

Statement of Intent to Circulate Petition Calling for Initiative

April 15, 2016

Rebecca Huerta
City Secretary
City of Corpus Christi
1201 Leopard St.
Corpus Christi, Texas 78401

Re: Proposed Ordinance establishing Transportation Network Companies

Dear Ms. Huerta:

The citizens whose names appear below intend to propose an ordinance to City Council and if the Council fails to adopt such Ordinance in substantially the form presented, then we intend to circulate petitions calling for such Initiative to be placed on the November 2016 ballot.

- A) The names and addresses of the more than fifty (50) registered voters commencing the initiative proceedings are attached hereto as "Exhibit A" and incorporated herein by reference.
- B) The full text of the ordinance to be proposed by Initiative is attached hereto as "Exhibit B" and incorporated herein by reference.
- C) The name and address of the registered voter who is to receive all communications from the city secretary and city attorney:

Michael A. McCauley
453 Williamson Pl
Corpus Christi, Texas 78411

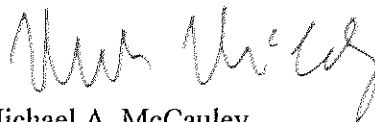
Please address all correspondence to me at the following address:

Michael A. McCauley
615 N. Upper Broadway, Ste 800
Corpus Christi, Texas 78401
(361) 884-1961
mmccauley@ohhlaw.net

Please call me if you have any questions or comments.

Thank you for your consideration.

Sincerely,



Michael A. McCauley

ATTACHMENT A

Blake Farenthold
5601 Ocean Drive 78412

Al Jones
3420 Ocean Drive 78411

Wayne Squires
3642 Aransas 78411

Barbara Canales
36 Hewitt 78404

David Engel
230 Amistad 78404

Gloria Hicks
5226 Greenbriar 78413

Larry Elizondo
7230 Yaupon 78414

Kevin Kieschnick
15233 Pecos River 78410

Kelley Allen
4701 Tuscan Way 78410

John Longoria
704 Louisiana 78404

Joe Adame
1818 Graham 78418

Javier Colmenero
4213 Carlton 78415

Bill Kelly
4257 Clear Fork 78410

Rex Kinnison
4405 Driftwood 78411

Christina Michelle Unda
7714 Fort Griffen 78414

Cecil Childers
425 Santa Monica 78411

Scott Humpal
4841 S. Oso Parkway 78413

William W. Stubbs III, P.C.
150 Atlantic 78404

Chris Hamilton
1814 Holly 78417

Alan Clower
3535 Santa Fe #11 78411

Solomon Ortiz Jr.
4514 Carlow Dr. 78413

Raymond Gignac
3260 Ocean Drive 78404

Chip (Rhodes) Urban
202 Ohio 78404

Curtis Rock
7414 Trail Creek 78414

Derwood Anderson
409 Grant 78411

William McCauley
343 Meldo Park 78411

Thomas Dorsey
3535 Santa Fe #27 78411

Sam Beecroft, Jr.
144 Ropes 78411

Claudia Dorsey
3535 Santa Fe #27 78411

Steve DeAses
6314 Penny Ln 78414

Richard Leshin
146 Amistad 78404

Douglas Allison
4920 Ocean Dr 78412

Joe Hilliard
510 McClendon 78404

Michael McCauley
453 Williamson 78411

Martin C Davis
4829 Ocean Drive 78412

Edward Espino
3322 Lynwood 78415

Frank Hastings (John Franklin)
4346 Lake Ponchartrain 78413

Harold Shockley
6701 Shilling Way Ln 78414

Don Kingsbury
602 Meadowbrook 78402

Darron Bergstrom
458 Miramar 78411

JJ Hart
14826 Dasmariñas 78418

William Thompson
8326 Salsa Dr 78414

Wayne Lundquist
4466 Ocean Dr 78412

Warren Andrich
14890 Granada 78418

Jason Cody Bates
1814 Amos Court 78418

Kim Erwin
13957 Dasmarias 78418

Mark Adame
5242 Greenbriar 78413

Rick Gomez
5022 Bonner 78411

Avinash Ahuja
101 Ocean Way 78411

Gloria Perez
5909 Southerland Dr 78414

Lawrence Valls
312 Peerman 78411

Jennifer Vasey
3713 S. Lake Drive 78414

Bert Quintanilla
309 Peerman 78411

Jim Sedwick (Arthur James)
5501 Sarazen

Deven Bhakta
40 E Bar Le Doc 78414

Katherine Urban
202 Ohio 78404

Allen Lassiter
4125 Pompano 78411

Debbie Farenthold
5601 Ocean Drive 78412

Jennifer Childers
425 Santa Monica 78411

Evon Kelly
4257 Clear Fork 78410

Michael William Bergsma
4117 Acushnet 78413

Benjamin Vela
6826 Old Square Dr 78414

Daniel S. Erwin
706 Harrison 78404

LaLisa Hernandez (Elizabeth)
434 Villa Drive 78408

Michael Briones
929 Driftwood 78411

Ben Molina
1026 Wilshire 78411

Sally Gill
302 Catalina Place 78411

Leslie Kane
2805 Bretshire 78414

Morgan Farenthold
5601 Ocean Drive 78412

Sharon Sedwick
5501 Sarazen 78413

Royce Cameron (Jesse Royce)
4657 Tuscan Way 78410

Melody Schexnayder
3209 Lawnview 78404

Claire McCauley
517 Pasadena 78411

Angelica Vela
4449 Aspen Grove 78413

Isa Barrera
3426 Brawner Parkway 78411

Dave Johnson
3901 Accrington Ct 78414

Aislynn Campbell
510 McClendon 78410

Monica McLeod Sawyer
429 Ashland 78412

Berry Peterson
8126 Etienne

Eric Brunkenhoeffer
3046 Charter Lane 78414

Nick Gignac
522 Hancock Ave #332 78404

Roland T. Higgins
4434 Lake Superior Dr 78413

Pete Holzer
327 Baycliff, 78412

ATTACHMENT B

Transportation network companies.

- A. Definitions. For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:
- (1) Abnormal Market Disruptions mean any change in the ground transportation market, whether actual or imminently threatened, resulting from Acts of God, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption of the transportation market resulting in a disaster or state of emergency declaration.
 - (2) Digital Network means any online-enabled application, software, website, or system offered or used by a transportation network company that enables a prearranged ride with a transportation network company driver.
 - (3) Operation of a Transportation Network Vehicle means offering, making available, or using a Transportation Network Vehicle to provide Transportation Network Service, including any time when a driver is logged onto the transportation network company's internet-enabled application or Digital Network showing that the driver is available to pick up riders; when a rider is on a trip in a Transportation Network Vehicle; or when the driver has accepted a request for transportation received through the TNC's Digital Network or software application and is en route to provide Transportation Network Service to a rider.
 - (4) Overcrowding means the driver or operator transports more people in the vehicle than recommended by the vehicle manufacturer or transports more people in the vehicle than the number of seatbelts.
 - (5) Personal Vehicle means a vehicle that is used by a transportation network company driver and is:
 - (a) Owned, leased, or otherwise authorized for use by the TNC Driver; and
 - (b) Not a taxicab, limousine, or similar for-hire vehicle.
 - (6) Prearranged Ride means transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include:
 - (a) A shared expense carpool or vanpool arrangement or service; or
 - (b) Transportation provided using a taxicab, limousine, or similar for-hire vehicle.
 - (7) Transportation Network Company or TNC means any person, corporation, partnership, sole proprietorship, or other entity operating in this state using a digital network to connect a transportation network company rider to a transportation network company driver for a prearranged ride. A Transportation Network Company shall not be deemed to control, direct or manage the personal vehicles or transportation network company connecting to its digital network, except where agreed to by written contract. The term does not include an entity arranging nonemergency medical transportation under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.
 - (8) TNC Driver or TNC Operator means a person who:
 - (a) Receives connections to potential transportation network company riders and related services from a transportation network company in exchange for payment of a fee to the company; and
 - (b) Uses a personal vehicle to offer or provide a prearranged ride to a transportation network company rider on connection with the rider through a digital network controlled by the company in exchange for compensation or payment of a fee.
 - (9) TNC Permit Holder means the holder of a valid permit issued by the City.
 - (10) Transportation Network Company Permit or permit means a valid permit issued by the City to any firm, business, corporation, or other entity related to Transportation Network Service.
 - (11) TNC Rider means an individual who uses a transportation network company's digital network to connect with a transportation network company driver who provides a prearranged ride to the individual in the driver's personal vehicle between points chosen by the individual.

- (12) Transportation Network Service or service means transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Service shall begin when a TNC Driver accepts a request for transportation received through the TNC's Digital Network or software application, continue while the TNC Driver transports the passenger in the TNC Driver's vehicle, and end when the passenger exits the TNC Driver's vehicle. TNC Service is not taxicab or street hail service.
 - (13) Transportation Network Vehicle or vehicle means any passenger motor vehicle used to provide Transportation Network Services and which is not a taxicab.
- B. Exclusion. Specifically excluded from this definition are owners, operators and vehicles solely operating regulated under Chapter 4, Business Regulations Section 4, Taxicabs, as amended.
- C. Consequences of Criminal Convictions and Conduct of Drivers.
- (1) Criminal Convictions. The City Council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria in regards to criminal convictions of TNC Drivers or Operators regulated under this ordinance.
 - (a) The nature and seriousness of the crimes.
 - (b) The relationship of the crimes to the purposes for requiring a Permit to engage in a Transportation Network Service.
 - (c) The extent to which a Permit might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved.
 - (d) The relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a Transportation Network Service; and has determined that the crimes listed in this ordinance are serious crimes that are directly related to the duties and responsibilities of Transportation Network Company drivers or operators whose job is to safely transport passengers for hire.
 - (2) Conduct of Drivers. Drivers at all times shall:
 - (a) Act in a reasonable, prudent and courteous manner.
 - (b) Not inhale, inject or consume any alcoholic beverage, drug, or other substance adversely affecting his or her ability to operate a motor vehicle.
- D. Transportation Network Company Permit.
- (1) TNC Permit—Required. It shall be unlawful for any person, individual, firm, business or corporation or any other entity to drive or operate or cause to be driven or operated any Transportation Network Company Service or vehicle upon or over any street in the City, unless a permit issued by the City has been obtained and as provided in this ordinance; provided however, that a TNC vehicle operated by a driver which is permitted, licensed, or authorized by or in another jurisdiction, may operate in the City for the limited purpose of discharging a passenger whose trip originated outside of the City.
 - (2) TNC Permit—Application.
 - (a) Application Requirements. Application for TNC Permit within the City shall be filed with the City of College Station Police Department on a form provided by the City. The applicant must provide the following information for new and renewal permits:
 - (i) TNC name, TNC owner's name and TNC permit applicant's name, if different.
 - (ii) TNC physical address, mailing and URL addresses, TNC applicant or owner telephone numbers and email addresses.
 - (iii) A sworn statement affirming the TNC has conducted background checks, pursuant to this ordinance. TNC shall not allow a TNC driver to provide TNC Services if found that a TNC driver has been convicted of any federal or state felony as amended or federal or state other offenses as amended involving moral turpitude within the seven (7) years prior to becoming a TNC driver, or other criminal offenses including but not limited to
 - (1) Prostitution or related offenses.
 - (2) Driving while intoxicated or under the influence of any drug.
 - (3) Violations of the Controlled Substance Act.
 - (4) Rape, murder, attempted murder or aggravated assault.

- (5) Theft over five hundred dollars (\$500.00).
- (6) A felony or other offense involving moral turpitude which may adversely affect the TNC Driver's ability to provide safe and reliable passenger transportation.
- (7) Or any other criminal offense that may adversely affects the TNC Driver's ability to provide safe and reliable passenger transportation.
- (iv) Proof of current valid insurance coverage required by Texas law.
- (v) A general description of the mobile or electronic means and methodology used to charge passengers for TNC services.
- (b) Sworn Statement. The application shall include a sworn statement by the applicant stating all information provided in the application is true and stating the TNC will conduct a criminal background checks on TNC Drivers or Operators before allowing the TNC Driver or Operator to accept trip requests through the TNC's Digital Network, and perform another criminal background checks a least annually thereafter.
- (c) TNC Permit Fee. For administration of permitting each application and each application renewal must be submitted with a non-refundable Permit fee based on the number of authorized drivers on the TNC digital network operating in the City at the time of application or renewal as shown below:
 - (i) \$300.00 for ten (10) or fewer drivers.
 - (ii) \$600.00 for eleven (11) to forty (40) drivers.
 - (iii) \$900.00 for forty-one (41) to seventy (70) drivers.
 - (iv) \$1,200.00 for seventy-one (71) or more drivers.

E. TNC Driver Requirements.

- (1) Before a TNC permits or allows a person to operate as TNC driver on its digital network, the TNC shall:
 - (a) Require the person to submit an application or sign up with relevant information to the TNC including their address, age, social security number, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC.
- (2) Conduct, or have a reliable third party conduct, a local, state and national criminal background check for each applicant including:
 - (a) Multi-state/Multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation, primary source search.
 - (b) National Sex Offender Registry database.
 - (c) Obtain and review a driving history research report for the applicant.
- (3) The TNC shall not permit or allow a person to act or operate as a TNC driver on its digital platform who:
 - (a) Has had more than three moving violations in the prior three-year period, or one or more major violation in the three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
 - (b) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or class B misdemeanor or higher theft, acts of violence, or acts of terror;
 - (c) Is a match in the National Sex Offender Registry database;
 - (d) Does not possess a valid driver's license;
 - (e) Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;
 - (f) Is not at least 19 years of age;
 - (g) Has been convicted, within the past seven years, of a felony or other offense involving moral turpitude which may adversely affect the TNC Driver's ability to provide safe and reliable passenger transportation.
 - (h) Or has been convicted, within the past seven years, of any other offense that may adversely affect the TNC Driver's ability to provide safe and reliable passenger transportation.

- (4) Notification. In the event that a TNC becomes aware of a driver being involved in criminal conduct or driving violations or otherwise becomes ineligible to serve as a driver by virtue of no longer meeting the criteria listed above, the TNC shall immediately terminate the driver's ability to access the TNC's digital network.

F. Insurance Requirements for TNC and Registered Agent.

- (1) All TNC Permit Holders, Drivers or Operators must at all times comply and show proof of compliance with Texas Insurance Code Chapter 1954 "Insurance for Transportation Network Company Drivers", as amended and any other Texas minimum insurance requirements as required by the Texas Transportation Code, as amended.
- (2) TNC Permit Holder must have a registered agent in the State of Texas for service of process.

G. Issuance of TNC Permit, Term and Renewal.

- (1) Issuing Permit. The applicant must submit the Permit fee and application to the Police Department. The Chief of Police shall issue a TNC Permit stating the TNC's name, address, term and permit number if the Chief of Police finds the permit application requirements are reasonably satisfied. If the Chief of Police determines any of the application requirements are not met then the application must be denied. The TNC applicant may reapply to the Police Department and submit an additional fee with new information for consideration.
- (2) Term. The Permit will be issued for the period beginning the date of the issuance and will expire one (1) calendar year after issue of the Permit. The Permit must state the year for which it is valid.
- (3) Renewal. At least thirty (30) days before permit expiration a permitted TNC not in violation of this ordinance may renew its Permit by providing a written request on a form provided by the City for renewal and attaching and submitting the following to the Police Department:
 - (a) Permit Fees.
 - (b) Proof of insurance required by the Texas Insurance Code.
 - (c) TNC Application provided by the City.

H. Transportation Network Vehicle Inspections. A Transportation Network Vehicle must have a valid State of Texas registration sticker.

I. Display of Rates and Fares.

- (1) Posted Amounts On Digital Network. The TNC must post rates and other charges or fees on its internet enabled application or digital network in a manner readily accessible to passengers before the service is provided. The TNC may not allow Drivers to charge or collect a rate higher than the one (1) specified on the internet enabled application or digital network.
- (2) Dynamic Pricing. If a TNC uses dynamic pricing to maximize the supply of available TNC drivers on the network to match the demand for rides and increase reliability, the software application must:
 - (a) Provide clear and visible indication that dynamic pricing is in effect before a ride is requested.
 - (b) Include a feature requiring riders to confirm understanding that dynamic pricing will be applied for their ride.
 - (c) Provide a fare estimator enabling the rider to estimate dynamic pricing cost before requesting the ride.
 - (d) Dynamic pricing is prohibited during abnormal market disruptions.

J. TNC Operating Requirements.

- (1) Identifying Information. The TNC internet enabled application or digital network accessed by potential passengers shall display after a ride is accepted:
 - (a) An accurate picture of the Transportation Network Driver including readable text stating the driver's first name.
 - (b) A picture or description of the Transportation Network Vehicle including the make and model of the vehicle, and the vehicle license plate number.
- (2) Receipt and Contact Information. Passengers must be able to request receipts via email or other electronic format. The TNC shall make available on their internet-enabled application or digital network and website a receipt providing:
 - (a) The origin and destination of the trip.
 - (b) The total time and distance of the trip.

- (c) An itemization of the total fare paid.
- (d) Access to contact information for the TNC's customer service team or liaison.
- (3) Request for Service. All requests for service must be placed and accepted only through the internet-enabled application or digital network or website. The TNC may not permit TNC drivers to accept street hails for passenger transportation.
- (4) Route. Drivers must take the most direct, expeditious and safe route, unless specifically requested by the passenger.
- (5) Loading or Unloading. It shall be the duty of each driver to pull the Transportation Network Vehicle lawfully to the curb when loading or unloading passengers.
- (6) No Cash Payments. Any payment for TNC services must be made using the TNC's digital network or software application. No cash may be exchanged for TNC services. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify TNC drivers of such policy. TNC drivers will not solicit or accept cash payments from passengers as payment for TNC services.
- (7) Overcrowding. A TNC driver or operator shall not allow overcrowding of the TNC vehicle while transporting passengers or riders.
- (8) Non-discrimination and Accessibility.
 - (a) A TNC and TNC Drivers shall comply with all applicable laws concerning non-discrimination and accessibility.
 - (b) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
 - (c) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
 - (d) A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.
- (9) Background Check Audits and Driver Information.
 - (a) Records and Books. Each TNC shall maintain:
 - 1. Individual trip records of passenger customers for at least one (1) year from the date each trip was provided; and
 - 2. Individual records of TNC drivers at least until the one (1) year anniversary of the date on which a TNC driver's relationship with the TNC has ended.
 - (b) Audit. The TNC shall permit the City to conduct an audit and examine a reasonable sample of books and records relating to TNC's performance of its obligations under this Agreement at a mutually agreed upon third-party location. The City shall provide notice of the books and records requested for inspection in writing at least seven (7) days before the scheduled examination.
 - (c) Emergency Situations. Any law enforcement officer investigating a criminal case may request TNC driver or operator information from the TNC in emergency situations where a person is in danger of bodily injury, serious bodily injury or death. The TNC must respond immediately. This information must include all information relevant to the investigation. The law enforcement agency will follow up with a warrant or subpoena when practical.
 - (d) Other Criminal Cases. In other criminal cases not involving emergency situations law enforcement will provide the correct means to gather the information and the TNC must respond either verbally or in writing within twenty-four (24) hours.
- (10) No transportation network driver shall pick up or discharge a passenger on any portion of Corpus Christi International Airport (CCIA) without proper authorization pursuant to chapter 9 of this Code. A transportation network driver carrying a passenger or passengers from CCIA shall pay quarterly the airport use fee established by Chapter 9 of this Code. Additionally, no transportation network driver shall pick up or discharge any passenger in any designated taxicab stands or loading zones.

K. Suspension or Revocation of TNC Permit of Registration and Appeal.

- (1) Suspension by Chief of Police. The Chief of Police may suspend or revoke any Permit issued under this ordinance.
- (2) Notice. Suspension or revocation is effective upon delivery of written notice to the permit holder or by email, fax, hand delivery, regular mail or certified mail.
- (3) Criteria for Revocation or Suspension. A Permit may be revoked or suspended by the by the Chief of Police upon verification of any of the following:
 - (a) A driver or operator has been convicted of a felony or other offense involving moral turpitude or any offense which may adversely affect the driver or operator's ability to provide safe and reliable passenger transportation to the public.
 - (b) The Permit was obtained based on information in an application in which any material fact was intentionally omitted or falsely stated.
 - (c) The Permit Holder has violated or failed to comply with any of the provisions in this ordinance, any other City ordinance or federal or state law.
 - (d) The Permit Holder has allowed required insurance to be canceled, withdrawn, terminated or to fall below the minimum limits of liability prescribed in this ordinance.
 - (e) The Permit Holder is delinquent on any taxes owed to the City or fails to show financial ability to maintain services in compliance with this ordinance.
 - (f) The Permit Holder has altered, or caused to be altered, the Permit.
 - (g) Discontinuing operations more than ten (10) days.
- (4) Appeal. The Permit Holder shall have the right to appeal to the City Manager any revocation or suspension action from the Police Chief by delivering the written appeal to the City Secretary within ten (10) days after notice suspension or revocation is received. In the event the Permit Holder fails to deliver the appeal to the City Secretary within the time prescribed, the revocation or suspension by the Police Chief City is final. If the Permit holder timely delivers the notice to the City Secretary, then the City Manager or his designee, shall hear the appeal within twenty (20) days after the filing of the appeal with the City Secretary. City Manager or his designee's decision is final.

L. Offenses.

- (1) It shall be unlawful for any person, Permit Holder, driver or operator to solicit potential passengers for Transportation Network Services at, in or near any passenger depot, hotel, airport, bus stop or station, or upon any sidewalk or street or any other place in the City, or use any words or gestures that could be construed as soliciting a passenger for Transportation Network Services.
- (2) It shall be unlawful for any person to accept or respond to a passenger or potential passenger request for service by traditional street hail, including hand gestures and verbal statements.
- (3) It shall be unlawful for any person, driver or operator to provide their direct or personal phone number or email address to passengers or potential passengers to enable requests for Transportation Network Services.
- (4) It shall be unlawful for any person, driver or operator or Permit Holder to violate any part of this ordinance.