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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

October 21, 2014

Dave Barmore
Uber Technologies

Re: Uber Operations in Burlington, Vermont

Dear Mr. Barmore:

This letter is a follow-up to the meeting William Guernier and Kaitlin Durkosh attended with Mayor Miro Weinberger and his staff on October 9, 2014, concerning Uber's recent decision to recruit drivers and begin operations in the City of Burlington.

I understand that you are the person in charge of regulatory affairs at Uber and that you provided our office with sample agreements Uber has made with other communities, as well as sample changes to vehicle for hire laws that reflect the Uber business model.

As I hope you are aware, Mayor Weinberger is interested in improving and increasing the transportation options available to Burlingtonians and believes that Uber's innovative services may help the City achieve those goals. At the same time, the Mayor is committed to enforcement of City laws.

After carefully reviewing our Vehicle for Hire Ordinance, our office has concluded that Uber and its drivers are operating vehicles for hire and therefore are subject to its regulation. Uber vehicles operate "for hire" on "call or demand," but they do not comply with the definitions of taxis, contract vehicles, or limousine services. Neither Uber nor the individual drivers have sought licenses from the city, and therefore, as the ordinance is currently written, Uber and its drivers are operating vehicles for hire without a license in violation of the law.

Currently and for as long as Uber operates in violation the City's law, Uber's drivers are at risk of enforcement action against them by the City. BCO § 30-57(a) provides, "[T]he taxi licensing board or police shall have authority to remove and impound any unauthorized taxicab

or contract vehicle . . . or any vehicle being operated by any unlicensed or suspended driver as a taxi cab or contract vehicle after previous written warning has been given the owner and driver of the vehicle. A vehicle impounded in accordance with this subsection shall be removed to a designated facility as determined by the taxi licensing board and a fine of three hundred dollars (\$300) shall be due from the registered owner of the vehicle.”

The City recognizes, however, that Uber’s business model is significantly different than that of traditional vehicles for hire and that technology like Uber’s was not considered during the creation of the current ordinance. Mayor Weinberger is willing to explore with Uber whether changes to modernize the ordinance are warranted and can be crafted in such a way that the public is fully protected and that Uber can offer its services to Burlingtonians.

To that end, the Administration is willing to work with Uber to try to reach an interim operating agreement, as Uber has done with other communities, that addresses both of our needs. The agreement would allow Uber to operate in the City and at the same time would insure the public’s safety by obtaining Uber’s agreement that Uber and its drivers will comply with the intent of the City’s existing ordinance. At a minimum, the agreement must require that Uber and its drivers satisfy the various safety standards established in the ordinance, including the need for driver background checks, vehicle inspections, adequate insurance coverage, and licensing and permit fees to be paid to the City.

However, until such an agreement is reached, Uber and its drivers are operating in violation of the City’s ordinances. I look forward to working with you on the interim agreement, and I hope we can reach resolution promptly.

Sincerely,



Eileen Blackwood, Esq.
City Attorney

Cc: Miro Weinberger, Mayor
Mike Kanarick, Chief of Staff to the Mayor
Taxi Administration Office
Taxi Licensing Board
Michael Schirling, Chief of Police
City Council