a taxicab company or a limousine company, a user cannot request transportation for a specific pick-up time, *e.g.*, a trip the next morning to DFW Airport. On-demand is not the same as "hail"; rather, as noted above in the description of the service, on-demand is commensurate with "prearranged" as some time must necessarily pass between a request for service and pick-up.

---

Rider Directed Service

Consistent with limousine industry practice, every ride provided in the City by a limousine company that uses the App is rider directed. In other words, when a person calls a limousine company directly and books transportation from point A to point B, he may be given a quote for that ride. However, he retains the right to request deviation from the route (upon which the earlier quote was based) during the course of the ride to make an intermediate stop, as long as the driver consents and any additional fee is agreed to by the limousine company and the rider.

Likewise, a rider who requests transportation via the App also directs the destination and the route. The pricing for transportation provided by use of the App is posted on Uber's website, which includes sample fares and flat rates, and is also viewable directly in the App. Further, each user has the ability to receive an estimated fare before any ride is requested. Providing transparent pricing information upfront, while preserving the rider-directed nature of limousine service, benefits riders.

A rider who uses the App is not required to provide a destination before a driver will accept the request for transportation. Transportation providers who use the App agree to take the rider to the rider-directed destination. This feature has resulted in enhancing personal transportation to and from historically underserved areas of the City.

Calculation of Payment for Transportation

Neither the App nor the smartphone calculates fares. The fare is not calculated during the trip. Rather, the App is loaded on the driver's iPhone which, like all iPhones, has GPS functionality. When the App is in use, it transmits time and location data to Uber's servers, where Uber's software uses the data to determine the fare for the trip, *after* the trip has concluded. To reiterate, the iPhone is not a meter; it does not display the fare during the ride; it does not calculate fares. It simply reflects the fare that was calculated by the software program, once the transportation service by the limousine company is completed.

There is no gratuity for transportation provided by limousine companies requested through the App. Uber's software does not add a gratuity to the total fare. Uber charges the limousine company a fee for use of the App. The fee paid by the limousine company is 20% of the fare.

Rates paid by users of the App fall within the established rate tables for limousine companies. To date, Uber is unaware of any rates paid by users of the App that have exceeded the rates authorized by the City.

---



Mr. Chris Bowers  
March 29, 2013  
Page 4

I trust the information provided herein is responsive to your request. Please contact me should you wish to further discuss this matter or require additional clarification.

Best regards,

  
Paul N. Wageman

Cc: Salle Yoo  
Jen Ghaussy  
Leandre Johns  
Tommy Mann (Of The Firm)

**From:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Subject:** Fw: UBER -Information and Strategy Meeting  
**Date:** June 5, 2013 10:30:49 AM CDT  
**To:** 'Drake, Steven' <steven.drake@dallascityhall.com>;

Please set a 1 hour meeting for this Friday in 4BN. Include Christopher Bowers, Melissa Miles, Heather Mazac, Jimmy Martin, Tom Varghese and Sheldon Klain. Thanks.

---

**From:** Miles, Melissa  
**Sent:** Wednesday, June 05, 2013 10:13:12 AM  
**To:** Zapata, Joey  
**Subject:** RE: UBER -Information and Strategy Meeting

That sounds good, Joey. Thanks!

**PRIVILEGED AND CONFIDENTIAL**

**ATTORNEY COMMUNICATION**

**DO NOT DISCLOSE**

Melissa A. Miles  
Exec. Asst. City Attorney  
Code Compliance Litigation  
Dallas City Hall  
1500 Marilla, 7DN  
Dallas, TX 75201  
Ph: 214-671-9544  
Fax: 214-670-0622

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to reply, cancel, and delete each message.

**From:** Zapata, Joey  
**Sent:** Wednesday, June 05, 2013 10:12 AM  
**To:** Miles, Melissa  
**Subject:** Re: UBER -Information and Strategy Meeting

Thanks. How about I set a meeting for Friday?

Sent from my iPad

On Jun 5, 2013, at 10:06 AM, "Miles, Melissa" <[melissa.miles@dallascityhall.com](mailto:melissa.miles@dallascityhall.com)> wrote:

Hi, Joey!

It depends. I believe they will be taking more rides, if we decide the drivers are the most effective way to get Uber's attention. That's the question I think we need to decide. As for the info, the detectives did a good job of getting the basic info we need.

I think we all need to talk again and regroup.

Melissa A. Miles  
Exec. Asst. City Attorney  
Code Compliance Litigation  
Dallas City Hall  
1500 Marilla, 7DN  
Dallas, TX 75201  
Ph: 214-671-9544  
Fax: 214-670-0622

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**From:** Zapata, Joey  
**Sent:** Wednesday, June 05, 2013 8:44 AM  
**To:** Miles, Melissa  
**Subject:** Re: UBER -Information and Strategy Meeting

Let me know a status please. Any reason to think we'll be sending DPD out for more rides?

Joey Zapata

Assistant City Manager

City of Dallas

1500 Marilla Street, Suite 4BN

Dallas, Texas 75201

(214) 670-3009

Sent from my iPhone

On May 28, 2013, at 10:15 AM, "Miles, Melissa" <[melissa.miles@dallascityhall.com](mailto:melissa.miles@dallascityhall.com)> wrote:

Lt. Williams,

I hope everyone had a great holiday weekend!

Thanks so much for the update!

Can I get the detectives' notes from the 20 rides to see what info they've been able to glean from the drivers?

After I've reviewed their notes, I'll be more in a position to talk with the detectives and then discuss with you how you might want to redirect their efforts.

Melissa

Melissa A. Miles

Exec. Asst. City Attorney

Code Compliance Litigation

Dallas City Hall

1500 Marilla, 7DN

Dallas, TX 75201

Ph: 214-671-9544

Fax: 214-670-0622

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**From:** Williams, Danny

**Sent:** Friday, May 24, 2013 3:54 PM

**To:** Miles, Melissa; Shead, Catrina; Smith, Christina; Dortch, Kenneth

**Cc:** Martin, James; Zapata, Joey

**Subject:** Re: UBER -Information and Strategy Meeting

Vice detectives have completed approx. 20 rides (May 16 – May 24).

I suggest Vice detectives and get with Melissa (at her convenience) to determine what information is useful as well as what avenue detectives should explore in order to obtain any other needed information.

Vice detectives have considered attempting to become (a driver) and actually rent a like styled black Lincoln Town Car; However, we discovered that no detective has the required Limo license.

Please advise and I will make the four detectives available for an information and strategy meeting at Vice

offices or at City Hall.

Thanks in advance for your help and have a good holiday weekend


Danny O. Williams

Lieutenant of Police

Vice

Strategic Deployment Bureau

214 918 0112

**From:** 'John Barr' <jbarr@bbarr.com>;  
**Subject:** 5-31-13 Memo to Mayor and Council re Rideshare Report.Austin.pdf  
**Date:** June 6, 2013 8:26:09 AM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
'Gonzalez, AC' <AC.Gonzalez@dallascityhall.com>;  
 2 Attachments, 188.9 KB

Gentlemen

Über is soliciting for a new service, uberx. This is a non SUV or moderate car service. It will be less expensive. It will damage regulated taxi operations. It is violative of both chapter 45 and 10A.

Could we sit down with each other and bring in the assistant city attorneys prosecuting and civil lawyers as well.

We have found Austin's position on Uber well informed and consistent with maturity of 45 and 10A.

A briefing memo for Auston counsel agenda is attached.

I'm out of town returning-this afternoon.

John

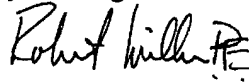


## MEMORANDUM

**TO:** Mayor and Council

**CC:** Marc A. Ott, City Manager  
Robert Goode, P.E., Assistant City Manager

**FROM:** Robert Spillar, P.E., Director,  
Austin Transportation Department



**DATE:** Friday, May 31, 2013

**SUBJECT:** Rideshare Report

---

On March 7, 2013, the Austin City Council passed resolution 20130307 directing the City Manager to explore ridesharing regulations in other cities and to make recommendations with respect to what ridesharing should be allowed in the City of Austin. The Austin Transportation Department has prepared the attached report with options and recommendations. Staff is available to answer any further questions.



## **Ridesharing Executive Summary**

### **A report to the Austin City Council from the Austin Transportation Department**

On March 7, 2013, the Austin City Council passed resolution 20130307-067, providing the following direction to the City Manager:

*“The City Manager is directed to explore ridesharing regulations in other cities and make recommendations on the parameters within which ridesharing should be allowed in the City of Austin.*

The Austin Transportation Department (ATD) investigated ridesharing rules and regulations in a variety of other cities to determine the state of the practice. ATD found that all of the cities contacted indicate an on-going concern with the emergence of new smart phone enabled applications which facilitate private citizens in violating ordinances related to vehicle-for-hire (taxis). Both Houston and San Antonio have taken outright action to either enforce existing regulations against illegal use of these new technologies or are defining the technologies as outside the parameters of the established vehicle-for-hire program for the community (Houston is ticketing and impounding drivers providing service as illegal taxis, and San Antonio has passed ordinances requiring smart phone application dispatching to be licensed as a franchise per their normal vehicle-for-hire program).

East coast cities such as Philadelphia, Washington D.C., and New York City are each actively enforcing their vehicle-for-hire ordinances against what they believe are illegal taxis facilitated by new smart phone enabled dispatch applications. Several are taking direct legal action against providers of smart phone applications providing these services.

Based on staff research, only in California is there confusion related to the entry of smart phone dispatch applications into the market. The State of California, through its California Public Utilities Commission (CPUC), is debating whether or not the State has jurisdiction over these services. This has caused conflict with local communities such as San Francisco which believes it has authority over the regulation of such services within its jurisdiction. San Francisco regulators have taken the stance that smart phone enabled applications, if operating outside one of their authorized taxi providers, are providing illegal taxi services within their city. San Francisco, along with other major cities in California, is awaiting final CPUC rulings on this issue. According to at least one business news source, the CPUC will rule if it has jurisdiction sometime later this summer. Should it rule it does not have jurisdiction, then the individual cities in California are likely to take action against these types of operations.

There is no question that technology is rapidly changing and offering new opportunities to promote policies on alternative transportation options in Austin. Yet there are clear distinctions between a **“car-vanpool”** and a **“vehicle-for-hire”** as evidenced in the Austin City code and with cities across the U.S.

**Carpool/Vanpool (car/vanpool):** Ridesharing activity occurring when family members, friends, or acquaintances are sharing a common trip, defined as having common origins and common destinations. Compensation for these type of trips is assumed to be a sharing of the actual costs. Insurance coverage remains the responsibility of the driver and private auto insurance typically covers car/vanpool ridesharing activities. The safety of the passenger and the driver is left to the participants' responsibility.

**Vehicles-for-hire:** Commercially available rideshare transportation services as provided by licensed taxi, limousine, shuttle, charter, pedicab, bus, or authorized electric low speed vehicles, typically regulated by a jurisdiction for safety, performance, and other business practices.

The City has chosen to regulate and monitor for-hire activities (Chapter 13-2) in order to provide for safe, reliable, reasonably priced transportation available equally throughout the community. The regulations offer a citizen safety net, with criminal background checks for drivers, vehicle safety inspections and proper insurance liability for drivers and passengers in the case of an incident or accident.

Some members of our community depend on taxicab services to meet basic mobility needs. Therefore, the City requires that taxi services be available 24 hours a day, 7 days a week. The taximeter is used for all trips within the City so that there will be a consistent price, which could not be artificially raised without notice. In exchange for providing these basic public services and ensuring drivers and vehicles are safe and reliable; the City awards operating permits to drivers and companies.

Thus the question before the community is not whether technology can assist with facilitating ride connections, but rather whether the use of an application is designed for or promotes compensation that exceeds the actual cost of the trip.

The City of Austin regulates how, when and where a person can sell food on the street for public health and safety concerns, but not if a friend offers another friend a meal. Car/vanpools versus vehicles-for-hire regulations follow this same premise.

Staff recommends that the franchise and licensing requirements for vehicles-for-hire, including franchise requirements, be maintained to assure the safety of the traveling public. Further, staff recommends that new technologies be required to work within current City Code, either promoting car/vanpools as defined in this report or obtain a franchise license (or alternatively operate under a current franchise license holder). Staff does not recommend the further regulation of car/vanpools when those activities fall within the scope of such activities as defined in this report. Staff recommends that additional clarification be added to City Code, Chapter 13-2, to improve citizen understanding of ridesharing and to reduce confusion between car/vanpool activities and vehicle-for-hire services. Staff is submitting definitions for approval by Council that would accomplish this latter recommendation.

## **Ridesharing**

### **A report to the Austin City Council from the Austin Transportation Department**

The Austin City Council requested staff to research national best practices with regards to how other jurisdictions are managing companies offering “Ride Sharing” services, with specific interest in smart phone enabled ridesharing companies. On March 7, 2013, City Council passed resolution 20130307-067, providing the following direction to the City Manager:

*“The City Manager is directed to explore ridesharing regulations in other cities and make recommendations on the parameters within which ridesharing should be allowed in the City of Austin. The recommendations should include, but no limited to: 1. Insurance, registration, and license requirements; 2. Criminal and driving background checks for drivers; 3. The method of connecting drivers and riders; and 4. Cost-sharing parameters.*

*The City Manager is further directed to bring the recommendations and proposed ordinance, if any, to Council by June 1, 2013.*

*The City Manager is directed to issue and enforce cease and desist orders against firms that engage in peer-to-peer ridesharing for compensation, and to use whatever legal and effective means are available to discourage use of peer-to-peer ridesharing for compensation until the public safety and other regulatory concerns have been addressed.”*

## **Experience from Other Cities**

Members of the Austin Transportation Department belong to the International Association of Transportation Regulators (IATR), an industry association of government regulators engaged in the management and regulation of the taxi and vehicle-for-hire industry nation-wide.

Representatives from ground transportation companies, including representatives from various smart phone enabled ridesharing (SPER) providers, are also members of this organization. The purpose of the organization is to provide opportunities to share information between jurisdictions on topics facing the industry as a whole. Smart phone enabled ridesharing services represent one issue facing a number of jurisdictions within the organization collectively. The City of Austin, along with other member organizations, requested that the IATR on behalf of its members develop a report expressing the collective knowledge of the organization and its members on these new technologies and companies. The report, entitled: “Rogue Ridesharing Apps & Model Regulations: Illegal Hitchhiking-for-Hire or Sustainable Group Riding?” is available at <http://www.windelsmarx.com/resources/documents/Ridesharing%20Applications%20-%20May%202013%20-%20Daus.pdf>.

The City of Austin, as a member of IATR, contributed information to the above report. City staff members assisted by providing notes based on conversations with peer cities and also by providing examples of our existing City of Austin ordinances and regulations governing vehicles

for hire. By participating in the IATR report, staff gained access to information provided by other members of the IATR identifying what is occurring in those other jurisdictions. Additionally, staff completed further original research, calling peer regulators in other jurisdictions to confirm our understanding of their response to emerging smart phone enabled ridesharing (SPER).

Staff believes the findings of this report and the independent responses collected from peer cities provides a snapshot of industry best practices as it relates to the emerging influence of digital technology on the industry. The unfiltered responses collected by staff are provided below:

- **Philadelphia** – Rideshare applications use any person off the street and their car, neither of which are vetted; criminal and driver checked, trained, inspected, nor insurance verified by regulators. Rideshare apps have not been authorized to offer service to the riding public of Philadelphia and have been cited for running an illegal dispatch operation and operating with uncertified drivers and vehicles. As long as they continue to attempt to remain in operation in Philadelphia, they would face the same response from PPA-TLD Enforcement. (Source: James Ney, Director, Taxicab & Limousine Division, Philadelphia Parking Authority, 3/6/2013)
- **Washington, D.C.** – The DC Taxicab Commission has determined that “these services and the drivers and vehicles associated with them, are public vehicle-for-hire services that must comply with District licensing laws and Commission regulations. The Chairman of the Commission stated “We are concerned the private cars used to provide these services have only ordinary, non-commercial insurance that we believe may deny coverage to passengers in the event of an accident. The Commission will take legal action against any person knowingly flouting District law by connecting passengers to unlicensed vehicles or operators.” (Source: Ron Linton, D.C. Taxicab Commission Chairman, 4/12/2013, *original COA resource included in IATR report*).
- **New York** – Without commenting on any specific app, if an entity exhibits characteristics of for-hire service, such as requiring payments for point-to-point rides with the City of New York, they would need to be licensed.” (Source: New York Times, Allan Fromberg, Deputy Commissioner for Public Affairs, New York Taxicab and Limousine Commission, 3/29/2013)
- **Houston** – Issued one Cease and Desist order indicating the service violates the Houston City Code requiring licensing for providing for-hire services. (Source: Nikki Cooper-Soto, Administrative Manager, City of Houston Administrative and Regulatory Affairs Department)
- **San Antonio** – On March 21, 2013, adopted an ordinance requiring all “smartphone applications” to seek licensing from the department prior to operation within the City of San Antonio. Staff at the city of San Antonio indicates that none of the smart phone application firms has sought licensing under this new ordinance, nor would they likely qualify under their current operating platforms. An excerpt from the San Antonio ordinance provides the following:

No person for compensation or at any charge to a passenger shall by any means (including but not limited to any data or electronic communication, any telephone and cellular service, any software, any application, any internet service, and any physical presence) operate, arrange, dispatch to or solicit a Vehicle-for-hire unless permitted under this chapter. A person is responsible for violations of this chapter by his own conduct, by the conduct of another person if acting with intent to violate this chapter he solicits, encourages, directs, aids or attempts to aid another person to violate this chapter, or by both.

(Source: City of San Antonio City Code, verified by Gary J. Gilbert, Transportation Services Manager, Ground Transportation Unit, San Antonio Police Department)

- **California** - All California cities will be impacted by the actions of the California Public Utilities Commission. We received specific comment from San Francisco, with concurrence from other cities.

**San Francisco** – The California Public Utilities Commission has issued cease and desist orders to 3 “app providers”. The PUC is in the midst of proceedings on “rideshare apps” and other issues associated with smartphone ride referral services. This proceeding is expected to last another several months. “It has already allowed, in the interim, the continued operation of these entities notwithstanding evidence on record that some of these services do not include the benefit of auto liability insurance, among other safety concerns.” The public doesn’t understand the rights they are waiving; the obligations they are undertaking and the risks they run when they use these services. The businesses we have experiences have misrepresented the nature of their services without any accountability to anyone, and have taken every opportunity to use social media and the press to disparage the taxi industry and the concept of for-hire regulation generally. It has reached the point in San Francisco that nearly every other car on the street has a pink mustache and our taxi industry is, no joke, looking to be on the verge of collapse. Road rage incidents between taxi drivers and these cars is a nightly occurrence. Although there is no way for me to know how many cars have been or are about to be deployed (it is impossible to monitor these services, much less regulate them), at this rate, it won’t be long before their numbers exceed the numbers of our taxi fleet.” It is important to note that this is a transportation management issue as well. It impacts congestion management, pedestrian safety as well as emissions. We are concerned with “Who’s behind the wheel?” and “How much are they charging?” How can you successfully manage traffic when you have no control of the amount of commercial vehicles on the street? There is also a complete lack of data being made available.

(Source: Christiane Hayashi, Deputy Director of Taxi Services, San Francisco Municipal Transportation Agency. 3/5/2013 & 4/22/2013).

In his 2013 State of the City Address, San Francisco Mayor Lee stated, “we’re embracing alternate forms of transportation through the new “Sharing Economy,” with carsharing provided by companies like City Carshare, Zipcar, Getaround and Relay Rides and electric scooter-sharing from SCOOT. And a growing number of San Franciscans look to their smartphones every day to summon a taxi, an Uber sedan, or participate in innovative rideshare services like Sidecar and Lyft.” (Source: 2013 State of the City Address, January 28, 2013, College Track, San Francisco <http://www.sfmayor.org/index.aspx?page=921>).

This statement, hailed by promoters of some smart phone application providers as demonstrated support by the City of San Francisco of their platform, is not consistent with the strategy being pursued by San Francisco regulating authorities. City of Austin Staff investigated the Mayor's statement and received the following response from the San Francisco Municipal Transportation Agency:

"Our Mayor, from a broad economic development perspective, has supported technological innovation and "the sharing economy." The Mayor's view is not shared by this local taxi regulator when it comes to the specific businesses Lyft and SideCar. To the contrary, I perceive regulatory problems to our transportation system as specified in my letter.

Contrary to representations in recent media articles that I have seen, neither the San Francisco taxi regulator, nor the California Public Utilities Commission that regulates charter party carriers has "cleared" SideCar to operate in San Francisco or in California. To the contrary, it is my understanding that SideCar in particular continues to be subject to a state CPUC cease and desist order because it has not been able to provide evidence of insurance coverage satisfactory to the California PUC.

The San Francisco Municipal Transportation Agency, which is the local taxi local regulator, has not yet acted one way or another in deference to the ongoing inquiry before the state government as to whether these services come within existing state regulation, or whether existing state regulation needs to change to accommodate them. The SFMTA and the San Francisco Airport have been actively engaged in the CPUC rulemaking proceeding however, and have filed multiple statements expressing concerns similar to those expressed in my letter. I would be happy to forward those statements filed before the CPUC, if that would be helpful. They are also available online at [www.cpuc.ca.gov](http://www.cpuc.ca.gov), docket number R12-12-011. See filings by SFMTA and the San Francisco International Airport. (Source: Christiane Hayashi, Deputy Director of Taxi Services, San Francisco Municipal Transportation Agency 5/28/2013)

Note: the regulations in California remain fluid and are clearly evolving on a daily basis. On Friday May 24, The San Francisco Business Times reported that "Sidecar (finally) gets CPUC approval for ridesharing". However the text of that article also stated that "ridesharing services aren't totally out of the woods yet. The CPUC is reviewing rules around ridesharing and will make a decision towards the end of the summer about whether these companies fall under its jurisdiction." (Source: Lindsay Riddell, San Francisco Business Times, May 24, 20113, <http://www.bizjournals.com/sanfrancisco/blog/2013/05/sidecar-finally-gets-cpuc-approval.html>).

City of Austin staff anticipates that given their previous responses, municipal regulators such as those in San Francisco, will likely to continue to argue that they have jurisdiction to regulate and license what is or is not a legal service within their community or serving their airport.

**San Diego and Los Angeles** – Currently in proceedings with the California Public Utilities Commission similar to San Francisco.

In addition to staff's assemblage of interviews and information from other jurisdictions, staff reviewed the previous report prepared by Dr. Munday for the City of Austin and received information subsequent to the preparation of that report. Dr. Munday states:

*"Unfortunately our 2011 Transportation Study for the City of Austin did not address transportation apps such as Sidecar. They were simply not part of the market place at that time. However, since that time we have had the opportunity to follow the activities of apps such as Sidecar and Uber and have quickly come to the conclusion that firms like Sidecar are, at a minimum dispatch companies, and in the specific case of Sidecar, an operating taxi company without city authorization. The current resolution before City Council could appear to sanction these illegal operations while the City studies the issues surrounding this type of company and the experiences of other cities. In my strongest opinion, this should not be permitted to happen. Just as in the case of electric go-cart type vehicles, which provided little to no real safety to riders, the City of Austin, by allowing Sidecar to operate, would assume tremendous liability. The City of Austin has a good transportation regulatory group and enjoys a very high level of call taxi service from its legal operators. Allowing Sidecar to operate would be detrimental to these existing transportation providers, your driving core, and the residents of Austin that depend upon their services."*

## **Experience from Other Regions (Related to Programs Encouraging Car/Vanpool Activities)**

In addition to surveying other jurisdictions as to what they are doing related to smart phone enabled dispatch services within their jurisdictions, staff also surveyed programs in a number of cities that actively seek to promote car/van pool forms of ridesharing. Staff researched on-line programs in the following metropolitan areas and programs:

- **Austin**
  - Metropolitan Planning Organization (MPO) - Commute Solutions
  - Capital Metro MetroRideShare 477-RIDE
- **Houston-Galveston**
  - MPO Nuride (Public-private partnership)
  - Houston METRO Star Ride
- **Dallas**
  - NCTCOG [tryparkingit.com](http://tryparkingit.com)
  - Dallas Area Rapid Transit (DART) Vanpool program
- **San Antonio**
  - Alamo Area Council of Governments Commute Solutions
  - VIA Metropolitan Transit Vanpool services

- **Southern California**
  - Commuter Solution
  - Los Angeles, Orange and Ventura Counties 511 Travel Services
  - Inland Empire 511 Travel Services (IE511.org)
- **Seattle/Puget Sound**
  - RideshareOnline.com
- **Birmingham/Montgomery/Mobile**
  - [www.commutesmart.org](http://www.commutesmart.org)

Each of these regions promotes car/vanpool formation through various governmental entities or public, private partnerships. Commonalities of all these programs center on providing ride matching assistance based on trip definition (starting and ending point, time of day preferences such as smoking or gender of partner). In this way, the programs assure trip commonality in matching potential passengers with drivers.

Another common feature is that programs in these regions provide a trip calculator that allows the user to calculate the cost of his/her trip based on fuel costs, tolls, insurance, and maintenance costs, etc. Each region also typically provides information on alternative travel options such as transit, formal vanpools and bicycling.

Many of these communities currently offer their services through web access for use by their customers in requesting trips and seeking to gain ride matches. Phone based service is also typically provided via an operator. Several of these regions indicate that they are working on smart phone applications that will improve their reach and functionality within their community and within the context of car/vanpool services. Ride match programs typically do not assist with any financial decisions with regards to splitting the cost of the actual trip taken because their function is primarily to pair trips of similar purpose. The responsibility for the travel arrangement remains that of the individuals participating in the car/van pool and is presumed to be associated with splitting the actual costs of the common trip.

Funding for car/vanpool programs in other regions varies by jurisdiction. Those jurisdictions currently identified as those in “non-attainment” for air quality standards typically receive CMAQ (Congestion Mitigation and Air Quality) funding from their state. These funds can be used to fund expanded programs to encourage car/vanpooling within a jurisdiction. Both the Houston/Galveston and Dallas/Ft. Worth regions receive CMAQ funding and use them to encourage car/vanpooling within their region. The City of Austin remains in attainment and does not yet receive CMAQ funding.



## Defining Rideshare Activities

Recent public debate regarding ridesharing is resulting in confusion around the terminology of “ridesharing”, “vehicles-for-hire”, and “car– vanpooling”. Based on industry definitions, anytime two or more people share a trip, they are actively engaged in a ridesharing activity. Vehicles-for-hire (licensed taxis, limousines, shuttles, charters, pedicabs, and buses) as well as car and vanpools are forms of ridesharing. Distinction needs to be made between the types of ridesharing occurring in Austin – between a vehicle-for-hire and car or vanpool service -- so that a recommendation on a policy approach on management can be made. For purposes of this response to Council, the following background helps distinguish between the two forms of ridesharing:

- **Carpool/Vanpool (car/vanpool)**: ridesharing activity that occurs when family members, friends, or acquaintances share a common trip, defined as having common origins and common destinations or where the trip is incidental to the overall purpose of the activity. Examples include: two people in same general part of town sharing a commute trip to a common work site or employment center; two or more people meeting up at a common location to then travel to a second location such as a sporting event, employment location, shopping opportunity or other activity; a parent providing rides to another parent’s child to attend an activity, a family traveling together possibly making multiple destination stops, or a care-giver providing a ride to a person under his or her supervision as part of an overall care related job. Compensation for these types of trips is assumed to be a sharing of the actual costs of the trip. Insurance coverage remains the responsibility of the driver and private auto insurance typically covers car/vanpool ridesharing activities. The safety of the passenger and the driver is left to the participants’ responsibility.

Both public and private entities exist to facilitate car/vanpool formation. In Central Texas, both Capital Metro and the Capital Area Metropolitan Planning Organization(CAMPO) offer van and carpool matching programs to coordinate persons making common trips for purposes of ridesharing. Nationally, several private not-for-profit and even for-profit companies provide assistance with ride matching. Both the publicly supported car/vanpool programs as well as the private ones utilize electronic technologies to assist in their business models, including smart phone applications. However, many car/vanpools are simply formed between individuals knowing each other and knowing that they can save costs or achieve an environmental goal by sharing a common trip without the use of sophisticated technology. The key to these activities (whether supported by a third party or not) is that the shared trips are typically for a common purpose, have commonalities in their starting and ending locations, or are incidental to normal day-to-day activities.

- **Vehicles-for-hire:** commercially available rideshare transportation services as provided by licensed taxi, limousine, shuttle, charter, pedicab, bus, or authorized electric low speed vehicles, typically regulated by a jurisdiction for safety, performance, and other business practices. If permitted by the City of Austin, drivers providing vehicle-for-hire service are required to pass criminal and safety background checks certified by the City, maintain a current Class C driver's license from the State of Texas, operate within the parameters granted to them through the franchise or operating authority of their parent company, maintain their vehicle in good working order and within registration, and maintain commercial insurance. Vehicle-for-hire operations in Austin and many other jurisdictions are regulated as to the charges that may be asked of the passenger, how a passenger can be identified and acquired, and how a potential passenger may be treated (discrimination is not allowed).

Vehicles-for-hire are regulated under current City of Austin code. Although this code is identified by many of our peer Cities as one of the best in the country, some sections of the code have not kept pace with emerging technologies and expectations of our citizens. Staff is engaged in a process to modernize the code and has communicated to Council a schedule of planned items to be addressed. In the past year, staff has brought to Council several issues, including the requirement for taxis to have electronic taxi meters, collect and report operational data so that performance can be measured, and the renewal of several franchises. As part of the new franchise agreements, taxi dispatch companies in Austin are required to provide electronic dispatch services for their drivers and customers. The three taxi franchises have surpassed this requirement and are now also providing smart phone applications to supplement electronic dispatching service they provide. Because these smart phone applications connect licensed taxi drivers directly to potential customers, they operate within the context of City Code.

## **Options for Addressing Smart Phone Enabled Rideshare (SPER) Dispatching Applications**

Council requested staff provide options for how SPER dispatching applications could either operate legally under existing City Code or be regulated by new code. Staff has developed four options for Council to consider:

1. **Smart Phone Enabled Rideshare (SPER) providing car/vanpool activities**
  - a. Description – If the companies and drivers participating in the activities provide service that does not cost more than the federal mileage rate, tolls, and parking costs (i.e., the cost of the trip), they are providing car/vanpool activities and would not fall under City Regulation.

- b. Required Changes to City Ordinances – Adopt definition of rideshare that includes a ceiling of the federal mileage rate, tolls, and parking costs for clarification purposes only. Existing City Code is currently interpreted by staff to accommodate and not regulate car/vanpool activities.
- c. Potential Impact – Improved ability of participants to clearly define car/vanpool activities as opposed to vehicle-for-hire type services. Potential decreased opportunity for revenue to SPER's and their drivers.

## **2. Regulate SPER's as Taxi Franchises**

- a. Description – City code currently would allow up to two additional franchises, if there has been an established need for additional permits. SPER's would have to meet franchise requirements, and drivers and vehicles would have to meet standards as currently identified in City Code for taxis. Existing City Code specifies under what conditions Council may find that additional franchises are warranted.

Alternatively, a SPER could partner with an existing franchised or licensed provider of vehicle for service and operate within the parameters of that franchise or authorized operator. For example, Uber has previously partnered with a number of pedicab companies during special events here in Austin and operates within the pedicab regulation (pedicab fares, unlike those for taxis, are negotiable prior to the ride being taken).

- b. Required Changes to City Ordinances – None, however this requirement could be clarified in existing City Code to reduce the potential for on-going confusion on the part of the public.
- c. Potential Impacts –
  - Increased need for staff to manage and monitor activities in the field;
  - Potential impact to current driver's incomes may be negative if the number of authorized vehicles exceeds the formula-estimated need for service within Austin;
  - Increased costs for SPER's to provide fixed facilities, reporting and auditing, and insurance.
- d. Note: this is the approach essentially taken by both Houston and San Antonio. Houston is currently enforcing their existing vehicle-for-hire ordinances without distinguishing the difference between a SPER dispatch operation and a more traditional franchise operation. San Antonio has clarified their code to make it clear that such SPER activities, if facilitating drivers to operate for profit, must register as a franchise or obtain a license under their city code.

### **3. Regulate as a new category of vehicles-for-hire**

- a. Description – Make a new category of vehicles-for-hire which decouples drivers and vehicles from higher level organizations (i.e., franchises or licensed operators). Each driver would be required to obtain a permit from the City equivalent to current city chauffeur's license. They would have to demonstrate that they have insurance for their vehicle that covers the commercial use of that vehicle. Vehicles would be required to have state inspection and be properly registered in Texas. They could then accept dispatch from any source.
- b. Required Changes to City Ordinances – Add to City Code Chapter 13-2 clarification on Council's intent related to SPER's and drivers that operate under these systems.
- c. Potential Impacts –
  - Increased need for staff to administer, manage and monitor activities in the field (expanded enforcement requirements);
  - Potential loss of control over trip charges if a taximeter is not required, adding the potential for arbitrary pricing, and loss of 24/7 coverage of entire City;
  - Potential loss of mandate for accessible taxi needs;
  - Potential negative impact to current driver's incomes, and franchise models.

### **4. Deregulate all vehicles-for-hire**

- a. Description – Remove City Code Section 13-2, removing all regulation of vehicles-for-hire
- b. Required Changes to City Ordinances – Delete City Code Section 13-2
- c. Potential Impact –
  - Decreased need for staff to administer, manage and monitor activities in the field;
  - Loss of management control over unsafe activities or behaviors on the street (the City would no longer have the ability to revoke an operating authority or franchise for systematic unsafe performance on the street; ordinances and traffic safety laws would be the only basis for citation and behavior management on the street);
  - Loss of control over trip charges without taximeter requirement with added potential for arbitrary pricing, no 24/7 coverage of entire City;
  - Alternative accessible taxi program would need to be developed and possibly funded by the City to meet the basic travel needs of persons with disabilities;
  - Potential negative impact to current driver's incomes, and currently authorized franchises and licensed operators;

- The additional safety requirements placed on existing vehicle-for-hire vehicles would not be enforceable, only safety state inspections required for individual vehicles would be available.
- d. Note: The City of Seattle attempted deregulation in 1979 because it was believed that competition would provide the public with improved service and lower rates. The City found that instead of improved service, service quality declined and rates were often higher. Impacts from the deregulation were viewed as substantially negative and led Seattle to reregulate the taxi industry in 1984. A report on this experience is provided by the International Association of Taxi Regulators (IATR) entitled "Taxicab Deregulation and Regulation in Seattle: Lessons Learned" by Craig Leisy, Manager of the Consumer Affairs Unit for the City of Seattle.

The report can be obtained at:

<http://www.seattle.gov/consumeraffairs/docs/IATR TAXICAB DEREGULATION AND REREGULATION IN SEATTLE 9-11-2001.pdf>

## **Staff Recommendations**

Staff believes that car/vanpools are important elements of the Austin transportation portfolio and market place. The City is actively engaged in trying to promote car/vanpool activities to provide greater capacity on area roadways and thereby reduce congestion, reduce the demand for parking in key activity centers within the region, and to reduce pollution. Staff is working with area partners such as the Capital Area Council of Governments, Capital Metropolitan Planning Organization and Capital Metro to expand the awareness of car/vanpooling tools and options. Staff believes it is NOT in the interest of the city to regulate car/vanpool activities. Further, we believe we have received direction from council that we should continue to support, encourage, and expand the opportunities for car/vanpool activities as part of the transportation and air quality responsibilities of the Austin Transportation Department. Staff recommends that the definition of car/vanpools be enumerated in City Code and the intent of the City to NOT regulate these activities but rather encourage them be clearly defined.

Staff believes that it continues to be in the City of Austin's and citizens' best interest that the City regulates the vehicle-for-hire industry. Staff recommends clarifying the definition of vehicles-for-hire, including the definition of compensation, tips, and fares so that citizens can clearly differentiate between vehicles-for-hire and car/vanpool activities. Staff believes that it is in the interest of the City to manage and regulate the industry for purposes of public safety and to assure that a base level of mobility is provided by the industry to all parts of the community regardless of time, geographic location, or circumstance. Further, it is staff's best recommendation that all rideshare activities either fall into the definition of car/vanpool or vehicles-for-hire. The introduction of smart-phone enabled rideshare (SPER) applications to

assist in either matching like-trips or in the solicitation of customers is demonstrated by both car/vanpool operations and by licensed vehicles-for-hire within Austin. Thus, the issue is not one of a new technology creating a “third space” for ridesharing, rather the question is can citizens reasonably differentiate between a legitimate car/vanpool activity and that provided by licensed vehicle-for-hire providers in Austin.

Staff believes that these two services (car/vanpool or licensed vehicles-for-hire) represent the full spectrum of ridesharing activities possible and that smart phone enabled rideshare (SPER) applications either facilitate legitimate car/vanpool activities where compensation is on the basis of trip cost (now legal under City Code); or they are serving as dispatch for a vehicle-for-hire activity, that if not licensed through a taxi franchise or operating authority, is illegal.

In other words, as soon as a passenger and driver’s individual trips lose a commonality of purpose, they potentially cease to be a car/vanpool and begin to take on the characteristics of a chauffeured trip. As soon as a passenger is encouraged or enabled to over-pay for a trip (i.e., provide profit), tip for the quality of the trip, or compensate a driver for more than what the actual trip costs, then the passenger becomes a customer and the driver a taxi driver. Thus the question is not one of technology creating a new type of ridesharing but rather one of a legal or illegal business transaction as defined in City of Austin Code, Chapter 13-2, Vehicles-for-hire.

Staff recommends that the franchise and licensing requirements for vehicles-for-hire, including franchise requirements, be maintained to assure the safety of the traveling public. Further, staff recommends that new technologies be required to work within current City Code, either promoting car/vanpools as defined previously or obtain a franchise license (or alternatively operate under a current franchise license holder). Staff recommends additional definitions be added to City Code, Chapter 13-2 to improve citizen understanding of ridesharing and to reduce confusion. Staff is submitting to Council improved definitions that represent this recommendation.

## **Frequently Asked Questions**

In an effort to provide a full response to Council, staff has interacted with stakeholders on both sides of the issue related to smart phone enabled rideshare services. We have received a range of comment from members of the Urban Transportation Commission and we have solicited input from ground transportation providers and franchise holders in Austin. We have also received comment provided to City Council, the UTC and the department directly by a number of citizens. Through this process we have repeatedly heard several frequently asked questions related to the issue of this report. The below information tries to respond to those questions and is consistent with the previously provided recommendations:

**What is ridesharing and what is not?** Ridesharing is any trip making activity where two or more people share a trip. Ridesharing either takes the form of a car- or vanpool or potentially becomes a vehicle-for-hire such as a chauffeured trip, taxi, or charter. Car/vanpools are shared trips between persons with a commonality of purpose (similar start and/or end point, trip is incidental to another activity, and costs are shared). Vehicles-for-hire ridesharing occurs where there is a lack of commonality of purpose (for example someone responding to a demand for travel, independent of their own trip purpose) or when a customer-service provider relationship is created by the exchange of profit beyond the costs of the trip.

**How does a Citizen know what the cost of a trip is?** The Federal Government provides a definition of the true cost of travel for purposes of reimbursement of travel costs on government contracts or for the purpose of deductions on internal revenue returns. This rate is set by the Internal Revenue Service and adjusted annually to account for changes in the market place. Currently, the Federal Rate is 56.5 cents per mile. It is based on an annual study of the fixed and variable costs of operating an automobile (i.e., fuel costs, insurance, maintenance, etc.). Tolls and parking costs not included in the Federal Rate are typical costs that might also be considered by a participant in a car or vanpool.

It has been recommended by staff that the City is typically not interested in regulating car/vanpool activities when cost is the basis for any exchange of monies between the parties (i.e., a sharing of the costs). Only when a transaction exceeds the notion of “sharing” does the activity tread into the realm of a vehicle-for-hire and run afoul of City Ordinances. Likewise, when an exchange of monies exceeds the actual cost of the trip and creates the potential for the driver to have made a profit for a service rendered, then applicable state sales taxes and federal revenue taxes are then due.

**What is the role of technology and what is the interest of the City?** Technologies such as smart phone applications are rapidly changing and offering new opportunities to promote policies of using travel alternatives within Austin. Some of these emerging technologies also provide an opportunity for drivers to make a profit, with some new apps allowing unsuspecting passengers and drivers to violate existing City code by becoming their own de facto taxi service provider.

The fundamental question is what is the City’s role in this space? Historically, the City has regulated vehicle for hire services, such as taxis, pedicabs and limousines, in the interest of public safety and equal access to all citizens for safe, reliable, and reasonably priced mobility throughout the community.

In order to provide a citizen safety net, the City has chosen to regulate and monitor for-hire activities, requiring criminal background checks, vehicle safety inspections and proper insurance liability for drivers and passengers in the case of an incident or accident. This is not unlike monitoring a restaurant for compliance with a health code or occupancy requirements. If the City

becomes aware of unsafe conditions, the City is obligated to ensure the public safety by enforcing its regulations.

Likewise, the City monitors the activity of for hire vehicles to assure proper public transportation coverage of all areas of the city, not just the high volume areas; and that Americans with Disability ADA equipped vehicles are provided for those who need access to them. There are members of our community that depend on taxicab services to meet basic mobility needs. Therefore, the City requires that taxi services be available 24 hours a day, 7 days a week. The City requires that they serve the entire City. The taximeter is used for all trips within the City so that there will be a consistent price, which could not be artificially raised without notice. In exchange for these benefits, and assuring drivers and vehicles are safe and reliable for the public, the City awards operating permits to drivers and companies.

At the direction of the Austin City Council, the Austin Transportation Department in coordination with the Austin Police Department has been enforcing current vehicles-for-hire regulations. In the period from January to May 2013, Austin Vehicle-for-hire Officers tested the market twelve times using various smart phone enabled applications to reserve rides. Observation from these market tests and enforcement efforts are provided in the following table. Of the twelve observations, six (or 50 percent) of the vehicle operators tested were observed to have safety issues with their vehicle or failed to produce sufficient evidence of a valid Texas driver's license or Texas auto liability insurance.

In each case, the officer completing the market test did not know the driver nor did they know the driver's trip plan or purpose and therefore could not have had a common trip purpose to that of the driver. In each case, the officer was able to contribute more than the actual cost of the trip that was made (i.e. the driver "made" more than the trip cost to provide). By definition, these trips resulted in a vehicle-for-hire service and based on City Code are to be regulated by staff to assure the safety of the traveling public.



**Austin Transportation Department,  
Ground Transportation Enforcement Division Market Test of  
Smart Phone Enabled Rideshare (SPER) Applications**

Date	Violation Information	Comments
January 5, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	Driver did not possess a Texas Driver's license and had only an expired vehicle registration.
January 5, 2013	Driver #2 cited for: No Operating Permit No Chauffeur Permit	Driver did not have valid automobile insurance.
March 7, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	Vehicle impounded by APD
March 8, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	
March 8, 2013	Driver #2 cited for: No Operating Permit No Chauffeur Permit	Vehicle impounded by APD. Vehicle observed to not be running well; check engine light was on; SRS light was on.
March 8, 2013	Driver #3 cited for: No Operating Permit No Chauffeur Permit	Vehicle impounded by APD. Driver was operating vehicle while on parole. Vehicle was equipped with an alcohol detection device as part of the ignition system. With this device, the driver is required to breathe into the device to detect the absence of alcohol to start the vehicle.
March 8, 2013	Driver #4 (not cited)	No compensation accepted
March 8, 2013	Driver #5 (not cited)	No compensation accepted
March 9, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	Vehicle impounded by APD. Exterior damage to fender and hood observed as a potentially unsafe condition.
March 9, 2013	Driver #2 cited for: No Operating Permit No Chauffeur Permit	Vehicle impounded by APD. Vehicle was in good running order but driver had a suspended license.
March 10, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	
May 3, 2013	Driver #1 cited for: No Operating Permit No Chauffeur Permit	

**Why does the City of Austin regulate vehicles-for-hire? What is the public interest?** The interest of the City and the citizens of Austin is to assure that publicly provided ground transportation services are safe, reliable, reasonably priced and available equally throughout the community. There are members of our community that depend on taxicab services to meet basic mobility needs. Therefore, we require that taxi services be available 24 hours a day, 7 days a week. We require that they serve the entire City and not just peak locations such as festivals. The taximeter is used for all trips within the City so that there will be a consistent price, which could not be artificially raised without notice.

**What are the ordinances in place that would limit private drivers from carrying passengers for compensation?** The current Austin City Code, Chapter 13-2 defines a Ground Transportation Service as providing a driver and vehicle to carry passengers for compensation. It prohibits persons from providing that service, and even representing that they are providing that service, without an Operating Authority from the City. Notwithstanding the source of the trip, the act of transporting for hire without authorization is a violation of City Code.

Chapter 13-2 also lays out the requirements of the companies providing vehicles-for-hire, vehicle and drivers, including the requirement for insurance, registration, licensing, background checks, and methods for determination of appropriate compensation. These are entry level requirements, and in all cases require the City to approve the operating authority prior to operation.

As previously stated, the City tested the market supported by smart phone enabled applications and has not found any of the drivers sampled as having met the minimum requirements to provide ground transportation in Austin. For example, several of the drivers failed to demonstrate that they had valid vehicle insurance required by the state. Furthermore, from information provided by the State of Texas, there is some doubt that even if a driver has normal liability insurance that it would be in effect if an accident occurred while the vehicle is being used to transport passengers for a fare. This is due to the fact that in the State of Texas, private vehicle insurance is void when that vehicle is used for commercial purposes unless a commercial rider is obtained. This is of concern to City Staff if we are charged with assuring the safety of the traveling public.

**What would we have to do to make cell phone enabled dispatch services, drivers and vehicles legal, should Council wish to pursue?** To allow non-franchised drivers and vehicles to continue to operate legally requires the removal of franchise dispatching requirements in the Austin Code such as those identifying the requirements for vehicle condition, equipment, driver requirements etc. It might be argued that as an alternate to the City Code that staff could put in place a system where an annual inspection is not required, but if a vehicle providing vehicle-for-hire services is approached the vehicle and driver must meet all requirements and proof of insurance. The proof of insurance would need to address the fact that the vehicle is used for commercial activity to demonstrate compliance under State law. However, the efficacy and feasibility of a stop-and-prove enforcement approach is questionable. Staff believes that this

would likely need a significant expansion of the current two-person regulatory staff to randomly check on vehicles and drivers.

**If these barriers are removed, what might be the consequences?** Staff believes there could be unlimited entry into the market, and no way to control the entry of novice drivers and the exit of more experienced drivers from the taxi industry. In San Francisco, where cell phone enabled application operations promoting vehicle-for-hire styled services have been in place for a year, the regulators report that a significant number of veteran taxi drivers have left the existing franchises where they were required to pay franchise fees and adhere to corporate policies to work for Uber and Sidecar (two of that region's local cell phone enabled dispatch services).

**If the drivers can be written tickets for an activity, is it legal to promote that activity?** The Austin City Code says a person may not provide or operate a ground transportation service that picks up passengers within the City of Austin or represent the person's business to the public as a ground transportation service unless that person obtains an authority to operate the ground transportation service. Staff believes that recent smart phone enabled dispatch transportation services do in fact represent that they provide transportation services. Staff believes that they enable passengers to compensate drivers for a travel service provided beyond simply the cost of the trip. Because these newer services entering the Austin market do not have an operating authority, staff believes they are currently in violation of City Code. Staff has received direction that we are to effectively enforce City Code.

**Can the current smart phone enabled operations be modified to fit within the categories regulated within the existing Code?** Staff believes that the current smart phone enabled applications in question operate as dispatch services, identifying potential trips for independent drivers to compete for and serving as bankers, taking the payment and remitting payment to the driver. They attempt to take no liability and place all risk on the passenger and the driver. Although the smart phone enabled dispatchers in Austin represent that they do background checks, carry additional insurance, and track all trips with GPS, the City has not been provided with any reports that substantiate those claims.

Existing services are available, some using smart phone enabled applications that operate within the definition of car/vanpool services. These include those already present in Austin through Commute Solutions. Likewise, several of our peer cities such as Houston have active public private partnerships with nationally based ridesharing companies that promote car/vanpools within the context of their municipal regulations. These services often are financially supported by governmental grants, participation fees, or targeted advertising.

Similarly, existing services are available, including smart phone enabled applications that provide access to the franchised vehicle-for-hire industry in Austin. The City is committed to proactively working with the industry and the citizens of Austin to continuously improve the local vehicle-for-hire operations.

**From:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Subject:** Fw: UBER -Information and Strategy Meeting  
**Date:** June 5, 2013 10:30:49 AM CDT  
**To:** 'Drake, Steven' <steven.drake@dallascityhall.com>;

Please set a 1 hour meeting for this Friday in 4BN. Include Christopher Bowers, Melissa Miles, Heather Mazac, Jimmy Martin, Tom Varghese and Sheldon Klain. Thanks.

---

**From:** Miles, Melissa  
**Sent:** Wednesday, June 05, 2013 10:13:12 AM  
**To:** Zapata, Joey  
**Subject:** RE: UBER -Information and Strategy Meeting

That sounds good, Joey. Thanks!

**PRIVILEGED AND CONFIDENTIAL**

**ATTORNEY COMMUNICATION**

**DO NOT DISCLOSE**

Melissa A. Miles

Exec. Asst. City Attorney

Code Compliance Litigation

Dallas City Hall

1500 Marilla, 7DN

Dallas, TX 75201

Ph: 214-671-9544

Fax: 214-670-0622

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to reply, cancel, and delete each message.

**From:** Zapata, Joey  
**Sent:** Wednesday, June 05, 2013 10:12 AM  
**To:** Miles, Melissa  
**Subject:** Re: UBER -Information and Strategy Meeting

Thanks. How about I set a meeting for Friday?

Sent from my iPad

On Jun 5, 2013, at 10:06 AM, "Miles, Melissa" <[melissa.miles@dallascityhall.com](mailto:melissa.miles@dallascityhall.com)> wrote:

Hi, Joey!

It depends. I believe they will be taking more rides, if we decide the drivers are the most effective way to get Uber's attention. That's the question I think we need to decide. As for the info, the detectives did a good job of getting the basic info we need.

I think we all need to talk again and regroup.

Melissa A. Miles

Exec. Asst. City Attorney

Code Compliance Litigation

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**From:** Zapata, Joey  
**Sent:** Wednesday, June 05, 2013 8:44 AM  
**To:** Miles, Melissa  
**Subject:** Re: UBER -Information and Strategy Meeting

Let me know a status please. Any reason to think we'll be sending DPD out for more rides?

Joey Zapata

Assistant City Manager

City of Dallas

1500 Marilla Street, Suite 4BN

Dallas, Texas 75201

(214) 670-3009

Sent from my iPhone

On May 28, 2013, at 10:15 AM, "Miles, Melissa" <[melissa.miles@dallascityhall.com](mailto:melissa.miles@dallascityhall.com)> wrote:

Lt. Williams,

I hope everyone had a great holiday weekend!

Thanks so much for the update!

Can I get the detectives' notes from the 20 rides to see what info they've been able to glean from the drivers?

After I've reviewed their notes, I'll be more in a position to talk with the detectives and then discuss with you how you might want to redirect their efforts.

Melissa

Melissa A. Miles

Exec. Asst. City Attorney

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**From:** Williams, Danny

**Sent:** Friday, May 24, 2013 3:54 PM

**To:** Miles, Melissa; Shead, Catrina; Smith, Christina; Dortch, Kenneth

**Cc:** Martin, James; Zapata, Joey

**Subject:** Re: UBER -Information and Strategy Meeting

Vice detectives have completed approx. 20 rides (May 16 – May 24).

I suggest Vice detectives and get with Melissa (at her convenience) to determine what information is useful as well as what avenue detectives should explore in order to obtain any other needed information.

Vice detectives have considered attempting to become (a driver) and actually rent a like styled black Lincoln Town Car; However, we discovered that no detective has the required Limo license.

Please advise and I will make the four detectives available for an information and strategy meeting at Vice

offices or at City Hall.

Thanks in advance for your help and have a good holiday weekend

Danny O. Williams

Lieutenant of Police

Vice

Strategic Deployment Bureau

214 918 0112



**From:** **AC Gonzalez** AC.Gonzalez@dallascityhall.com  
**Subject:** appears the meeting was held 21 June 13  
**Date:** September 16, 2013, 6:29 PM  
**To:** David Moore dmoore@specializedinvestigations.net  
**Cc:** Lindsay Kramer lindsay.kramer@dallascityhall.com


**From:** 'Martin, James' <jimmy.martin@dallascityhall.com>;  
**Subject:** FW: Update: Issuance of citations  
**Date:** July 2, 2013 8:06:52 AM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Cc:** 'Klain, Sheldon' <sheldon.klain@dallascityhall.com>;  
 1 Attachment, 3.1 KB



image001.jpg (3.1 KB)

Joey these are dealing with the outside group. We called in the drivers. When 12 arrived we issued them citations. Obtaining information on the inside group.

**From:** Africa, Ray  
**Sent:** Tuesday, July 02, 2013 8:03 AM  
**To:** Martin, James  
**Cc:** Varghese, C Thomas; Klain, Sheldon; Sullivan, Neil  
**Subject:** RE: Update: Issuance of citations

Yes sir!

**Ray Africa**

**Management Supervisor**

**Transportation Regulation Division**

**Code Compliance Dept.**

**3131 Dawson, 2nd floor**

**Dallas, TX 75226**

\* [ray.africa@dallascityhall.com](mailto:ray.africa@dallascityhall.com)

( 214-670-4009

7 214-670-6968

**From:** Martin, James  
**Sent:** Tuesday, July 02, 2013 7:23 AM

**To:** Africa, Ray  
**Cc:** Varghese, C Thomas; Klain, Sheldon; Sullivan, Neil  
**Subject:** RE: Update: Issuance of citations

So we requested the drivers to come in. 12 did and were issued citations?

**From:** Africa, Ray  
**Sent:** Tuesday, July 02, 2013 7:09 AM  
**To:** Williams, Frederick; Patten, Rodney; Miles, Melissa; Mazac, Heather  
**Cc:** Martin, James; Varghese, C Thomas; Klain, Sheldon; Sullivan, Neil  
**Subject:** Update: Issuance of citations

Good morning.

Of the 13 violators that were presented to us at last week's meeting on June 27, 2013, we contacted twelve of them and issued tickets.

We will mail a certified letter to the thirteenth violator.

Respectfully submitted

**Ray Africa**  
**Management Supervisor**  
**Transportation Regulation Division**  
**Code Compliance Dept.**  
**3131 Dawson, 2nd floor**  
**Dallas, TX 75226**

\* [ray.africa@dallascityhall.com](mailto:ray.africa@dallascityhall.com)

( 214-670-4009

7 214-670-6968

**From:** 'Miles, Melissa' <melissa.miles@dallascityhall.com>;  
**Subject:** **RE: Uber Investigations - Privileged Attorney Communication**  
**Date:** June 25, 2013 10:32:22 AM CDT  
**To:** 'Martin, James' <jimmy.martin@dallascityhall.com>;  
**Cc:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
'Gonzalez, AC' <AC.Gonzalez@dallascityhall.com>;  
'Klain, Sheldon' <sheldon.klain@dallascityhall.com>;  
'Bowers, Chris' <Chris.Bowers@dallascityhall.com>;  
'Mazac, Heather' <heather.mazac@dallascityhall.com>;

Jimmy,

Lt. Williams called me this morning. He's been having some issue with his blackberry/phone and not getting his messages. In any event, he knows we need the receipts, and his people were supposed to have sent them already. I don't know what the deal is wit that. He was going to make sure they all got sent over to transportation this morning when he got to the office.

They already had been taking more rides this week. And they are prepared to run an operation, all day if necessary, on Wed, Thursday or Friday.

Lt. Williams will be at the meeting today prepared to nail down the details.

Melissa A. Miles

Exec. Asst. City Attorney

Code Compliance Litigation

Dallas City Hall

1500 Marilla, 7DN

Dallas, TX 75201

Ph: 214-671-9544

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**From:** Martin, James  
**Sent:** Tuesday, June 25, 2013 8:39 AM  
**To:** Willhoite, Karen  
**Cc:** Cato, Charles; Williams, Danny; Klain, Sheldon; Miles, Melissa  
**Subject:** FW: Uber Investigations  
**Importance:** High

Karen, the attached shows what is needed for the DPD to write citations for the violations in the Code (notes on the email attachments). The officers will have to write the citations once we have the needed information to identify the drivers in our data base.

**From:** Klain, Sheldon  
**Sent:** Friday, June 21, 2013 11:16 AM  
**To:** Martin, James  
**Subject:** FW: Uber Investigations  
**Importance:** High

**We can issue 5 citations out of 24 rides.**

**Sheldon Klain**

**Division Manager III**

**City of Dallas**

**Code Compliance Services**

**(214) 670-5901 Office**

**(214) 422-9918 Cell**

**From:** Klain, Sheldon  
**Sent:** Tuesday, June 18, 2013 12:57 PM  
**To:** Miles, Melissa

From: Neil Titlow, Garv  
Re: Uber investigations  
Priority: High

Hi Neil,

After start reviewing the information provided, we found that we need additional information on the attached to id the drivers and companies they are associated with. The requested information is on each of the attached.

Thanks,

Seidon Klain

Division Manager III

City of Dallas

Code Compliance Services

(214) 670-5901 Office

(214) 422-9918 Cell


**From:** 'John Barr' <[jbarr@bbarr.com](mailto:jbarr@bbarr.com)>;  
**Subject:** Fwd: UBER TRYING TO SNEAK INTO HOUSTON  
**Date:** July 4, 2013 4:06:21 PM CDT  
**To:** 'Zapata, Joey' <[joey.zapata@dallascityhall.com](mailto:joey.zapata@dallascityhall.com)>;  
'Gonzalez, AC' <[AC.Gonzalez@dallascityhall.com](mailto:AC.Gonzalez@dallascityhall.com)>;  
 1 Attachment, 1.9 KB



image001.jpg (1.9 KB)

Sent from my iPhone

Begin forwarded message:

**From:** Jack Bewley <[jack.bewley@irvingholdings.net](mailto:jack.bewley@irvingholdings.net)>  
**Date:** July 4, 2013, 1:56:32 PM PDT  
**To:** John Barr <[jbarr@bbarr.com](mailto:jbarr@bbarr.com)>  
**Cc:** John House <[jhouse@bbarr.com](mailto:jhouse@bbarr.com)>  
**Subject:** Fwd: UBER TRYING TO SNEAK INTO HOUSTON

Sent from my iPhone

Begin forwarded message:

**From:** Jeff Finkel <[jeff@dallasyellowcab.com](mailto:jeff@dallasyellowcab.com)>  
**Date:** July 4, 2013, 3:39:13 PM CDT  
**To:** Jack Bewley <[jack@dallasyellowcab.com](mailto:jack@dallasyellowcab.com)>, Steve Harter <[sharter@notrecap.com](mailto:sharter@notrecap.com)>  
**Subject:** Fwd: UBER TRYING TO SNEAK INTO HOUSTON

Sent from my iPhone

## UBER TRYING TO SNEAK IN TO HOUSTON

Like a thief in the night; like a snake in the grass, UBER is salivating at the prospect of invading the extremely lucrative Houston Market. They have already captured Dallas and are signing up more gypsies there every day.

UBER is an iphone app that sends Town Cars, stretch limos, taxicabs and now with UBERx, just plain old cars driven by regular people with no livery licenses or permits of any kind.

It is no surprise that there are now knockoffs of this APP like LYFT and SIDECAR.

All of the app limo services without exception are liars, thieves, scumbags, crooks, lawbreakers, gypsies and slimeballs. In some areas, they start out legit, claiming to use "Only Licensed Companies", but in short order, they switch to their main Modus Operandi, (M.O.), an enabling network of Gypsy Operators who have no commercial or livery permits or insurance, no background checks and no inspection of vehicles. They also charge extra for rush hour, refuse to go into rough neighborhoods and few, if any, of their vehicles are handicapped accessible.

They have been declared totally illegal in many markets around the country. They sneak into an area, offer prices at half or below of legitimate operators,



then once most of those have been put out of business, they raise the rates.

UBER exists only in cyberspace and could be operating from China or South America. If there is a problem, city and state officials have no one to cite for legal action.

This Uber/App model is similar to the AVIS/WeDriveU of a couple of years ago. Houston was one of **the** first cities to get AVIS declared illegal and we fully plan to use the same tactics against UBER.

UBER has been served with Cease and Desist Orders in New York and Los Angeles and ignored them. They are crooks and lawbreakers who have no use for legal authority.

During the Democratic National Convention in Charlotte NC, UBER blew in and started breaking every law they could find. The area has a \$60 minimum fee for a Town Cars. UBER had coupons in the official program for \$20. Most of the UBER Town Cars and drivers came in from out of the area and had no permits for Charlotte. Local legitimate operators could not get temporary permits and many of their cars sat idle. When they complained to their DOT, they were told to go pack fudge, or something similar. UBER had come in beforehand and greased every politician and official in sight, a time-tested method that always works.

UBER has extremely deep pockets and is not afraid of lawsuits. Jeff Bezos at Amazon has invested 3.5 million. They are sweeping across the country like the AIDS virus, and as with AIDS, once you have them, it is nearly impossible to get rid of them.

They have snuck in to Houston and have hired three of the top lobbyists to garner access and presumably offer large campaign donations to members of the Houston

City Council. (Limos in Texas are regulated by cities with over 100,000 population).  
The UBER model will not fly in Houston without an ordinance change, but that is not unthinkable if the right donations are made. This is an election year for the Houston City Council and Mayor.

We will soon begin an aggressive and in-their-face campaign against UBER and see to it that the traveling public is made aware of how their City Council is about to literally sell them down the river and throw licensing, permitting and safety inspections out with the morning trash. Why should UBER or any other iphone APP be allowed to totally evade all the hoops we have to jump through and all the taxes and fees we have to pay?

Here is an article from Chauffeur Driven Magazine on how other cities have been able to get UBER declared illegal:

<http://chauffeurdriven.com/news/54-not-concerned-about-uber-you-should-be.html>

Here is an article from Santa Monica, California about how the Los Angeles Department of Transportation (LADOT) is aggressively moving to shut down all iphone APPS:

<http://smdp.com/car-services-get-hit-in-l-a/124146>

THE SURVIVAL OF THE LIMOUSINE INDUSTRY AND  
THE SAFETY OF THE TRAVELING PUBLIC CAN ONLY  
BE ASSURED WITH THE TOTAL ELIMINATION OF UBER  
AND OTHER CROOKS WHEREVER THEY ATTEMPT  
TO OPERATE.

Joe L. Jordan, President

Houston Limousine Operators Networking Group  
14173 Northwest Freeway #166  
Houston TX 77040

713 680-3181

[Editor@Limoinsider.net](mailto:Editor@Limoinsider.net)  
[JordanLimousines@aol.com](mailto:JordanLimousines@aol.com)  
[www.Limoinsider.net](http://www.Limoinsider.net)

**From:** 'Miles, Melissa' <melissa.miles@dallascityhall.com>;  
**Subject:** RE: Confidential: TFH  
**Date:** July 11, 2013 5:09:38 PM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
'Bowers, Chris' <Chris.Bowers@dallascityhall.com>;

Joey,

The relevant law requires that, if we wanted to immediately seize a driver's permit, our code would have to specifically set out the circumstances under which a permit could be seized, and contain a provision that provides a very prompt hearing (like within a day) for the driver that would probably be in front of the director (and then a right to appeal the director's decision which in this case would almost certainly be to the PLAB).

Our limo ordinance does not contain those provisions, so the answer to your question is, no, at this time we cannot lawfully seize drivers' permits prior to a hearing. We could however amend the code to add the necessary provisions to give us that ability.

Let me know if you have any follow up questions.

Melissa

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Melissa A. Miles  
Exec. Asst. City Attorney  
Code Compliance Litigation  
Dallas City Hall  
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-----Original Message-----  
**From:** Zapata, Joey  
**Sent:** Thursday, July 11, 2013 1:03 PM  
**To:** Miles, Melissa; Bowers, Chris  
**Subject:** Confidential: TFH

Any guidance on pulling permits/licenses from limos when we ticket them? Need an answer soon please.

**From:** 'John Barr' <jbarr@bbarr.com>;  
**Subject:** FW: Uber App Update: Fare Splitting = Fair Splitting  
**Date:** July 15, 2013 2:54:16 PM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;

Latest Uber solicitation sent to Jack Bewley President of Yellow. We need to ticket for this advertising and avoidance of code. John

**From:** Jack Bewley [mailto:jack.bewley@irvingholdings.net]  
**Sent:** Monday, July 15, 2013 1:59 PM  
**To:** John Barr  
**Subject:** FW: Uber App Update: Fare Splitting = Fair Splitting

**Jack Bewley**

Irving Holdings Inc.

214.207.5800

[jack.bewley@irvingholdings.net](mailto:jack.bewley@irvingholdings.net)

**From:** Uber Team [mailto:support=uber.com@mail52.wdc01.mcdlv.net] **On Behalf Of** Uber Team  
**Sent:** Monday, July 15, 2013 1:38 PM  
**To:** Jack  
**Subject:** Uber App Update: Fare Splitting = Fair Splitting

[Uber Logo](#)

[Email Header Image](#)

**UBER HQ**

Fare Splitting = Fair Splitting

Hey Jack,

It's been said that 4 out of 3 people can't do fractions. At Uber, we love math (we have a whole team dedicated to it!) but we understand that not everyone does. So, we're going to do the long division for you.

### **Split Your Fare With Friends Using the Latest Uber App!**

#### Fare Splitting Screenshots

Simplify your life and your fractions. Use fare splitting anytime, anywhere and with anyone:

That friend who conveniently "forgets" to pay you back  
Saturday night with your entourage (an SUV split six ways = an 83.33333% discount!)

The couple that has to split everything down the middle

It's a simple formula: Uber + Friends = :)

Math is hard, Uber isn't.

Love,  
Team Uber

[GET THE LATEST UBER APP!](#)

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We've updated our [privacy policy](#).

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Uber Technologies, Inc. • 182 Howard Street, #8, San Francisco, CA 94105

**From:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;

**Subject:** Re: Fwd:

**Date:** July 16, 2013 8:08:41 AM CDT

**To:** 'Gonzalez, AC' <AC.Gonzalez@dallascityhall.com>;

**Cc:** 'Cato, Charles' <charles.cato@dpd.ci.dallas.tx.us>;

'Brown, David' <david.brown@dpd.ci.dallas.tx.us>;

'Williams, Frederick' <Frederick.Williams@dallascityhall.com>;

'Bowers, Chris' <Chris.Bowers@dallascityhall.com>;

persons written to 23 drivers. Code is preparing a briefing to recommend updates to the limo ordinance. I  
him to respond. Let me know if you want to discuss first.

AC  
Assistant City Manager  
City of Dallas  
1500 Marilla Street, Suite 1000  
Dallas, Texas 75201  
(214) 670-3009

Sent from my iPhone

On Jul 16, 2013, at 7:55 AM, "Gonzalez, AC" <[AC.Gonzalez@dallascityhall.com](mailto:AC.Gonzalez@dallascityhall.com)> wrote:

Latest??

Sent from my iPhone

Begin forwarded message.


**From:** "John Barr" <[jbarr@bbarr.com](mailto:jbarr@bbarr.com)>  
**To:** "Zapata, Joey" <[joey.zapata@dallascityhall.com](mailto:joey.zapata@dallascityhall.com)>  
**Cc:** "Gonzalez, AC" <[AC.Gonzalez@dallascityhall.com](mailto:AC.Gonzalez@dallascityhall.com)>

Another add today on my cell The \$40,000 a month my client pays is too much given the lack of protection for this type of unlawful rogue behavior. Nothing personal, I'm getting very angry in the uber intrusion and your departments lack of protection. What will it take. Bankruptcy of the cabs ? Come on, get DPD to write tickets to Uber or stop charging permits to the cab company's. This isn't right! This is your area of responsibility. John

Sent from my iPhone

<photo.PNG>



**From:** 'John Barr' <jbarr@bbarr.com>;  
**Subject:**  
**Date:** July 16, 2013 1:04:35 AM CDT  
**To:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Cc:** 'Gonzalez, AC' <AC.Gonzalez@dallascityhall.com>;  
 2 Attachments, 179.5 KB

Another add today on my cell The \$40,000 a month my client pays is too much given the lack of protection for this type of unlawful rogue behavior. Nothing personal, I'm getting very angry in the uber intrusion and your departments lack of protection. What will it take. Bankruptcy of the cabs ? Come on, get DPD to write tickets to Uber or stop charging permits to the cab company's. This isn't right! This is your area of responsibility. John



## Suggested App



**Uber**

Sponsored

Go anywhere with the push of a button. Ride with Uber in Dallas!



**Uber**

Travel

**Install Now**



**Resurrection Art**

38 minutes ago

		8/14 Agenda	8/14 Addendum	8/28 Agenda	8/28 Addendum
22-Jul	Monday	Items Due			
23-Jul	Tuesday	1st Review			
24-Jul	Wednesday	Added to Agenda			
25-Jul	Thursday	2nd Review			
26-Jul	Friday				
27-Jul					
28-Jul					
29-Jul	Monday				
30-Jul	Tuesday	3rd Review			
31-Jul	Wednesday				
1-Aug	Thursday	Final Review			
2-Aug	Friday	Moved to 8/14 Addendum Post 8/14 Agenda			
3-Aug					
4-Aug					
5-Aug	Monday		Items Due	Items Due	
6-Aug	Tuesday		1st Review	1st Review	
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8-Aug	Thursday		2nd Review	2nd Review	
9-Aug	Friday		Moved to 8/28 Agenda Posted 8/14 Addendum	Added to 8/28 Agenda as Late Agenda Item	
10-Aug					
11-Aug					
12-Aug	Monday				
13-Aug	Tuesday			3rd Review Moved to Addendum	
14-Aug	Wednesday				
15-Aug	Thursday			Final Review	
16-Aug	Friday			Posted 8/28 Agenda	
17-Aug					
18-Aug					
19-Aug	Monday				Items Due
20-Aug	Tuesday				1st Review
21-Aug	Wednesday				
22-Aug	Thursday				2nd Review
23-Aug	Friday				Posted 8/28 Addendum
24-Aug					
25-Aug					
26-Aug	Monday				
27-Aug	Tuesday				
28-Aug	Wednesday				Council Meeting

AC  
out

AC  
out

**From:** 'Zapata, Joey' <joey.zapata@dallascityhall.com>;  
**Subject:** Re: Chapter 10A Limousine Revisions  
**Date:** August 10, 2013 6:21:11 PM CDT  
**To:** 'Gonzalez, AC' <AC.Gonzalez@dallascityhall.com>;

Will do.

Sent from my iPad

On Aug 10, 2013, at 5:14 PM, "Gonzalez, AC" <[AC.Gonzalez@dallascityhall.com](mailto:AC.Gonzalez@dallascityhall.com)> wrote:

Good. Let's have someone put together a matrix that compares index cities on major ordinance features including minimum fares.

On Aug 10, 2013, at 2:13 PM, "Zapata, Joey" <[joey.zapata@dallascityhall.com](mailto:joey.zapata@dallascityhall.com)> wrote:

A draft was complete, but now I am pushing to add a minimum fare.

In phase 2, we will add an age limit.

Joey Zapata  
Assistant City Manager  
City of Dallas  
1500 Marilla Street, Suite 4BN  
Dallas, Texas 75201  
(214) 670-3009

Sent from my iPhone

On Aug 10, 2013, at 2:02 PM, "Gonzalez, AC" <[AC.Gonzalez@dallascityhall.com](mailto:AC.Gonzalez@dallascityhall.com)> wrote:

Is the ordinance ready?

**From:** Zapata, Joey  
**Sent:** Thursday, August 08, 2013 3:34 PM  
**To:** Gonzalez, AC  
**Subject:** Re: Chapter 10A Limousine Revisions

Mary strongly urged a briefing first and wanted to discuss with you. Ryan approved moving it to Aug-28. We are preparing a briefing for small group next week.

---

---

**From:** Gonzalez, AC  
**Sent:** Thursday, August 08, 2013 3:17:28 PM  
**To:** Zapata, Joey  
**Subject:** FW: Chapter 10A Limousine Revisions

What happened?

**From:** Nichols, Cheryl  
**Sent:** Thursday, August 08, 2013 2:25 PM  
**To:** Christopherson, Lisa; Martin, James; Zapata, Joey; Bowers, Chris  
**Cc:** Gonzalez, AC; Cato, Charles; Ernst, Warren; Quintanilla, Sylvia; Jordan, Ryan  
**Subject:** RE: Chapter 10A Limousine Revisions

Mary Suhm moved it to the 28<sup>th</sup>.

**From:** Christopherson, Lisa  
**Sent:** Thursday, August 08, 2013 2:23 PM  
**To:** Martin, James; Zapata, Joey; Bowers, Chris  
**Cc:** Gonzalez, AC; Cato, Charles; Ernst, Warren; Nichols, Cheryl; Quintanilla, Sylvia; Jordan, Ryan  
**Subject:** RE: Chapter 10A Limousine Revisions

Everyone,

I have not received any changes (or approvals), so I am resending the proposed limousine ordinance with "DRAFT" removed and with a new Section 12 that grandfathers existing limousines from the \$45,000 sticker price requirement. I do not know if this ordinance is still on for August 14, but the attached PDF is what you should attach to your agenda item if it is going then.

Lisa

**From:** Christopherson, Lisa  
**Sent:** Wednesday, August 07, 2013 2:59 PM  
**To:** Martin, James; Zapata, Joey; Bowers, Chris ([Chris.Bowers@dallascityhall.com](mailto:Chris.Bowers@dallascityhall.com))  
**Cc:** Gonzalez, AC; Cato, Charles; Ernst, Warren; Nichols, Cheryl; Quintanilla, Sylvia; Jordan, Ryan  
**Subject:** RE: Chapter 10A Limousine Revisions

Everyone,

Attached is my version of the AIC for the 8/14 limousine agenda item. I assume Code will enter this

Attached is my markup of the AIS for the 8/14 limousine agenda item. I assume Code will enter this corrected version into the agenda system.

Again, once I receive approvals or corrections from everyone on the draft ordinance, I will resend a non-draft version. I will also add an uncodified provision grandfathering current limousines from the \$45,000 sticker price requirement per Chris' recommendation.

Lisa

**From:** Christopherson, Lisa  
**Sent:** Wednesday, August 07, 2013 12:00 PM  
**To:** Martin, James; Zapata, Joey; Bowers, Chris ([Chris.Bowers@dallascityhall.com](mailto:Chris.Bowers@dallascityhall.com))  
**Cc:** Gonzalez, AC; Cato, Charles; Ernst, Warren; Nichols, Cheryl; Quintanilla, Sylvia  
**Subject:** Chapter 10A Limousine Revisions

Everyone,

Attached is a PDF of a draft ordinance amending Chapter 10A of the Dallas City Code to revise limousine regulations to address dispatching services and some other issues. All of the urgent changes requested by the city manager are included, except for limousine age limit requirements and minimum fare requirements. Those proposed changes will require more study and research. Also, additional changes proposed by Code and Prosecution will have to be reviewed and drafted at a later time.

Please promptly review the attached draft to ensure it addresses the city manager's intent, and let me know of any corrections. **This is not an opportunity to add random changes.** The ordinance has to go out to council by Friday. Please let me know if this draft is satisfactory, and I will send another PDF that is not marked as a "draft" for Code to attach to the agenda item.

I received a draft of Code's AIS from the agenda office today, and I will clean it up and send it back to Code for corrections and placement in the agenda system. Thanks.

Lisa

**From:** **AC Gonzalez** AC.Gonzalez@dallascityhall.com  
**Subject:** Taxicab ordinance is NOT going out tonight  
**Date:** August 9, 2013, 2:54 PM  
**To:** **Lindsay Kramer** lindsay.kramer@dallascityhall.com  
**Cc:** **Joey Zapata** joey.zapata@dallascityhall.com

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AC  
out

AC  
out



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**Subject:** RE: Chapter 10A Limousine Revisions

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**Cc:** Gonzalez, AC; Cato, Charles; Ernst, Warren; Nichols, Cheryl; Quintanilla, Sylvia; Jordan, Ryan  
**Subject:** RE: Chapter 10A Limousine Revisions

Everyone,

Attached is my version of the AIC for the 2014 limousine agenda item. I assume Cato will enter this