

# AGENDA



## Recommendation for Council Action

Austin City Council	Item ID	43780	Agenda Number	3.
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Meeting Date:	4/16/2015	Department:	Transportation
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### Subject

Approve an ordinance amending City Code Chapter 13-2 relating to requirements for transportation charter services.

### Amount and Source of Funding

### Fiscal Note

A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	November 6, 2014 - City Council approved Ordinance No. 20141106-054 to amend City Code Chapter 13-2 to revise charter services regulations in response to a court order. June 20, 2013 - City Council approved Ordinance No. 20130620-051 to amend City Code Chapter 13-2 to update and revise the charter service regulations.
For More Information:	Robert Spillar 512-974-2488; Gordon Derr 512-974-7228; Carlton Thomas 512-974-7020; Gilda Powers 512-974-7092.
Boards and Commission Action:	March 10, 2015, approved by the Urban Transportation Commission on a 6/1 vote with Commissioner Highsmith absent.
MBE / WBE:	
Related Items:	

### Additional Backup Information

The City's Transportation Department has been engaged in an ongoing effort to modernize and update the City's transportation regulations.

In 2013, the amendments to the charter services regulations were mainly to adjust archaic code language for regulation of charter services providing point to point services within the City limits. Additional regulations were added to distinguish between the different ground transportation businesses operating in the City, such as taxis, charters and van service.

After adoption of the amendments, the United Motor Coach Association, Inc. filed a lawsuit against the City in federal court arguing that the City is pre-empted by federal law from regulating charter bus services. The Association is an industry association for motorcoach and charter bus services throughout the country. The judge has ruled on a preliminary injunction request and except for two of the code provisions, held in favor of the City. The court held the City could not regulate the aesthetic appearance of charter buses or require a thirty minute pre-reservation requirement. The lawsuit is ongoing.

As a result of the court's ruling and after meeting with plaintiff's counsel, additional amendments were proposed and

approved by Council in November 2014. Chapter 13-2 was rewritten to carve out charter buses (16 or more passengers) and charter van services to clarify the City's regulations and authority over different types of vehicles providing point-to-point service within the City. In order to regulate in-state and inter-state charter buses, the state and federal governments issue an operating authority. As the City Code also referred to an operating authority issued by the City, a permitting process for charter buses was created to avoid confusion and distinguish the processes.

Since adoption and implementation of the ordinance, some typographical errors were discovered and the proposed amendments are to correct the errors and further distinguish what regulations apply to charter bus services.

Staff makes the recommendations to change the regulations applicable to charter bus service in the proposed ordinance in order to comply with the federal court's order, and for the following reasons:

- Austin is home to several major events throughout the year and it is in the City's best interest to protect its citizens and visitors from unscrupulous businesses that may not provide safe vehicles or drivers to those seeking charter transportation;
- Assure charter buses and vans are mechanically safe when transporting masses of people;
- Address pedestrian and vehicular traffic safety;
- Address mobility and congestion concerns;
- Ensure reliable vehicles are on City roadways;
- Identify operator and driver fitness to provide transportation services to the general public; and
- Make owners and operators accountable for vehicle and public safety