

## CHAPTER 13

### COMMERCIAL GROUND TRANSPORTATION SERVICES

#### Article 1. General

Section 13-1. Introduction and Objectives. The granting of concession rights and licenses to Commercial Ground Transportation Operators is a privilege which the Raleigh-Durham Airport Authority makes available to qualified providers of such services. The objectives of this Ordinance, and of the Rules and Regulations For Ground Transportation Operation, hereinafter "Rules," promulgated hereunder, governing Commercial Ground Transportation Service at Raleigh-Durham International Airport are: (a) to promote high quality, safe and reasonably priced ground transportation services consistent with the public health, safety, welfare, and convenience; (b) to insure the efficient movement of vehicles and passengers throughout the Airport; (c) to foster competition and cooperation among providers of Commercial Ground Transportation Services; and (d) to impose and collect user fees for the use of Airport facilities in order to support the operation and development of the Airport.

Section 13-2. Definitions. Unless the context clearly indicates that a different meaning is intended, when used in this Chapter the following words and phrases shall have the meanings set forth in this section:

(1) *Airport License* shall mean a license issued by the Authority to a Commercial Ground Transportation Operator which authorizes operation of Commercial Vehicles on Airport property and requires each Commercial Vehicle operated thereby to display a current, valid Decal and, when applicable, a Rate Card.

(2) *Automated Vehicle Identification System (or "AVI")* shall mean the automated means by which the Authority tracks commercial vehicles entering, idling on and leaving Airport property. All commercial vehicles entering Airport property shall be registered with the Authority and shall use a transponder in order to be tracked by the AVI system.

(3) *Bus* shall mean a Commercial Vehicle which has a capacity of sixteen (16) or more passengers, including the Driver.

(4) *Commercial Ground Transportation Operator* shall mean any person who is the owner of a vehicle or vehicles engaged in any type of Commercial Ground Transportation Service, including a Taxicab Operator. For purposes of this chapter, Commercial Ground Transportation Operators shall include individuals and both for profit and not for profit organizations engaged in providing Ground Transportation Services, including service to the public, special groups and constituencies especially served by the operator whenever the cost of such service is charged directly or indirectly to the sponsoring organization or to some or all of the traveling individuals.

(5) *Commercial Ground Transportation Service* shall mean the act of providing the carriage of persons or property for hire to or from the premises of the Airport in a Commercial Vehicle, and expressly includes taxis, limousines, courtesy vehicles, courier services, shuttles, buses, and all other vehicles operated on Airport property for the purpose of transporting passengers and/or property to or from the Airport where the cost of such services is included in the cost of other services (such as hotel room charges, rental car charges, passenger airfares, or parking lot charges) or where the cost of such services is paid directly or indirectly by the passenger or a sponsoring business or other entity for the benefit of such passenger(s).

(6) *Commercial Vehicle* shall mean any vehicle other than a Private Vehicle.

(7) *Concession Agreement* shall mean an agreement between the Authority and the owner of one or more Commercial Ground Transportation Vehicles.

(8) *Concessionaire* shall mean any person or enterprise, including a Taxicab Operator and the Taxicab MSC, who has entered into a Concession Agreement with or holds an Airport License issued by the Authority.

(9) *Courtesy Vehicle* shall mean a Commercial Vehicle, regardless of size, which carries persons between the Airport and off-Airport businesses, including, but not limited to, valet parking lots, hotels, motels, rental car companies, food service facilities, shopping centers, and attractions, whether or not the passenger pays a direct charge for the service.

(10) *Decal* shall mean a sticker issued by the Authority to a Concessionaire for the purpose of identifying Commercial Vehicles that have satisfied all Authority requirements and are operated under a Concession Agreement or Airport License, including vehicles operating under the Taxicab MSC.

(11) *Dispatcher* shall mean a person employed by the Taxicab MSC to supervise and direct the activities of Ground Transportation vehicles operated on the Airport and to assign customers to Taxicabs and to coordinate the activities of other Commercial Vehicles from any Terminal at the Airport.

(12) *Driver* shall mean a person authorized to operate/drive a Commercial Vehicle.

(13) *Driver Permit/ID Badge* shall mean an identification badge issued by the Authority to a Driver which authorizes the Driver to operate [drive] a Commercial Vehicle on Airport property.

(14) *Passenger Loading Zones* shall mean spaces designated at the curbside adjacent to a Terminal or at a commercial curb or other location designated by the Director for the loading of passengers into Commercial Vehicles.

(15) *Private Vehicle* shall mean a vehicle transporting persons or property for which no charge is paid directly or indirectly by the passenger or by any other entity.

(16) *Rate Card* shall mean the card approved by the Director which lists the schedule of fares to be charged to passengers for Authority authorized Taxicabs and other Commercial Ground Transportation Service from the Terminals.

(17) *Rules* shall mean the Rules and Regulations implemented by the Director to carry out the purpose and intent of the Ordinance for the governance of Commercial Ground Transportation Services at the Airport.

(18) *Shuttle* shall mean a chauffeur-driven Commercial Vehicle having a capacity of not less than seven (7) nor more than fifteen (15) persons, including the Driver, and which operates on routes between the Airport and specified points of origin and destination on a scheduled or charter service basis with un-metered rates which are predetermined on a point-to-point basis.

(19) *Shuttle Concessionaire* shall mean the holder of a Shuttle Service Concession Agreement with the Authority which authorizes use of at least one Shuttle Staging Area and grants the right to make passenger pickups at designated Passenger Loading Zones at the curbsides of the Terminals.

(20) *Shuttle Staging Area* shall mean a designated location on the Airport where authorized Shuttles shall wait for eventual access to designated Passenger Loading Zones at the curbsides of the Terminals. The Authority reserves the right to determine the necessity for providing such areas.

(21) *Taxicab* shall mean a chauffeur-driven Commercial Vehicle having a capacity of seven (7) persons or less, including the driver, which is equipped with a meter to determine passenger fares and which operates on demand over routes determined by the destination of the passenger.

(22) *Taxicab Management Services Concessionaire* ("*Taxicab MSC*") shall mean a Person selected by the Authority to manage the Authority licensed Taxicab operation and to provide the Dispatcher and such other services as might be provided by the Taxicab MSC agreement.

(23) *Taxicab Meter* shall mean a meter installed in an Authority authorized Taxicab and inspected and approved by the Taxicab MSC and the Authority which calculates the fares to be charged Taxicab passengers based upon the distance traveled and the rate structure established by the Authority.

(24) *Taxicab Operator* shall mean a holder of an Airport License which authorizes the non-exclusive use of the designated Taxicab Staging Area and grants the right to make passenger pickups at designated Taxicab Passenger Loading Zones under the supervision and

direction of the Dispatcher.

(25) *Taxicab Staging Area* shall mean a designated location on the Airport where Authority authorized Taxicabs wait in a holding area for eventual access to designated Taxicab Passenger Loading Zones at the curbsides of the Terminals under the supervision and direction of the Taxicab MSC. Other Commercial Vehicles may be directed to this area to await the arrival of passengers for prearranged pickup at the Terminals.

(26) *Terminal* shall mean a passenger terminal building serving scheduled air carriers at the Airport. Currently, the Authority operates two Terminals designated as Terminal A on the east side of the inbound roadway and Terminal C to the west of the outbound roadway. On or about October 26, 2008, Terminal C will be replaced with Terminal 2, and Terminal A will be renamed Terminal 1.

Article 2. Applicable Laws, Regulations, Ordinances and Rules to be Observed.

Section 13-3. Compliance with Laws. The providing of Commercial Ground Transportation Services at the Airport shall be governed by all applicable laws including this Ordinance, executed Concession Agreements, and the Rules promulgated pursuant to the provisions of this Ordinance, as all of the same may be amended from time to time.

Section 13-4. Compliance with Chapter. All persons engaged in providing Commercial Ground Transportation Service at the Airport, whether as Operator, Driver, employee or representative of an Operator, or otherwise, shall at all times comply with the provisions of these Ordinances and of the Rules.

Section 13-5. Unlawful Activity. It shall be unlawful for any person to pick up passengers or property at the Airport for transportation to any point or place in a Commercial Vehicle not authorized to provide such service pursuant to a Concession Agreement with the Authority or pursuant to an Airport License, except as provided by the Rules for certain prearranged trips. Violation of this section may be punished as a general misdemeanor including a fine and/or imprisonment.

Section 13-6. Enforcement. Law enforcement officers, Authority traffic control officers and other representatives of the Authority as may be designated by the Director are empowered to enforce this Ordinance and the Rules.

Section 13-7. Penalties for Violation. Unless otherwise specifically provided, violations of this Chapter may be enforced by any one (1) or more of the remedies authorized by N.C.G.S. Section 160A-175, including but not limited to the following:

- (1) The issuance of a citation imposing on the offender a civil penalty of not more than Fifty Dollars (\$50.00), which amount shall be due and payable immediately upon delivery of the citation to the offender, and, if not paid

within ten (10) days thereafter, may be collected by any legal means available to the Authority and shall include an administrative fee in the additional amount of Fifty Dollars (\$50.00).

- (2) A misdemeanor warrant may be issued immediately for a violation of this Chapter or upon the violator's failure to pay within five (5) days a civil citation issued for the violation of this Chapter. The penalty shall be a fine not to exceed the sum of Fifty Dollars (\$50.00), or imprisonment for a period not to exceed thirty (30) days, or both, for each offense.
- (3) The Director or his duly authorized representative may suspend or terminate any Concession Agreement and/or Airport License issued to the violator and may commence a civil action seeking an injunction and order of abatement.

Section 13-8. Continuing Violation. Each day's failure to comply or willful violation of the Ordinance and/or the Rules shall constitute a separate and distinct offense and shall be separately punishable as provided hereinabove.

### Article 3. Concession Agreement, License or Permit.

Section 13-9. Agreement, License or Permit Required. Prior to engaging in the transportation of passengers or property at the Airport, each Commercial Ground Transportation Operator shall be required to enter into a Concession Agreement with, or be the holder of a License or permit issued by, the Authority authorizing the specific activity to be engaged in by the Operator.

Section 13-10. Contents of Agreement. The Concession Agreement and/or License or permit shall state the following either directly or by reference to the Rules: (a) the specific rights granted to the Commercial Ground Transportation Operator; (b) locations on the Airport where such rights may be exercised; (c) term of the agreement; (d) standards of operation; (e) provisions concerning default, termination and cancellation; (f) fees and charges payable to the Authority as partial consideration for the grant of rights; (g) insurance requirements; (h) a statement certifying that the person executing the agreement has read and understands the provisions of the Ordinance and Rules of the Authority which govern the operation of Commercial Vehicles on the Airport and that all such Commercial Vehicles operated by that person will at all times be operated in accordance with the Ordinance and Rules; and (i) such other matters as may be agreed upon by and between the parties.

Section 13-11. Concessionaire Responsible. Concessionaires shall be responsible for all acts and activities of their agents, servants, Drivers, representatives, sub-contractors, and other persons using or in control of their Commercial Vehicles operating at or from the Airport, and the Concessionaire shall be subject to suspension or revocation of its Concession Agreement or Airport License if it continues to employ drivers who fail to operate their vehicles as required by the Ordinances and Rules; provided that civil penalties, suspensions and revocation of rights shall be imposed separately upon the Concessionaire and its agents and employees as set forth in the

Ordinance and Rules.

Article 4. Operating Areas.

Section 13-12. Description of Areas. Each Concessionaire shall conduct all of its operations on Airport premises only in those areas specifically designated and described in its Concession Agreement with the Authority or in its Airport License, or in its permit issued pursuant to Article 3 below.

Section 13-13. Prohibited Operations. Commercial Vehicles shall not load passengers or property, park, stand, stage or wait in areas on Airport premises other than those specifically designated and described in its Concession Agreement, Airport License or permit.

Article 5. General Provisions Governing Commercial Ground Transportation Service.

Section 13-14. Solicitation. No person engaged in providing Commercial Ground Transportation Service may solicit business at the Airport or within the Terminals; excepting, however, that employees of firms which hold Concession Agreements with the Authority that expressly permit solicitation may solicit business within the Terminals only to the extent and in the manner expressly authorized by the terms of such Concession Agreements.

Section 13-15. Right to Enter and Inspect. The Director, or his designee, may at any time after displaying proper identification and notifying the Driver of a Commercial Vehicle, enter into or upon the same for the purpose of inspecting and ascertaining whether or not the vehicle is unsafe or in any way unsuitable for Commercial Ground Transportation Service, or is being maintained or operated in violation of the provisions of this Chapter.

Section 13-16. Insurance. Each Commercial Vehicle operated at the Airport shall be covered by automobile and public liability insurance in such amounts as may be established by the Director from time to time, which coverage shall include the Authority as an additional insured, unless otherwise agreed to in writing by the Director.

Section 13-17. Inspection of Vehicles. Each Commercial Vehicle operated under the terms of a Concession Agreement at the Airport shall be inspected by the Director and/or the Taxicab MSC prior to issuance of a Decal, and periodically thereafter as provided in the Rules duly adopted for the safe operation of Commercial Vehicles on Airport premises.

Section 13-18. Airport Decal. Each Commercial Vehicle operating on the Airport shall be identified by an Airport Decal which shall be displayed on the vehicle at all times while it is being operated on Airport premises.

Section 13-19. Display of Identification. Each person operating a Commercial Vehicle, except persons operating non-tenant Commercial Vehicles, shall openly display the identification badge issued to such individual on his or her person at all times while conducting business on the

Airport pursuant to the provisions of this Ordinance.

Section 13-20. Non-Tenant Commercial Ground Transportation Services. Non-tenant commercial ground transportation operators are subject to the provisions of Articles 3 and 4 of this chapter. All non-tenant commercial ground transportation operators, with the exception of non-tenant taxicab operators, must file an application for a non-tenant business permit and obtain an AVI transponder from the Authority. Non-tenant commercial ground transportation operators, with the exception of non-tenant taxicab operators, shall be subject to the AVI Policies and Procedures, and shall pay all fees set forth in those Policies and Procedures. Any such Operators that are not subject to a Concession Agreement or Airport License who have obtained a non-tenant business permit may only transport passengers from the Airport pursuant to a contractual arrangement made in response to a prior request from an individual customer or group; provided that the vehicle operator's manifest shows the time the request was made, the name of the person(s) to be picked up or of the group to be met and the number of persons in the group, and the time, flight number and place of the pickup.

Section 13-21. Rules and Regulations. The Director shall promulgate and implement Rules and Regulations for the operation of Commercial Vehicles at the Airport in order to carry out the purpose and intent of this Chapter. Modifications to the Rules may be made by the Director at any time. Modifications to the Rules shall not become effective until at least thirty (30) days after written notice has been given to Concessionaires and other affected parties.

Section 13-22. Driver Licenses. Each Driver of a Commercial Vehicle at the Airport shall have in his or her possession at all times while on Airport premises an appropriate current and valid driver's license issued by and in compliance with the laws of the State of North Carolina.

Section 13-23. Loading. Commercial Vehicles shall load only at Passenger Loading Zones specifically designated by the Director. Drivers shall remain with their vehicles while awaiting passengers and when assisting passengers with their baggage or loading. At no time may Commercial Vehicle Drivers leave the immediate vicinity of their vehicles to assist passengers. The Driver of a vehicle to which a permit has been issued by the Authority under the provisions of Article 3 hereof may request the Dispatcher to notify the Airport Information Desk to page his customers and direct them to the vehicle; he must then immediately return directly to the vehicle. Drivers who are awaiting passengers may not enter the Terminals.

Section 13-24. Cruising. Commercial Vehicles shall not circle or cruise on Airport premises and shall not be permitted to park or stand except in spaces specifically designated for such vehicles.

Section 13-25. Automated Vehicle Identification (or "AVI") System. The Authority has implemented an AVI system at the Airport in order to track the movements of Commercial Vehicles through, and on, Airport property. All Commercial Vehicles, including but not limited to Taxicabs, Shuttles and non-tenant Commercial Vehicles, but excluding non-tenant taxicabs, shall be subject to and must participate in the AVI system. The Director shall make and from time to

time at the Director's discretion amend Policies and Procedures governing the AVI system. In general, the AVI system shall consist of a transponder installed on all Commercial Vehicles except non-tenant taxicabs doing business at the Airport. Fees will then be charged to Commercial Vehicles for usage of Airport property per the fee schedules adopted by the Director in the AVI Policies and Procedures. The Director is further empowered to impose civil penalties on Commercial Vehicles that operate on Airport property without registering with the Authority and employing the AVI system.

Section 13-26. No Grant of Rights under Ordinance or Rules. The Director shall make and amend from time to time the Rules applicable to Commercial Ground Transportation Service at the Airport. The adoption of this Ordinance and the promulgation of Rules governing Commercial Ground Transportation Service are not intended to, and shall not be construed to grant any property right or expectation to any person. All persons who determine to invest time or financial resources in the providing of Commercial Ground Transportation Service at the Airport do so with full knowledge of all of the provisions of this Ordinance and the Rules adopted pursuant hereto, and shall have no right or standing to make any claim whatsoever against the Authority by reason of any amendments to the same.

#### Article 6. Taxicabs.

Section 13-27. Authority Licensed Taxicabs. The Authority and the Taxicab MSC shall establish requirements and procedures to license Taxicabs for the purpose of picking up and transporting fare-paying passengers from the Airport. Only Taxicabs approved by the Taxicab MSC and licensed by the Authority may operate as Airport Licensed Taxicabs. The Taxicab MSC shall have the initial responsibility to select Persons to operate Taxicabs, which Persons shall be subject to the approval of the Authority prior to a license being issued to such Person by the Authority. Licenses will be issued annually, and each vehicle shall be subject to periodic inspections as provided in the Rules established by the Authority and by the Taxicab MSC. In addition, all Taxicabs licensed by the Authority must at all times satisfy any and all other legal requirements to operate as Taxicabs on and in the vicinity of the Airport. Applications to renew Taxicab Licenses will be approved unless the applicant fails to satisfy the requirements for licensure and/or unless the Director and/or the Taxicab MSC determines that the renewal of the license is not in the best interest of the Airport or of the traveling public. Any decision not to approve a renewal application made by the Taxicab MSC shall be subject to review by the Director, in his discretion, and may only be taken after at least seven (7) days' written notice of the impending action has been given to the Operator. If the Director does not concur in the decision not to renew, the license will be renewed.

Section 13-28. Taxicab Operator's License Application. Each person who will hold an Authority License to operate a Taxicab must sign and submit a complete application for a Taxicab Operator's License to the Taxicab MSC at least thirty (30) days prior to the expected first date of operation of the business. Applications approved by the Taxicab MSC will be referred to the Director and shall be reviewed and approved in accordance with the Rules established by the Director from time to time. A renewal application must be signed and submitted annually at least

thirty (30) days prior to the end of the calendar year preceding the renewal period.

Section 13-29. Permits. Every Taxicab licensed by the Authority shall at all times display a current Raleigh-Durham International Airport Taxicab Permit in the form of a decal affixed to the vehicle as required by the Rules.

Section 13-30. Fees. The Taxicab MSC shall establish by agreement with all Airport Licensed Taxicabs weekly use fees payable to the Taxicab MSC, which fees must be paid as required in such agreements as a condition for the continuation of the Taxicab Operator's License. No refund will be made in the event of cancellation, termination or revocation of a Taxicab Operator's License. Failure to pay all fees and charges when due will result in revocation of the Taxicab Operator's License and termination of all operating privileges at the Airport. Fees charged can only be those approved by the Director.

Section 13-31. Rates and Rate Cards. A rate structure for all trips originating at the Airport will be established by the Authority from time to time. All Taxicabs licensed by the Authority shall charge fares which comply with the rate structure established by the Authority and shall post and display a current rate card in the Taxicab in such form and in such locations as may be specified in the Rules. A Taxicab in which a current rate card is not displayed and/or which is not equipped with an approved Taxicab Meter may not operate on the Airport.

Section 13-32. Vehicle Requirements. Each Taxicab operating at the Airport must be licensed by the Authority and must continually meet all requirements imposed by this Chapter, by the Rules, by the AVI Policies and Procedures, and by the Taxicab MSC. Each Taxicab must have an AVI transponder installed by the Authority.

Section 13-33. Taxicab Dispatching. The Authority has established Taxicab dispatching facilities at each Terminal, and the Taxicab MSC has employed Dispatchers to staff these facilities. Such facilities and staff are clearly identified by appropriate signs and uniforms. The Dispatchers have full control and authority over the dispatching of all Taxicabs licensed by the Authority to and from the Terminals as provided in the Rules and as provided by the Taxicab MSC. No Taxicab licensed by the Authority shall accept a fare-paying passenger at the Airport unless that passenger is assigned to it by the Dispatcher on duty or has made a direct pre-arrangement with the Taxicab Operator.

Section 13-34. Taxicab Staging. Upon arriving at the Airport, all Taxicabs licensed by the Authority shall proceed immediately to the Taxicab Staging Area to await call up from that area. When and as authorized by the Dispatcher, Taxicabs shall proceed to the designated Passenger Loading Zone(s) to await the assignment of passengers. Taxicabs may not stop or wait at any other location on the Airport.

Section 13-35. Driver Applications. Each person who will drive a Taxicab licensed by the Authority must sign and submit a complete Application to the Taxicab MSC prior to the operation of the Taxicab. Applications will be reviewed and approved in accordance with the Rules

established by the Taxicab MSC and by the Director from time to time. A Driver may not operate a Taxicab unless and until he has been issued a Driver Permit/ID Badge by the Authority that is in his possession and continues to be in effect.

Section 13-36. Examination and Investigation. Each applicant for a new or renewed Taxicab Driver Permit/ID Badge may be examined orally, in writing, or both, by the Taxicab MSC and/or by the Director as to his or her knowledge of the provisions of the Ordinance, Rules, traffic regulations, service area geography and/or other required training. A complete, full and through investigation, to include a criminal investigation, shall be made on each applicant to determine whether or not the information on the application is true and the applicant is a person meeting the qualifications required in the Ordinance and Rules in order to determine whether or not there is any basis for refusing to grant or renew the requested Taxicab Driver Permit/ID Badge. The applicant's criminal history may be checked by the Authority's Law Enforcement Department, the City-County Bureau of Investigation, the State Bureau of Investigation, the State Department of Motor Vehicles and/or the Federal Bureau of Investigation using fingerprints or other identification methods.

Section 13-37. Badge Required. No Driver may operate an Authority-Licensed Taxicab at the Airport without openly displaying on his or her person a current Driver Permit/ID Badge issued by the Authority permitting the Driver to operate the Taxicab. Driver Permit/ID Badges are subject to suspension or revocation at the request of the Taxicab MSC and/or by the Director pursuant to this Chapter and the Rules.

Section 13-38. Taxicab MSC Responsible. The Taxicab MSC shall at all times be responsible for the conduct and activities of each Driver operating pursuant to an Authority Taxicab License. Incidents of improper conduct or other violations of the Rules by Drivers may be deemed to be breaches of the Taxicab License for the vehicle and may be grounds for the termination, suspension or non-renewal of the License by the Taxicab MSC

Section 13-39. Fines, Suspension and Revocation. Taxicab Operators and Taxicab Drivers will be subject to fines and to suspension or revocation of Taxicab Operator Licenses and/or Driver Permits for violation of this Ordinance or the Rules, as further provided in the Rules and as provided in the rules and agreements in effect between the Taxicab MSC and the holders of Taxicab Operator Licenses. Fines, suspensions and/or revocations of Taxicab Operator Licenses and/or Driver Permits may be imposed by the Taxicab MSC, subject to review by the Director, or by the Director in his sole discretion.

#### Article 7. Shuttle Operators.

Section 13-40. Permits. A current Shuttle permit in the form of a Decal issued by the Authority shall be required for each Shuttle operating at the Airport. The permit will be issued upon execution of any applicable Concession Agreement, satisfactory inspection of the vehicle, payment of the required fees, and delivery to the Authority of a satisfactory certificate of insurance.

Section 13-41. Fees. The fee for issuance of a Shuttle permit shall be as provided in the

applicable Concession Agreement or the Rules. No refund will be made in the event of cancellation or revocation of a permit prior to the end of the permit period or the term of the Concession Agreement pursuant to which the same was issued. Failure to pay all fees and charges when due will result in termination of the Shuttle Concessionaire's Concession Agreement and all operating privileges at the Airport.

Section 13-42. Rates. The schedule of fares for all Shuttle Concessionaire's trips originating or terminating at the Airport shall be as specified in the Shuttle Concessionaire's Concession Agreement. With the exception of the Shuttle Concessionaire, a rate card showing the current schedule of fares shall be posted and displayed at all times in such form and posted in such places in the interior of the Shuttle as may be specified by the Director while a Shuttle is being operated on the Airport or in the transportation of passengers to or from the Airport.

Section 13-43. Vehicle Requirements. Each Shuttle operating at the Airport must be permitted by the Authority and must continually meet all requirements imposed by the Rules established by the Director from time to time and the AVI Policies and Procedures. Each vehicle must have an AVI transponder installed by the Authority.

Section 13-44. Drivers. Each person who drives an Authority licensed Shuttle must sign and submit a complete application to the Authority at least thirty (30) days prior to the expected first date of operation of the Shuttle. Applications will be reviewed and approved in accordance with the Rules. No Driver may operate a Shuttle at the Airport without openly displaying on his or her person a current Driver Permit/ID Badge issued by the Authority permitting the Driver to operate the Shuttle. Driver Permit/ID Badges are subject to suspension or revocation pursuant to the Rules.

Section 13-45. Examination and Investigation. Each applicant for a new or renewed Shuttle Driver Permit/ID Badge may be examined orally, in writing, or both, by the Director as to his or her knowledge of the provisions of the Ordinance, Rules, traffic regulations, service area geography and/or other required training. A complete, full and through investigation, to include a criminal investigation, shall be made on each application to determine whether or not the information on the application is true and the applicant is a person meeting the qualifications required in the Ordinance and Rules in order to determine whether or not there is any basis for refusing to grant or renew the requested Shuttle Driver Permit/ID Badge. The applicant's criminal history shall be checked by the Authority's Law Enforcement Department, the City-County Bureau of Investigation, the State Bureau of Investigation, the State Department of Motor Vehicles and/or the Federal Bureau of Investigation using fingerprints or other identification methods.

Section 13-46. Concessionaire Responsible. Each Shuttle Concessionaire shall at all times be responsible for the conduct and activities of each Driver operating one of the Concessionaire's vehicles pursuant to the Concession Agreement. Improper conduct or violation of laws, Authority Ordinances or Rules by a Driver shall be deemed a breach of the Concession Agreement and a default by the Concessionaire in the performance of the covenants contained in the agreement.

Section 13-47. Fines, Suspension and Revocation. Shuttle Concessionaires and Shuttle Drivers will be subject to civil fines, misdemeanor charges, and to suspension or revocation of Concession rights and Driver's privileges for violation of this Ordinance or of the Rules.

Article 8. Non-Tenant Commercial Vehicle Permits.

Section 13-48. Non-Tenant Business. The term "Non-Tenant Business", as used herein, is defined as a business operation not having a concession contract, lease or agreement with the Authority granting the privilege of having offices or other facilities on the Airport from which to conduct business, or permission to conduct such business on Airport property.

Section 13-49. Permit/AVI Transponder Required. Any person, firm or corporation desiring access to the Airport for the purpose of conducting business operations on Airport property, either directly or indirectly, shall first apply to and obtain a Non-Tenant Business Permit and AVI Transponder(s) from the Authority prior to conducting any business on Airport property.

Section 13-50. Application. Applications for Non-Tenant Business Permits shall contain the following information, agreements and proof:

- (1) The name and address of the person, firm or corporation applying to conduct business operations on the Airport.
- (2) For all applicants other than publicly traded corporations, the name and address of each person owning at least ten (10) percent of the business.
- (3) The names and job titles of all local management personnel who will directly or indirectly oversee and manage the operation of vehicles to be operated on Airport property.
- (4) An e-mail address(es) for the local management personnel.
- (5) The make, model, color, identification (serial) number, passenger capacity and motor vehicle license number of all vehicles to be operated on Airport property.
- (6) An agreement that the applicant will observe, obey and follow all Ordinances, Rules and Procedures promulgated by the Authority, and that all operators of vehicles to be operated on Airport property will be uniformed, wear badges, or be otherwise clearly identified to the public as employees of the business.
- (7) Proof of all business and motor vehicle permits required by local, State and federal regulations.
- (8) A written agreement that company vehicles will park only in parking areas or stand only in areas specifically designated by the Director for non-tenant business vehicle

use.

- (9) A written agreement to indemnify and hold the Authority harmless from any and all claims and actions whatsoever which arise out of business operations conducted by the applicant on, at or from Airport premises, and certificates of insurance naming the Authority as an additional insured with respect to such contractual liability.

There shall be a charge payable in advance to cover the administrative costs of processing each annual permit application. No part of such charge shall be refundable in the event the application is denied or the permit, if issued, is subsequently revoked. The amount of the charge will be determined by the Director.

Section 13-51. Permit Revocation. A Non-Tenant Business Permit may be revoked by the Authority for cause five (5) days after delivery of notice to the holder thereof, either in person or by registered or certified mail, postage prepaid. The term "cause" shall include, but not be limited to:

- (1) Breach of or failure to perform any agreement stated hereinabove;
- (2) Failure to make timely payments of amounts due the Authority;
- (3) Violation of Airport Ordinances, standards, rules or regulations by the company or any officer or employee thereof;
- (4) Violation of Federal, State or local laws and ordinances.
- (5) The occurrence of an event or a situation which, in the opinion of the Director, requires revocation of a permit in order to protect the public health, safety, welfare or morals, or to preserve the financial interests of the Authority.
- (6) In the event of the revocation of a permit, all sums then owing to the Authority by the permit holder shall immediately become due and payable.

#### Article 9. Non-Tenant Commercial Vehicle Fees.

Section 13-52. Fees. No Non-Tenant Business shall use the facilities of the Airport to provide Commercial Ground Transportation Services to Airport patrons without first obtaining a permit and an AVI transponder(s) (except Non-Tenant Taxicab Operators shall not be required to obtain an AVI transponder) issued by the Director in accordance with the AVI Policies and Procedures, and paying all applicable fees in the AVI Policies and Procedures in addition to the fees set forth in the Authority's rates and charges approved by the Authority's Board of Directors ("Authority Board"). These fees shall be established at the time the Authority Board establishes and approves the Authority's annual capital and operating budgets. Said AVI rates and fees are

subject to change no less frequently than annually upon approval of the Authority Board. The following classification of fees shall be set at such times:

<u>Type of Provider</u>	<u>Permit Fees</u>
Non-Tenant Parking Lot Operators	A percentage of gross receipts derived from charges made to patrons transported between the Airport and the operator's off-airport parking facility based on business transactions during the preceding calendar month, payable monthly.
Non-Tenant Rental Car Operators	A percentage of gross receipts derived from charges made to patrons transported between the Airport and the Operator's off-airport car rental facility, payable monthly based on business transactions during the preceding calendar month.
Non-Tenant Taxicab Operators	A dollar amount for each prearranged pickup at the Terminals, which amount shall be payable to the Dispatcher prior to each pickup. [Collection suspended by the Authority February 20, 2003.]
Other Non-Tenant Ground Transport Operators	Application fees and fees imposed under the AVI Policies and Procedures, but will not include additional permit fees.

Proof of vehicle registration, proof of insurance, proof of possession of an AVI transponder, the AVI Policies and Procedures, and all other requirements of Article 3 shall apply to each vehicle operated at the Airport at any time during a calendar year. Permits issued to an operator shall not be transferable between any registered vehicles operated by a single non-tenant commercial ground transportation operator. AVI transponders shall not be transferable. Every Non-Tenant commercial ground transportation vehicle, except Non-Tenant Taxicabs, that operates on the Airport must have a permit issued by and an AVI transponder installed by the Authority.

Section 13-53. Definition of "Gross Receipts." The term "gross receipts," as used in this Article, shall mean and include the total dollar amount of all revenues of every kind, character and description from sales of merchandise and services, including customer vehicle maintenance and cleaning services, received by Non-Tenant Parking Lot Operators and Non-Tenant Rental Car Operators from patrons picked up at or delivered to the Airport by such operators, whether for cash or credit, regardless of when or whether paid. Further, "gross receipts" also shall mean that the amount shown on the face of the parking ticket or car rental agreement equals the revenue from the

parking or car rental transaction. The term "gross receipts" specifically includes, but is not limited to the following:

- (1) Time, trip, mileage, parking fees and all other charges, except those specifically excepted herein, from or in connection with business transacted with persons picked up at or delivered to the Airport;
- (2) Premiums charged to or collected from persons picked up at or delivered to the Airport on account of the purchase of personal accident insurance;
- (3) Amounts charged to or collected from persons picked up at or delivered to the Airport in return for which the Rental Car Operator agrees to waive its rights to collect from said persons for damage to rental vehicles, otherwise known as collision damage waiver (CDW) and/or loss damage waiver (LDW) charges;
- (4) Revenue arising out of the Operator's attempt to recover its payment of a fee(s) to the Authority through a fee recovery process;
- (5) Amounts charged by Operators to persons picked up at or delivered to the Airport for rental of accessories including, but not limited to, mobile and/or cellular telephones, infant and/or child seats, facsimile machines, satellite radio service, and Global Positioning System (GPS) equipment;
- (6) Amounts charged by Operators to persons picked up at or delivered to the Airport for "one-way fees", drop charge fees, intercity fees or similar fees;
- (7) Revenue arising out of the sale of fuel or petroleum products charged by the Operator to persons picked up at or delivered to the Airport upon the return of a rented vehicle;
- (8) Amounts arising out of the Operator's charge or fee to persons picked up at or delivered to the Airport for late return of a rental vehicle beyond the return date and time stated in the rental contract and/or beyond any "grace period" provided the customer by the Operator;
- (9) Revenue arising out of a fee charged to persons picked up at or delivered to the Airport and retained by the Operator for the customer's use of a rental vehicle contrary to the terms of the vehicle rental contract including, but not limited to, speeding, driving under the influence of an intoxicant or controlled substance, taking the vehicle out of state or otherwise out of an approved area as defined in that contract, regardless of whether the customer is arrested, cited or otherwise penalized by law enforcement authorities for such conduct;
- (10) Amounts arising out of the Operator's charge or fee to persons picked up at or

delivered to the Airport for a driver who is either under the age of twenty-five (25) years or any similar age which the Operator might establish for the imposition of such fee;

- (11) Amounts arising out of any additional charge or fee imposed by the Operator on persons picked up at or delivered to the Airport for allowing two (2) or more persons to drive the rental vehicle.

Specifically excepted and excluded from "gross receipts" shall be the following amounts:

- (1) North Carolina Sales Taxes and any other Federal, State, or municipal sales, excise or other similar taxes which are separately stated to and paid or payable by persons picked up at or delivered to the Airport, now or hereafter levied or imposed;
- (2) The amount of any cash or quantity discounts received by the Operator from sellers, suppliers or manufacturers;
- (3) The amount of bona fide refunds or credit granted persons picked up at or delivered to the Airport for the actual return of merchandise, supplies, equipment or services;
- (4) Any sums received from insurance or otherwise for damage to vehicles or other property of the Operator or for loss, conversion or abandonment of such vehicles;
- (5) Customer coupons and/or discounts when taken before or at the time of vehicle or parking space rental; provided, however, that the Operator may not exclude customer or corporate volume discounts applied retroactively after the time of rental, nor any discount or similar benefit accrued or provided in relation to any credit card discount or special or promotional program.

No deduction shall be made by the Operator from "gross receipts" for bad accounts.

#### Article 10. Commercial Vehicle Reports and Payments.

Section 13-54. Rental Car and Parking Lot Operators. On or before the 15th day of each month, beginning with the 15th day of the month next following that in which a Non-Tenant Business Permit is issued to the Operator, and continuing thereafter through and including the month next following the expiration of the permit, the holder thereof shall prepare and deliver to the Authority a complete and accurate statement in writing setting forth in reasonable detail its Gross Receipts from business transacted with Airport patrons during the preceding month. Included therein shall be a statement of all deductions from gross receipts claimed for such period. Each report shall be signed by an authorized officer of the Operator, certified under oath, and shall be accompanied by payment of the percentage fee provided for in Section 12 above.

Section 13-55. Other Commercial Ground Transportation Operators. Fees due from other

Commercial Ground Transportation Operators shall be paid prior to the issuance or renewal of each permit.

Article 11. Records and Audit.

Section 13-56. Record Retention. Rental Car Operators and Parking Lot Operators who are the holders of permits issued pursuant to the provisions of this Article shall maintain and keep complete and accurate permanent records and accounts of all moneys received from business transacted with Airport patrons. All of such records and accounts shall be open to inspection and audit by the Authority and its duly authorized agents or representatives at all reasonable times during ordinary business hours, and, upon written request from the Authority, shall be delivered to the office of the Authority for inspection. All of said records, accounts, supporting documents, and information, including, but not limited to copies of North Carolina Sales Tax reports, invoices, sales slips, customer credit records, cash register tapes, and other related papers, shall be retained for a period of not less than three (3) years following the expiration or other termination of the permit issued to the holder, or such other time as destruction thereof may be authorized by the Authority. In the event that all necessary records, books and other pertinent information are not maintained or made available in the County of Wake, State of North Carolina, all reasonable travel expenses (transportation, lodging, meals, and incidentals) incurred by the Authority or its authorized representative to reconstruct or retrieve such records shall be reimbursed by the permit holder upon presentation of an invoice with supporting bills/receipts attached. Said records shall be maintained such that the gross revenues derived from business transacted with Airport patrons are differentiated from any other revenues of the permit holder.

Section 13-57. Annual Statement. Each Rental Car Operator and Parking Lot Operator who is a permit holder shall furnish to the Authority annually a signed statement from an independent Certified Public Accountant that in his opinion the amount of fees and charges paid to the Authority during the preceding year pursuant to the provisions of this Article was in accordance with the terms hereof. Such statement shall be submitted within ninety (90) days after the end of each permit holder's fiscal year. The working papers supporting this opinion shall be made available to the Authority for review upon request.

Article 12. Additional Provisions.

Section 13-58. One Permit Per Vehicle. Anything herein to the contrary notwithstanding, nothing in this Chapter shall be deemed to require more than one permit and one AVI transponder per vehicle that is to be operated for commercial purposes on the Airport.

Section 13-59. Violations a Misdemeanor. Persons who operate a Commercial Ground Transportation Vehicle upon the Airport without first obtaining an Airport License, Concession Agreement, or Non-Tenant Business Permit and Transponder in violation of the provisions of this Ordinance shall be guilty of a class three misdemeanor and shall be punished as provided by law.

Article 13. Amendments and Adoption.

Section 13-60. Amendments. This chapter of the Ordinances may be amended as provided in Chapter 153A of the North Carolina General Statutes.

Section 13-61. Adoption. The Raleigh-Durham Airport Authority, by adoption of this Chapter 13 of its Ordinances, hereby repeals all prior provisions of Chapter 13 of its Ordinances except to the extent that they are incorporated and restated herein, and this Chapter 13 shall be the sole Ordinance regarding the objectives set forth hereinabove. This repeal shall not be construed to revive any Ordinance or part thereof that has been repealed by an Ordinance in the event the repealing Ordinance is repealed by this Ordinance.

Approved and adopted the 22nd day of March, 2007, to become effective on the 1st day of April, 2007. Approved and adopted as amended the 18th day of September, 2008, to become effective on the 18th day of September, 2008.