Flood of emails in taxi fight has city pleading for mercy

By Dug Begley

The battle over Houston’s taxi rules moved Thursday from the streets to cyberspace, reflecting ongoing tension between an aggressive newcomer and a city government determined to proceed cautiously.

Thousands of email messages urging elected leaders to allow the ridesharing service Uber into Houston slowed city servers and led City Attorney David Feldman to ask that the company stop the online onslaught. A similar service trying to operate in Houston, Lyft, stayed on the sidelines of the latest dispute.

“The excessive number of emails has gone unabated, to the point that it has become harassing in nature and arguably unlawful,” Feldman wrote in a letter to Robert Miller, Uber’s Houston-based attorney.

The companies use smartphone apps to connect riders with drivers willing to cart passengers in their own vehicles. Current city rules don’t permit this service model, although changes city officials are considering might accommodate the companies. Uber and Lyft are avoiding regulations now by providing rides for free.

Uber started an online petition Monday, asking people to show their support. Each signature sent an automated letter via email to 23 city officials. As of 4 p.m. Thursday, more than 9,900 people had signed the petition.

The deluge left the city in the odd position of telling Uber to stop bothering it with messages from its own residents and voters. Law professors said the demand was questionable.

“I can’t think of a law that (the email deluge) is infringing,” said Jacqueline Lipton, co-director of the Institute for Intellectual Property and Information Law at the University of Houston. “Most harassment laws contain a real and not imagined threat.”

Uber posted Feldman’s letter online Thursday, accompanied by the company’s vow not to give up on entering the Houston market.

“All of the people who have signed this petition with the intention of communicating with their elected representatives should have their voice heard,” Uber spokeswoman Nairi Hourdajian said.
City officials said the aggressive tactics were not helping the company’s case. Mayor Annise Parker said in a tweet that flooding elected officials with emails would not speed up the process.

Parker spokeswoman Janice Evans said the emails slowed city business, though no servers actually crashed.

“Because of the volume of them, she can’t get to other things in her email,” Evans said, referring to Parker.

Other city officials said the flurry of emails was not a distraction.

“It is not an inconvenience, and I welcome input from any citizen,” Councilman Jack Christie said.

Evans said the city attorney wasn’t issuing “a formal cease and desist” demand although his letter included that phrase. “We are just saying, ‘Please, stop this,’” she said.

Cab companies have vigorously opposed changing city rules to accommodate companies like Uber and Lyft. They say these services would siphon off the lucrative part of their business and set up a system where online entrants operate with one set of rules and cabs and limos obey another.

Decisions about rule changes are expected in phases during the coming months, city regulatory affairs department director Tina Paez said.

In the meantime, while online lobbying might be annoying, it isn’t something the city can stop, said Southern Methodist University law professor Lackland Bloom.

“Simply being annoyed isn’t good enough to infringe on someone’s free speech,” Bloom said.