



## City Council Staff Report

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DATE: November 16, 2016 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1906  
RELATING TO PERMITTING TRANSPORTATION NETWORK  
COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL  
AIRPORT

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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### SUMMARY:

The City Council will consider adoption of Ordinance No. 1906.

### RECOMMENDATION:

Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1906, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(B) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT."

### STAFF ANALYSIS:

On November 2, 2016, Ordinance No. 1906 was introduced for first reading, as noted below:

**3.B. PROPOSED ORDINANCE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

**ACTION:** Waive the reading of the text and introduce for first reading Ordinance No. 1906, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(b) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT," amending Section 16.37.010(c) to read "Each TNC Driver shall be subject to alcohol and drug testing on a similar basis as drivers of

*other car services, including taxis, are subjected." and 16.37.025(a) to read "TNC Drivers shall only pick up passengers for hire at the area described as Option A (and depicted on a map on file in the Office of the City Clerk), a location immediately adjacent to vendor and contractor parking."*

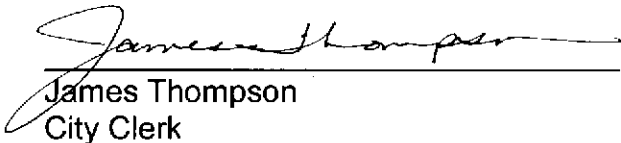
**Motion Councilmember Foat, seconded by Councilmember Kors, and carried 3-1 on a roll call vote.**

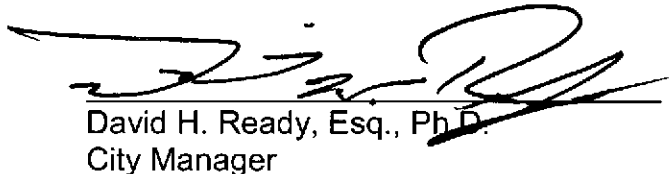
**AYES:** Councilmember Foat, Councilmember Kors, and Councilmember Roberts.

**NOES:** Mayor Moon.

**ABSENT:** Mayor Pro Tem Mills.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

  
James Thompson  
City Clerk

  
David H. Ready, Esq., Ph.D.  
City Manager

/kdh

Attachments:  
Ordinance No. 1906

ORDINANCE NO.1906

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(b) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT.

*City Attorney's Summary*

*The proposed ordinance establishes a regulatory program for transportation network companies such as Uber and Lyft to operate at Palm Springs International Airport.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. The following definitions are added to Section 16.02.015(b) of the Palm Springs Municipal Code:

"TNC Driver" means a Participating Driver, as defined in Cal Pub. Util. Code 5431(d), providing TNC services under the authority of an approved TNC Permit issued under Chapter 16.37 of this Code.

"TNC Mobile App" means a TNC's online enabled application to connect passengers with TNC's approved TNC Drivers.

"TNC Pick-up Area" means one or more areas of the Airport designated by the Director where a TNC Driver may pick-up a passenger or passengers pursuant to a Waybill.

"TNC Staging Area" means one or more areas designated by the Director of Aviation where unassigned TNC Drivers may stage for an Airport passenger pick-up assignment from the TNC Mobile App.

"Trade dress" means a symbol, sign, or other marking that makes a TNC Driver's vehicle readily identifiable as a vehicle driven by a TNC Driver.

"Transportation Network Company" or "TNC" means an organization whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers using their personal vehicles ("TNC Services") and which has a current permit from the California Public Utilities Commission to operate as a TNC in California.

“Waybill” means electronic evidence of prearranged transportation services in the possession of a TNC Driver that shows the name of a party to be transported and the pick-up location for each ride.

SECTION 2. Chapter 16.37 is added to the Palm Springs Municipal Code to read:

Chapter 16.37  
TRANSPORTATION NETWORK COMPANY  
RULES AND REGULATIONS

16.37.005 Regulatory Measures.

(a) Each Transportation Network Company and its TNC Drivers operating on the Airport shall comply fully with all applicable state laws, this Title, and instructions issued by the Director of Aviation.

(b) Enforcement of traffic laws shall be the responsibility of the Agency having jurisdiction.

16.37.010 TNC Operating Permit.

(a) Prior to providing transportation services on the Airport, each Transportation Network Company shall apply for and receive an approved Operating Permit from the Director of Aviation.

(b) Each Transportation Network Company shall (at its own cost and expense) obtain from all federal, state, and/or local Agencies having jurisdiction, all licenses, permits, consents, approvals, and authorizations that may be necessary for the provision of services at the Airport. Such documentation shall be produced for examination immediately upon request by the Director of Aviation or Operations Department personnel.

(c) Each TNC Driver shall be subject to alcohol and drug testing on a similar basis as drivers of other car services, including taxis, are subjected.

16.37.015 Operational Rules.

(a) TNC Drivers shall not stage, wait, or park in any areas of the Airport other than the TNC Staging Area or the TNC Pick-Up Area nor shall TNC Drivers loop around any Airport roadway while waiting for a passenger pick-up.

(b) After discharging passengers at the Airport, each TNC Driver shall immediately leave the Airport or return to the TNC Staging Area.

(c) TNC Drivers shall not park, stage, or stop in such a manner as to interfere with vehicular or pedestrian traffic at or on the Airport and shall only park, stage, or stop in areas designated by the Director of Aviation.

(d) TNC Drivers shall only accept rides booked through the TNC's Mobile App.

16.37.020 Driver conduct and appearance.

(a) TNC Drivers shall not enter the TNC Pick-up area of the Airport unless the TNC Driver is in possession of a Waybill and shall remain in their Vehicles or in the immediate vicinity (immediately adjacent to the Vehicle) at all times while at the Airport.

(b) TNC Drivers shall not solicit, persuade or urge any person (by words, gestures, or other form of communication) to use or hire any Commercial Vehicle Operator or TNC Driver.

(c) TNC Drivers shall maintain a professional look and appearance and shall display an identification badge (or the equivalent through a transportation network company's digital application) which includes a photograph and the name of the TNC Driver and the name of the TNC Driver's company at all times while offering or providing transportation services at the Airport.

(d) TNC Drivers shall conduct themselves in a courteous and professional manner and treat members of the traveling public with the utmost respect at all times.

(1) TNC Drivers shall not intentionally obstruct the movement of any person or Vehicle.

(2) TNC Drivers shall not use offensive, abusive, or obscene language, gestures, or other forms of communication while at or on the Airport.

(3) TNC Drivers shall be fully familiar with the provisions of the Passenger Bill of Rights and shall fully abide by the terms and requirements of the Passenger Bill of Rights, except provisions regarding receipts, taximeters, and individual driver's permits shall not be applicable to TNC Drivers.

16.37.025 Passenger Loading and Unloading.

(a) TNC Drivers shall only pick up passengers for hire at the area described as Option A (and depicted on a map on file in the Office of the City Clerk), a location immediately adjacent to vendor and contractor parking.

(b) All TNC Driver vehicles shall be kept in good operating condition. The exterior of each vehicle shall be clean with a clear and visible Trade Dress. The vehicle interior and trunk area shall be neat and clean.

(c) Each TNC Driver's vehicle operated at the Airport shall be subject to inspection by the Director of Aviation or Operations Department personnel at any time to determine compliance with these Rules and Regulations. Failure to pass any portion of the inspection may result in the TNC Driver being prohibited from picking up and/or dropping off passengers at the Airport until the discrepancies have been corrected to the satisfaction of the Director of Aviation or Operations Department personnel.

#### 16.37.035 TNC Drivers on the AOA.

TNC Drivers shall not operate within or on any Restricted Areas of the Airport.

#### 16.37.040 Penalties.

The penalties for TNC Drivers who are determined by the Director of Aviation to be in violation of these Rules and Regulations follow:

- (a) Unsafe Vehicle.
  - (1) Suspension of privileges pending compliance.
- (b) Minor violation (including, but not limited to, picking up passengers in unauthorized areas, the TNC Driver not remaining in or adjacent to the TNC Driver's Vehicle, soliciting, and loitering in the Airport Terminal Building) shall be subject to administrative citation pursuant to Chapter 1.06 of this Code.
- (c) Major violation (including, but not limited to, attempt to induce another to commit an illegal act or violation of these Rules and Regulations, failure to obey a lawful order of the Director of Aviation or Operations Department personnel, offensive language, gestures, failure to comply with the applicable provisions of the Passenger Bill of Rights, or other actions, or conduct that is discourteous or unprofessional) shall be subject to administrative citations pursuant to Chapter 1.06 of this Code, except that the amount of any fine thereof shall be two (2) times the amount specified in Section 1.06.040 of this Code.
- (d) Reckless driving, conviction of any criminal act committed at or on the Airport, and driving under the influence of alcohol and/or drugs shall include permanent revocation of Airport pick-up privileges in addition to any penalty, fine, or punishment authorized or allowed under any law.

**SECTION 3.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2016.

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ROBERT MOON, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1906 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on 2<sup>nd</sup> day of November, 2016, and adopted at a regular meeting of the City Council held on the 16<sup>th</sup> day of November, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California