



# City of Austin

## Ann Kitchen, District 5

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## TNC Frequently Asked Questions

### ***Why are you trying to run ride-hailing companies out of town?***

It has never been my intention or the intention of any of my fellow Council Members to run ride-hailing companies out of town. We need a wide range of transportation options in Austin in order to resolve the traffic issues in our city, and I believe TNCs are now an important part of Austin's transportation system. I also strongly believe that it is the Council's responsibility to ensure that the people of our city are safe when using transportation-networking companies such as Uber and Lyft. Austinites should not have to risk sacrificing their safety in order to get a ride home. The Council does not wish any TNC to leave the Austin community or the drivers who depend on them, but that is a choice for the TNCs themselves to make. I fully expect that a TNC can successfully operate within the standards being proposed and look forward to working cooperatively with responsible TNCs willing to implement public safety best-practices.

### ***The current regulations seem to be working, so why are you bringing up new regulation now?***

The Council is required by the TNC ordinance to review and update the interim regulations. Last October, the previous Council adopted a provisional ordinance that directed the City Manager to enter into agreements with TNCs. The provisional ordinance states that "TNCs like any for-hire transportation alternative must be regulated to protect the safety of their drivers, riders, and the general public". Furthermore, it established that "**the effects of this ordinance will be reviewed no later than six months after the date of passage**, at which time the City Council may, in its sole discretion, repeal or amend the ordinance" and that the City should "seek equity in the treatment of taxis, TNCs and other vehicles for hire with regard to fares charged, dynamic pricing, fleet size, accessibility, insurance, vehicle safety, and driver background among other relevant factors." The Council Mobility Committee has found that this interim ordinance is not equitable across all ground transportation services with regard to many of these factors, and that the name-based background checks allowed by the provisional ordinance are not best practice and can fail to identify criminal records.

### ***TNCs already do background checks, so why is fingerprinting necessary?***

When it comes to public safety, the Council trusts our experts and voted 9-2 to move forward with fingerprint-based background checks. TNCs may have a zero tolerance policy when it comes to criminal history of any kind, but that policy is hard to enforce when their name-based background check fails to identify the criminal record. The FBI and the Texas Department of Public Safety agree that fingerprinting is the best way to ensure that the records reviewed belong to the person being checked, with a match accuracy rate of 99.6%<sup>1</sup>. It's about accurately identifying that a person is who they say they are:

<sup>1</sup>Criminal Justice Info. Servs. Div., FBI, CJIS Annual Report 2014 at 14; <https://www.fbi.gov/about-us/cjis/annual-report-2014/cjis-annual-report-2014/view>



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*“Fingerprint-based background checks are considered a best-practice law enforcement tool to tie the person checked to the person driving” – Mike Lesko, Deputy Assistant Director, Texas Department of Public Safety, in charge of Crime Records Services.*

When reviewed by the U.S. Attorney General, the name-based checks currently used by TNCs have a match accuracy rate of only 88%<sup>2</sup>.

### ***But I feel safer in a TNC than a taxi, so why do we need fingerprinting?***

When the Austin Police department reports having received seven complaints of TNC drivers sexually assaulting between April and August 2015<sup>3</sup>, and when experts at SafePlace tell us they have provided exams and support in the past few months for five individuals who reported that they were assaulted by a Lyft or Uber driver, the City takes those reports very seriously.

*“As advocates, mothers, sisters, fathers and friends, we support the efforts to require fingerprint background checks and signage on vehicles. These companies provide a valuable service for the citizens in our community and we need to take this additional step to ensure everyone’s safety.”*  
– Kelly White, Chief Executive Officer, SAFE Alliance

While there is no one thing that will ensure absolute public safety, the least that the City can do is implement the recommended best-practices.

### ***Speaking of safety, haven’t DWIs decreased since TNCs have come to Austin?***

Any transportation option that keeps intoxicated drivers off of the streets should be applauded, and I welcome TNC operations in Austin. But I do not agree that we should sacrifice one safety measure for another or pit the risk of sexual assault against the risk of drunk driving. The assurance that TNC drivers’ backgrounds are accurately reviewed should be just as important as any other safety considerations.

*“We strongly believe that their service has assisted in the fight against DWI. We also feel that the drivers of Lyft and Uber should be required to pass a fingerprint-based background check before being allowed to drive and pick up citizens. I am a user of Uber and Lyft and I hope they choose to stay in Austin.”* – Detective Ken Casaday, President, Austin Police Association

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<sup>2</sup> Interstate Identification Index Name Check Efficacy: Report of the National Task Force to the U.S. Attorney General at 7; <http://www.bjs.gov/content/pub/pdf/iince.pdf>

<sup>3</sup> KXAN News Report, 11/13/2015, <http://kxan.com/investigative-story/austin-police-investigating-alleged-sex-assaults-by-uber-lyft-drivers/>



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### ***I drive for a TNC and need the income it provides. Doesn't that mean anything to you?***

I appreciate your contribution to the City's transportation system and the service you provide to residents and visitors. That is why I and my fellow Council Members have worked tirelessly with the Austin Transportation Department and the Texas Department of Public Safety to ensure that the process for getting fingerprinted is fast, easy, and accessible for potential drivers.

### ***TNCs have stated that they will be forced to cease operations in Austin if fingerprinting is enacted because the pool of drivers would shrink. How would you respond to this possibility?***

It would be a shame for Austinites to be deprived of these services over such basic and innocuous safety standards. This argument was made in Houston before their City Council implemented these same standards and the City of Houston continues to onboard drivers efficiently and effectively enough for continued TNC operations. We believe Austinites deserve the same level of professional service that Houstonians enjoy. We welcome working with TNCs to make this process as effortless for potential drivers as possible.

### ***But I loooove Uber and Lyft! Can't we just let them regulate themselves?***

While these companies have been creative and innovative in applying new technologies, they are still providing a basic transportation service, a vehicle for hire, and it is the responsibility of the City to establish public safety standards for operating in Austin.

### ***Aren't you just helping the taxi companies by putting more rules on TNCs?***

All transportation providers must comply with statutes and regulations and there has been no singling-out of any particular company or service. The introduction of TNCs has provided Council the impetus to review the current rules as they apply to all types of service (TNCs, taxis, limos, etc.), and from this review the City is implementing these new standards across the board. For example, while the City now uses only state-wide background checks, the current proposal includes applying nation-wide fingerprint-based background checks to all transportation service providers. This will provide Austinites with consistent levels of safety no matter which service they choose.