

# City of New Orleans

Department of Safety and Permits



Administrative Rule 17-05

Departmental Regulations for  
Transportation Network Companies

Effective October 7, 2017

# Departmental Regulations for Transportation Network Companies

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# Departmental Regulations for Transportation Network Companies

## Introduction

Pursuant to Section 162-46 of the Code of Ordinances of the City of New Orleans, the Department of Safety and Permits hereby promulgates Departmental Standards for Transportation Network Companies operating within the jurisdictional boundaries of the City of New Orleans and operating pursuant to permits issued by the New Orleans Aviation Board for operations at Louis Armstrong New Orleans International Airport.

## Regulatory Standards

- (1) Transportation Network Companies (TNCs) and Transportation Network Company Drivers (TNC Drivers) operating pursuant to Article XV of Chapter 162 of the New Orleans City Code shall be subject to the provisions of these Regulations.
- (2) These standards shall serve to supplement the ordained provisions of the City Code and shall not be read to supersede or alter any language within Chapter 162.
- (3) All terms used within this document shall be defined as ordained in Section 162-1700 of the City Code.

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### Duty of Transportation Network Companies

Subject to the penalties prescribed in Section 162-1742 of the City Code, all Transportation Network Companies shall have the duty to:

- (1) Distribute any information to partner TNC Drivers which may be deemed necessary by the Department of Safety and Permits.
  - a. Information may include, but is not limited to:
    - i. Guidelines of operational limitations
    - ii. Traffic or construction advisories
    - iii. Directives to submit to required drug screenings, vehicle inspections, or other administrative actions.
  - b. Information shall be distributed within 24-hours of notification to the TNC.
    - i. Notification of selection for a random drug screening shall be in accordance with Section 162-1713(a).
  - c. The TNC shall provide documentation to demonstrate distribution and compliance with this requirement.
- (2) Require substance abuse testing for any TNC Driver involved in a vehicle collision while in Period 1 or Period 2 operation of a TNC vehicle, as defined by Section 162-1719, pursuant to Section 162-1713, within twenty-four (24) hours of such collision.
  - a. Any driver failing to submit to substance abuse testing within twenty-four (24) hours of a collision shall be suspended from the TNC platform.
  - b. The TNC is responsible for implementing suspension for failure to comply and shall not require a suspension order from the Department of Safety and Permits.
- (3) Remove any TNC Driver from operation within the city of New Orleans or the Louis Armstrong New Orleans International Airport as directed by the Department of Safety and Permits.
  - a. Drivers may be removed from the TNC platform for non-compliance with administrative enforcement action by the Department of Safety and Permits.

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- b. Drivers may be removed from the TNC platform for non-compliance with the provisions of Chapter 162, Article XV of the City Code relative to driver conduct, specifically:
    - i. Section 162-1707 – Drivers shall comply with all applicable laws relating to accommodation of service animals.
    - ii. Section 162-1734 – Drivers may not accept street hails and may only accept trips matched through a licensed TNC digital network.
    - iii. Section 162-1735 – Drivers are not authorized to utilize taxicab stands for staging, picking up, or dropping off of passengers.
    - iv. Section 162-1736 – Drivers shall not refuse any passenger who has requested service via the licensed TNC digital network to a destination within 10-miles outside of the corporate boundaries of the City of New Orleans once such request has been accepted through the digital network.
  - c. Any Driver ordered removed from a TNC platform for cause shall be prohibited from operating for any other TNC. The Department is not required to provide the TNC with specific information as to the cause of such removal.
- (4) Report, on the fifteenth (15<sup>th</sup>) day of every month, any vehicle collisions which occurred during the preceding month. This requirement shall constitute reporting pursuant to Section 162-1740.
- a. The report shall include all information required as part of the TNC Driver Registry (Section 162-1709) and:
    - i. Period 1 or Period 2 Operation (per Section 162-1719)
    - ii. Police Report Item Number (or statement that police were not called to the scene).
    - iii. Verification of substance abuse testing, per 162-1713(b), including the name of the facility performing the screening.
- (5) Cooperate fully with investigations of drivers for alleged or reported violations of the City Code, which may include: verification of driver status, TNC driver history, or any other information deemed necessary by the Department.
- (6) Cooperate fully with investigations of TNCs for alleged or reported violations of the City Code, which may include: records retained pursuant to Section

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162-1740, records of compliance with Sections 162-1710 or 162-1713, or any other information deemed necessary by the Department.

### TNC Driver Registry

In addition to the standard, complete driver registry required pursuant to Section 162-1709 of the New Orleans City Code, licensed TNC operators shall submit a separate registry consisting of only those drivers employed or contracted within the preceding month.

### Guidelines for Quarterly Per-Trip Fee Payments

For purposes of the quarterly per-trip fees required pursuant to Section 162-1705 of the City Code, “quarters” of the year are defined as 3-month increments of a calendar year:

- 1<sup>st</sup> Quarter – January through March
- 2<sup>nd</sup> Quarter – April through June
- 3<sup>rd</sup> Quarter – July through September
- 4<sup>th</sup> Quarter – October through December.

Payments shall be remitted to the City of New Orleans no later than the fifteenth (15<sup>th</sup>) day of the month following the end of the preceding Quarter.

### Review of TNC Complaints

- (1) Upon receipt of a complaint of a violation of Article XV of Chapter 162 of the City Code, the Department of Safety and Permits will review the information submitted and make all reasonable attempts to contact the complainant for additional information, if necessary.
  - a. Following review and investigation, the Department will make a determination as to whether the complaint can be substantiated by available evidence; complaints may be dismissed or an administrative citation may be issued to the TNC responsible for the violation.
- (2) The Department will utilize Driver Registries submitted by TNCs to determine the individual responsible for operation of a specific vehicle identified as or

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- alleged to have been involved in a reported or observed violation of the City Code.
- a. If multiple drivers are associated with a single vehicle, it shall be the duty of the TNC to provide which driver was utilizing the vehicle at the time of the reported incident.
- (3) TNC operators issued administrative citations will be scheduled for administrative adjudication through the Taxicab and For-Hire Vehicles Bureau of Safety and Permits. At which time the TNC may offer a defense to the reported behavior before a hearing officer.
- a. Administrative citations shall be served upon the identified TNC by standard US mail and electronic mail.
  - b. Penalties for violation shall be in accordance with Section 162-1743 of the City Code.
  - c. For violations beyond the first citation, a hearing may be scheduled before the Director for suspension or revocation of the TNC permit.
- (4) Failure to appear at a scheduled hearing shall be an admission of liability and will result in assessment of penalties against the TNC.
- (5) Fines levied by the hearing officer or the Director are payable within 30-days of such fines being assessed, unless a specific time period is included as part of the determination.
- a. Failure to remit payment within the prescribed time period may result in the suspension of the TNC permit until payment is made to the Department in full.
  - b. Administrative suspension of a TNC permit for failure to remit fines shall last no longer than 30-days. If the TNC does not remit payment in full during the period of suspension, the TNC permit shall be revoked.

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### **Penalty for Violation**

Any violations of these provisions may be cited as a violation of procedurally adopted Departmental Regulations, promulgated pursuant to Section 2-1000 of the City Code.

- (1) Any violation of these Regulations by the TNC shall be subject to the penalties outlined in Section 162-1742 of the City Code.
- (2) Multiple violations of the standards contained herein shall constitute separate violations of Departmental Regulations and may be cited individually.