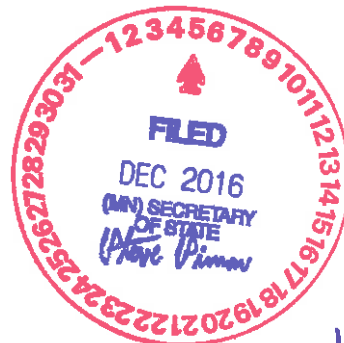


METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 122

COMMERCIAL VEHICLES ORDINANCE

Adopted by Commission: October 17, 2016
Effective Date: January 1, 2017



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METROPOLITAN AIRPORTS COMMISSION

COMMERCIAL VEHICLE ORDINANCE NO. 122

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 122

COMMERCIAL VEHICLES

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare and to provide for the equitable allocation of the costs of establishing and maintaining ground transportation facilities at the Airport; to manage the operation of various forms of ground transportation at the Airport in recognition of limited roadway capacity; to regulate the operation of all Commercial Vehicles at Minneapolis-St. Paul International Airport, a public airport under the operation, direction and control of the Metropolitan Airports Commission.

WHEREAS, the Airport has limited roadway capacity to accommodate all of the Commercial Vehicles seeking access to the Airport to service passenger needs; and

WHEREAS, the Metropolitan Airports Commission seeks to provide the best possible ground transportation services to the public, and to generate revenue to support the Airport's facilities; and

WHEREAS, the Minnesota Legislature has authorized the Metropolitan Airports Commission to "regulate ground transportation to and from an airport under its jurisdiction The authority under this paragraph includes, but is not limited to, regulating the number and types of transportation services, making concession agreements, and establishing vehicle standards." Minn. Stat. § 221.091, Subd. 3.

NOW THEREFORE, the Metropolitan Airports Commission does ordain:

SECTION 1 - DEFINITIONS

- 1.1 Agency. See Auto Rental Agency defined below.
- 1.2 Airport. Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the supervision, operation, direction and control of the Metropolitan Airports Commission, and located in the County of Hennepin and State of Minnesota.
- 1.3 Airport Director. The Commission's administrative officer or the officer's designee in charge of the terminal areas at the Airport and, for purposes of permitting and control of Commercial Vehicles and enforcement of this Ordinance, the agent of the Metropolitan Airports Commission.
- 1.4 Authorized Dealer. An inspection facility approved by the Airport Director that is: (1) utilized by a city, village or other political subdivision which licenses such Commercial Vehicle or, (2) an automobile dealership which deals in new models of that particular make of automobile or, (3) in the event that there is no Authorized Dealer for such make of Vehicle in the seven-county metropolitan area, an Authorized Dealer may be a dealer in new models of any major United States manufacturer of automobiles.
- 1.5 Auto Rental Agency or Agency. Any auto rental company that shuttles passengers to or from sites off Airport premises or sites on the Airport that are not located in the rental auto facilities at Terminal 1-Lindbergh or Terminal 2-Humphrey. This includes (1) auto rental companies that do not have a lease or concession agreement with the Commission and (2) on-airport auto rental companies with respect to any auto rental transactions in which the passenger is shuttled from the Airport to another location to pick up the rental Vehicle, unless the lease or concession agreement

with the Commission specifically addresses shuttling passengers to off-Airport locations.

- 1.6 Auto Rental Operating Areas. Areas designated by the Airport Director at Terminal 1-Lindbergh or Terminal 2-Humphrey for use by all Auto Rental Agency Vehicles in picking up and dropping off passengers.
- 1.7 Automatic Vehicle Identification (AVI) System. A radio-frequency identifications system which includes AVI Tags, readers, loops, access gates, and a central computer.
- 1.8 AVI Tag. A small device that signals when Vehicles enter or exit the AVI Commercial Lanes or Auto Rental Operating Areas.
- 1.9 Bus. A Vehicle which is designed to transport 20 or more passengers, including the Driver.
- 1.10 Class I Vehicle. A Commercial Vehicle with a Vehicle weight of less than 13,000 pounds and a seating capacity up to 20 people.
- 1.11 Class II Vehicle. A Commercial Vehicle with a Vehicle weight of 13,000 pounds or greater or designed to carry 20 or more people.
- 1.12 Commercial Lanes. Designated traffic lanes on Airport roadways for the use of Commercial Vehicles in picking up passengers or property, excluding Auto Rental Vehicles.
- 1.13 Commercial Vehicle. Limousines, Motor Carriers of Passengers, Small Vehicle Passenger Service, except for Taxicabs and Transportation Network Companies, and Private Carriers. This definition does not include Vehicles operated by federal, state, or local governments.
- 1.14 Commission or MAC. The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.15 Company Permit. An annual authorization from the Airport Director that is issued to a Person that allows the Person to operate one or more Commercial Vehicles on the Airport, provided that an AVI Tag is obtained for each such Commercial Vehicle.
- 1.16 Driver. Every Person who drives or is in actual physical control of a Commercial Vehicle under this Ordinance.
- 1.17 Dwell Fee. A fee imposed on Commercial Vehicles for exceeding the prescribed time in picking up passengers or cargo while operating in the Commercial Lanes.
- 1.18 eTrip Lane. A Commercial Lane that utilizes a payment service that allows an operator to enter and exit the Commercial Lane by using a bankcard. Payment is made at exit with the same bankcard used to gain entry.
- 1.19 Executive Director/CEO. The Commission's chief executive officer or a designated representative.
- 1.20 Hearing Officer. A designee of the Executive Director/CEO who shall conduct hearings, hear evidence and make a determination regarding Suspension or Revocation of Company Permits and AVI Tags.

- 1.21 Limousine. Limousine shall have the definition contained in Minn. Stat. § 168.002, Subd. 15, or as it may be amended. At the time this Ordinance is adopted, that definition is “a luxury passenger automobile that has a seating capacity of not more than 15 persons, including the Driver.”
- 1.22 Limousine Service. Limousine Service shall have the definition contained in Minn. Stat. § 221.84, or as it may be amended. At the time this Ordinance is adopted, that definition is “Service that: (1) is not provided on a regular route; (2) is provided in a luxury passenger automobile that has a seating capacity of not more than 15 persons, including the Driver; (3) provides only prearranged pickup; and (4) charges more than a taxicab fare for a comparable trip.”
- 1.23 MAC Representative. Any Person authorized by the Airport Director to direct or coordinate Commercial Vehicle operations at the Airport.
- 1.24 Motor Carrier of Passengers. Motor Carrier of Passengers shall have the definition contained in Minn. Stat. § 221.012, Subd. 26, or as it may be amended. At the time this Ordinance is adopted, that definition is “A person engaged in the for-hire transportation of passengers in Vehicles designed to transport eight or more passengers, including the Driver.” Motor Carriers of Passengers include, but are not limited to, Shared Ride Vehicles, Scheduled Shuttles, Outstate Shuttles, and Buses.
- 1.25 Off-Airport Parking Company. Any Person offering or providing parking off-Airport premises for a fee, charge, offset, discount or other consideration of any kind, directly or indirectly, to customers going to or coming from the Airport.
- 1.26 Off-Airport Parking Company Per-Trip Fee. Commercial Vehicle fees imposed upon Off-Airport Parking Companies for the frequency of use of the roadways, curbs, and other facilities.
- 1.27 Operator. Person who holds the Company Permit.
- 1.28 Outstate Vehicles. A Motor Carrier of Passengers that provides transportation to destinations outside the seven-county metropolitan area.
- 1.29 Per-Trip Fee. Commercial Vehicle fees imposed upon Operators for the frequency of use of the roadways, curbs, and other facilities.
- 1.30 Person. Every natural person, firm, partnership, association, corporation, or entity.
- 1.31 Private Carrier. Private Carrier shall have the definition contained in Minn. Stat. § 221.012, Subd. 35, or as it may be amended. At the time this Ordinance is adopted, that definition is “A person engaged in the transportation of property or passengers by motor vehicle when: (a) the person transporting the property or passengers is engaged in a business other than transportation; and (b) the transportation is within the scope of and furthers a primary business, other than transportation, of that person.” Private Carriers include, but are not limited to, hotel and motel courtesy Vehicles, corporate shuttles, Auto Rental Agency Vehicles, off-Airport parking Vehicles and Buses.
- 1.32 Revocation. The discontinuance of a Person's Company Permit or AVI Tag(s).
- 1.33 Scheduled Shuttle. A Motor Carrier of Passengers that provides scheduled transportation to destinations within the seven-county metropolitan area.

- 1.34 Shared Ride Service. A Motor Carrier of Passengers that provides transportation to multiple passengers to a specific destination(s) requested by each passenger.
- 1.35 Small Vehicle Passenger Service. Small Vehicle Passenger Service shall have the definition contained in Minn. Stat. § 221.012, Subd. 38, or as it may be amended. At the time this Ordinance is adopted, that definition is “Service provided by a person engaged in the for-hire transportation of passengers in a Vehicle designed to transport seven or fewer persons, including the Driver.”
- 1.36 Suspension. The temporary discontinuance of a Person's Company Permit, or AVI Tag(s).
- 1.37 Taxicab. Any motor Vehicle carrying passengers for pay or hire to specific destinations requested by passengers upon public streets and upon the streets, avenues and roads of the Airport, and subject to call on or upon such public streets and Airport streets, avenues or roads or from a garage or other established place of business, not including Transportation Network Companies.
- 1.38 Transportation Network Company. A company as defined by Minn Stat. § 65B.472, or as amended. At the time this Ordinance is adopted, that definition is “a corporation, partnership, sole proprietorship, or other entity that is operating in Minnesota that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.”
- 1.39 Vehicle. Every device in, upon or by which any Person or property is or may be transported or drawn upon public streets and upon streets, avenues and roads within the Airport.

SECTION 2 – SCOPE

This Ordinance applies to all Persons and Vehicles other than Transportation Network Company Vehicles, Transportation Network Company Drivers, Taxicabs and Taxicab Drivers engaged in commercial ground transportation at the Airport. This Ordinance does not apply to parking access control for federal employees or other Vehicles assigned by the Airport Director to use the Commercial Lanes that do not meet the definition of Commercial Vehicle, except as governed by separate agreement.

SECTION 3 - AUTHORITY TO OPERATE

3.1 Authorized Vehicles

Only the following Commercial Vehicles may pick up passengers at the Airport, subject to compliance with the other provisions of this Ordinance:

- a. Limousine Service;
- b. Motor Carriers of Passengers:
 1. Buses, and
 2. Other Motor Carriers of Passengers, only pursuant to agreement with the Airport Director;
- c. Small Vehicle Passenger Service is prohibited from operating at the Airport, except as a Taxicab operating pursuant to Ordinance No. 123, or as amended or as a Transportation Network Company operating pursuant to Ordinance No. 124 or as amended;

- d. Private Carriers, provided that Private Carriers designed to transport eight or more passengers, including the Driver, must use the Commercial Lanes; and
- e. Such other Commercial Vehicles as the Airport Director determines will promote the efficient operation of the ground transportation system and orderly traffic flow.

3.2 Company Permit and AVI Tag

All Commercial Vehicles must be registered under an annual Company Permit and have an AVI Tag in order to pick up passengers at the Airport, except that:

- a. eTrip Lanes

Commercial Vehicles that only use the eTrip Lanes are not required to have a Company Permit or AVI Tag.

3.3 Company Permit Requirements

Upon application, the Airport Director may issue an annual Company Permit to an Operator of Commercial Vehicles when the requirements set forth in this section are met and where the interests of the traveling public and the efficient operation of the Airport are best served by such issuance. One Company Permit will be required per Operator at a specific business location or address. The Airport Director may then issue one AVI Tag for each Vehicle that will be operated under the Permit. All Operators shall maintain the Company Permit requirements at all times.

The Airport Director may deny requests for Company Permits and AVI Tag(s) where the interests of the traveling public and the efficient operation of the Airport are best served by such denial. The Airport Director also may limit the number of Company Permits and AVI Tag(s) issued for a specific type of Commercial Vehicle in order to promote the efficient operation of the Commission's ground transportation system and to promote orderly traffic flow.

- a. Vehicle

To qualify for a Company Permit, a Person must lease, operate or own one or more Commercial Vehicles.

- b. Operating Authority

The Operator must submit proof of current, valid operating authority if required for the particular type of Commercial Vehicle being operated as granted by the applicable federal, state, or local authorities.

- c. Mechanical Inspection

The Operator must submit written proof demonstrating one of the following:

1. That each Commercial Vehicle is regulated by an applicable authority that requires annual mechanical inspections of the Vehicle; or

2. That the Vehicle has passed a mechanical inspection by a currently certified National Institute for Automotive Service of Excellence (ASE) mechanic competent and capable to perform inspections for the type of Vehicle. The inspection must meet standards set by the Airport Director and have been conducted in the past 12 months. This option applies to Vehicles with a seating capacity up to 15 passengers and up to 10,000 pounds; or
3. That the Vehicle has passed a mechanical inspection by a mechanic currently certified by the Minnesota Department of Transportation or Minnesota Department of Public Safety and who is competent and capable to perform inspections for the type of Vehicle. The inspection must meet standards set by the Airport Director and have been conducted in the past 12 months. This option applies to Vehicles with a seating capacity of 15 or more passengers or 10,000 pounds or greater.

The Operator must keep all maintenance and inspection records for each Vehicle for at least a year either in the Vehicle or at the Operator's place of business. These records and proof of the mechanic's credentials to perform such work must be produced at any time upon request for review by a MAC Representative.

d. Insurance

The Operator must assure that proof of insurance is submitted for the Commercial Vehicle as required by this Ordinance.

e. Address and Telephone Number

Each Operator must keep a current address and telephone number on file with the Commission at all times. Each Operator must have the company name and company telephone number registered with Directory Assistance for Minneapolis or St. Paul.

f. No Past Due Balance

The Commission shall not issue a Company Permit or AVI Tag(s) or authorize transfers to an Operator if the Operator has an outstanding balance that is more than 30 days past due for any fees.

3.4 AVI Tags

a. Commission Property

An AVI Tag issued to an Operator for a Commercial Vehicle remains the property of the Commission. The AVI Tag shall at all times be affixed to the Vehicle in a location that allows the tag to operate properly.

b. No Unauthorized Transfer

An AVI Tag shall only be used in the Commercial Vehicle for which it is authorized by a MAC Representative.

3.5 Insurance and Indemnification

a. Commercial Automobile Liability Insurance

The Operator shall have commercial automobile liability insurance for each Commercial Vehicle in force at all times. The amount of such insurance coverage shall be the greater of (i) a combined single limit for each occurrence of at least \$1,500,000 for a Class I Vehicle and \$2,000,000 for a Class II Vehicle or equivalent coverage; or (ii) the applicable state or federal requirement for that type of Vehicle. The insurance policy shall name the Commission as an additional insured. The Operator must have a completed insurance certificate evidencing such coverage on file with the Commission at all times. The insurance certificate shall be on the form provided by the Airport Director.

Insurance will be provided by a company licensed to write such insurance in the State of Minnesota. Also, liability will not be limited due to insolvency or bankruptcy of the insured. The Commission must immediately be notified in writing that a Vehicle(s) is being deleted from the policy. The Commission must be notified in writing 10 days before a policy may be canceled or changed by endorsement. The Operator will be held responsible if proper notice is not provided by the insurance company. Also, coverage will not be limited in any way when insured Vehicles are driven, used, operated or maintained while the Driver or occupants are under the influence of alcohol or controlled substances or engaged in the illicit transportation of such substances.

b. Indemnification

The Operator shall indemnify and hold harmless the Commission for the negligent acts of the owner, Operator, or Driver with permission, expressed or implied of the owner or Operator of all covered Vehicles resulting in personal injury or property damage within the limits of coverage stated herein.

3.6 Transfers

a. Vehicle-to-Vehicle

AVI Tags granted under a Company Permit may not be transferred from one Vehicle to another.

b. Company-to-Company

The Operator shall notify MAC of changes to Company name, Company ownership, billing address, telephone number or other changes related to the Company Permit.

SECTION 4 - COMMERCIAL VEHICLE OPERATION

4.1 Commercial Lanes

Commercial Vehicles shall only use the Commercial Lanes or other areas established by the Airport Director to pick up passengers at the Airport unless otherwise directed by a MAC Representative, except:

a. Limousine Service

Limousine Service Drivers may also use the public parking areas at applicable rates for passenger pick up. Limousine Service Drivers who use the public parking areas shall not load or unload passengers any place other than a designated, marked parking space.

b. Auto Rental Agency Vehicles

Auto Rental Agency Vehicles shall use only the Auto Rental Areas or other areas established by the Airport Director to pick up and drop off passengers.

4.2 Drivers Remain with Vehicles

Each Driver must remain with his or her Vehicle while in passenger loading area, except:

a. Limousine Service Drivers

Limousine Service Drivers are allowed to be in the Commercial Lanes for prearranged trips only. Drivers are allowed to meet their prearranged passengers in the baggage claim area. However, Limousine Drivers must place a company identification placard on the dashboard of their Vehicle in plain view, and have a hand held sign not to exceed 8½" x 11" displaying the prearranged passenger's name. The Airport Director may modify the Limousine Service passenger pick up procedures in this paragraph under circumstances he or she deems appropriate.

b. Outstate Vehicle Drivers

Outstate Vehicle Drivers are allowed to leave their Vehicles to operate service desks and facilitate passenger transportation provided that current security requirements are met.

c. Other Drivers

The Airport Director may modify these exceptions, or may allow Drivers of other Vehicles to leave their Vehicles under particular circumstances.

d. Limitation

These exceptions are subject to Ordinance 80 or as amended, which allows the Executive Director/CEO to place traffic limitations on Vehicles for operational, safety, or security reasons.

4.3 Vehicle Requirements

a. Cleanliness

All Commercial Vehicles shall be clean, of good appearance, free of body damage and well painted.

b. Vehicle Markings

Commercial Vehicles, except Limousines, shall be clearly marked to show the name and telephone number of the company operating the Vehicle, and any applicable Minnesota Department of Transportation or other applicable operating authority number. All markings required by this subsection shall be painted neatly and plainly on the Commercial Vehicle or otherwise attached by permanent decal approved by the Airport Director. Other markings may be used on a temporary basis as approved by the Airport Director. A placard must be placed on the dashboard of the Limousine while it is operating at the Airport that is readable by a MAC Representative.

4.4 No Vehicle Towing

Only a commercial tow truck shall be authorized to tow or otherwise transport another motorized Vehicle on Airport property.

4.5 Advertising

Operators shall not cause any advertising, signage or phone boards to be placed on Airport property other than as allowed by the Airport Director under separate agreement. Operators shall not cause any third-party advertising or signage to be placed on Commercial Vehicles other than as allowed by the Airport Director under separate Agreement.

4.6 Compliance with Legal Requirements

a. Laws

All Persons and Vehicles engaged in Commercial Vehicle transportation at the Airport shall comply with all applicable federal, state and local laws.

b. Orders

All Persons engaged in Commercial Vehicle transportation at the Airport shall comply with all lawful orders or directions given by MAC Representatives.

c. Commercial Vehicle Manual

The Airport Director has the authority to establish a Commercial Vehicle Manual if the Airport Director deems it necessary. Every Person engaged in Commercial Vehicle transportation at the Airport shall comply with the Commercial Vehicle Manual at all times. Violation of the Commercial Vehicle Manual is a violation of this Ordinance.

4.7 Compliance Checks

MAC Representatives may conduct random, unannounced compliance checks including Vehicle inspections at any time to determine compliance with this Ordinance. In addition to the mechanical inspections required under Section 3.3, whenever a MAC Representative has reasonable grounds to believe that a Commercial Vehicle is not in compliance with this Ordinance, such personnel may require the Operator or Driver of such Commercial Vehicle to submit such Commercial Vehicle for inspection and certification by an Authorized Dealer or

Commission-approved inspection station. Written records of all inspections shall be submitted promptly to the Airport Director.

SECTION 5 - DRIVERS

5.1 Valid Driver's License

Every Driver of a Commercial Vehicle shall have a valid state Driver's license with proper endorsements to operate in the state of Minnesota.

5.2 Solicitation

No Person shall solicit the business of carrying passengers for hire in any Commercial Vehicle and no Commercial Vehicle shall be driven within the limits of the Airport for the purpose of soliciting the carrying of passengers for hire. No Driver of a Commercial Vehicle shall provide any payment to any skycap, MAC Representative, bartender, or any other Person in return for the referral of passengers or preferential treatment.

"Solicitation" means to directly or indirectly, actively or passively, openly or subtly, ask, request, plead for, seek, or try to obtain passengers for hire in a Vehicle, whether or not by the Operator or Driver of such Vehicle. This includes any effort by use of voice, movement of body or by mechanical contrivance of whatever sort to call attention to the availability of a Vehicle to carry a passenger or baggage for hire.

5.3 Alcohol or Controlled Substance Use

No Driver shall possess, consume or be under the influence of alcohol or a controlled substance while on duty at the Airport. No Driver shall consume alcohol or a controlled substance within 4 hours of beginning a shift at the Airport. "Controlled substance" has the meaning given in Minnesota Statutes Section 152.01, subd. 4 or as amended.

5.4 Smoking

No Driver of a Commercial Vehicle shall have in his or her possession a lighted cigarette, cigar, pipe, or light or smoke same while driving a Commercial Vehicle which is occupied by a passenger unless such passenger shall have first granted permission to do so.

5.5 Weapons

No Driver of a Commercial Vehicle shall have in his or her possession while operating a Commercial Vehicle at the Airport any firearm, knife with a blade length in excess of four (4) inches, or any assault weapon, unless the Driver has a permit to carry.

5.6 Prostitution

No Driver of any Commercial Vehicle shall allow any Person to occupy or use such Vehicle for the purpose of prostitution. No Driver of any Commercial Vehicle shall direct or offer to direct any Person to any place or Person for the purpose of prostitution, or to transport any Person to any building, place or other Person with knowledge or reasonable cause to know that the purpose of such transportation is prostitution.

5.7 Discrimination

No Operator or Driver shall discriminate against any Person based on race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, or age.

5.8 Driver Conduct

- a. No Driver of a Commercial Vehicle shall interfere with any other Driver with whom any Person is negotiating or inquiring about the transportation of Persons or property.
- b. A Driver of a Commercial Vehicle shall at all times be courteous when dealing with the public or any MAC representative.
- c. A Driver shall not use profane or threatening language or gestures directed at or in front of any passenger or MAC Representative.

SECTION 6 - FEES

6.1 Annual Permit Fee

Each Operator shall pay an annual Permit Fee each year on the date as established by the Airport Director to purchase a Company Permit as set forth in Schedule I or as otherwise modified by the Airport Director.

6.2 Per-Trip Fee

Each Operator permitted under this Ordinance shall pay a Per-Trip Fee for use of the AVI Commercial Lanes in order to support the costs described below, except that Off-Airport Auto Rental Agencies shall pay pursuant to Section 7 and Off-Airport Parking Companies shall pay fees pursuant to Section 8.

The Per-Trip Fee shall be established by the Commission and recover a portion of the Commercial Vehicles' budgeted costs for the year. When determining budgeted costs, the Commission shall take into consideration among other things, actual historical costs, operational costs, administration, depreciation, and interest attributable to the Airport terminal roadway system and the commercial ground transportation facilities, and historical and projected data regarding the numbers of trips by class or type of Commercial Vehicle.

For the year beginning January 1, 2017, the Per-Trip Fee shall be as set forth in Schedule I. Starting January 1, 2018, and each year thereafter, the Per-Trip Fee for the year shall be calculated by multiplying the previous year's Per-Trip Fee by the index described herein. This index shall be the average of the average percentage change over the previous five (5) calendar years, not including the immediate previous year, of (1) the Consumer Price Index – All Urban Consumers, Midwest Region, or similar CPI index, and (2) MAC's Operating Budget Expenses as published on the MAC Website. Each year, the Commission shall either ratify, raise, lower, or remove this annual adjustment of the Per-Trip Fee before such adjustment goes into effect at a public meeting and notice of such meetings shall be provided to Operators and industry advisory committees or councils on file with the Commission.

The Per-Trip Fee, and future increases, may be adjusted by the Commission at a public meeting and notice of such meetings shall be provided to Operators and industry advisory committees or councils on file with the Commission. The Per-Trip Fees shall be posted in accordance with Section 10.

6.3 AVI Tag Activation Fee

The AVI Tag Activation Fee for each Vehicle shall be as set forth in Schedule I or as otherwise modified by the Airport Director.

6.4 Dwell Fees

The Operator or Driver of a Commercial Vehicle remaining in an AVI Commercial Lane or an eTrip Lane longer than the dwell times set forth in Schedule I shall pay a Dwell Fee as set forth in Schedule I. For purposes of Dwell Fees only, Outstate Vehicles are considered Class II, rather than Class I, Vehicles. Dwell Fees apply to Off-Airport Parking Vehicles and Off-Airport Auto Rental Vehicles as set forth in Schedule I.

The Airport Director may increase or decrease the Dwell Fee or the dwell time set forth in Schedule I as needed in order to ensure that commercial roadways operate free of congestion, and may do so to reflect different levels of congestion that may occur during the day.

6.5 eTrip Lane

Each Commercial Vehicle that does not have an active AVI tag, shall pay a fee for each use of the eTrip Lane. The fee for the eTrip Lane shall be as set forth in Schedule I or as otherwise modified by the Airport Director.

6.6 Collection of Fees

a. Payment

Each Operator shall keep a valid bankcard on file with the Commission at all times to pay all fees established under this Ordinance, other than Auto Rental Agency Privilege Fees. The Commission shall charge an initial replenishment amount on Operator's bankcard to establish an account balance to be used to pay fees incurred by Operator. Whenever Operator incurs a fee, it will be deducted from Operator's account balance. Once Operator's account balance drops below a pre-established amount, the Commission shall automatically charge Operator's bankcard an amount sufficient to replenish the balance. The Airport Director shall establish the initial and subsequent replenishment amounts and the replenishment threshold based on Operator's estimated activity at the Airport and Commercial Vehicle category. The Commission shall refund any remaining balance if Operator stops operating at the Airport and Operator's AVI Tag is deactivated.

b. AVI Tag Deactivation

All AVI Tags assigned to an Operator will be automatically deactivated without further notice to the Operator if Operator's bankcard on file with the Commission gets declined and Operator has exhausted its balance with the Commission. The AVI Tag(s) shall be reactivated as soon as practical (but not later than the next business day) once the Operator

has provided a valid bankcard to the Commission that can be charged as prescribed in Section 6.6(a).

6.7 AVI Hardware/Software Failure

In the event of a hardware or software failure in the AVI system, such as a failure of the readers or a major system failure, the Commission may bill or charge Operator, and Operator shall pay, the Per-Trip Fee as calculated by averaging the previous three months' or three weeks usage, whichever is appropriate.

6.8 Fee Changes and Other Fees

The Commission has the authority to adjust any of the fees in this section. Notice shall be provided as in Section 10. The Airport Director has the authority to establish other fees that cover reasonable administrative costs for services provided to Commercial Vehicles.

SECTION 7 - AUTO RENTAL AGENCIES

7.1 Scope

Section 7 applies only to Auto Rental Agencies as defined in Section 1. If any other provision of this Ordinance conflicts with Section 7 with respect to Auto Rental Agencies, Section 7 shall govern. Provisions referring to "Operators" throughout the Ordinance apply to Auto Rental Agencies unless specifically excluded, inconsistent with this section, or inapplicable based on context.

7.2 Auto Rental Agency Fees

a. Amount

Each Agency shall pay an Airport privilege fee equal to the percentage of Auto Rental Gross Receipts of Airport Transactions set forth in Schedule I. The Commission has the authority to adjust this amount and the definition of Auto Rental Gross Receipts in Section 7.2.c. whenever the rates are adjusted for on-airport auto rental companies. Notice shall be provided as in Section 10.

b. Definition of Airport Transactions

"Airport Transactions" include all transactions arising from passengers who board the Agency's customer courtesy Vehicles on Airport property. For purposes of this Section, "customer courtesy vehicles" shall include any Vehicle owned or operated by such Agency and used to pick-up or drop off the Agency's customers at the Airport as authorized by this Ordinance.

c. Definition of Auto Rental Gross Receipts

1. General Definition

Auto Rental Gross Receipts means the total amount charged by Auto Rental Agency, whether by cash, credit, or otherwise, including any separately stated fees and charges, for all automobiles supplied by Agency to its customers through

Airport Transactions, any activities related directly to that business, and any other business of Agency in the Rental Auto Areas or elsewhere at the Airport, including but not limited to Terminal 2-Humphrey, any other terminals, fixed base operators, and military property. Auto Rental Gross Receipts applies to such charges without regard to the manner in which or place at which the Rental Auto contract is entered into and without regard to whether the Auto is owned, leased or otherwise held by Agency. All revenue is included in Auto Rental Gross Receipts unless specifically excluded by this Agreement.

2. Example of Auto Rental Gross Receipts

Auto Rental Gross Receipts include, but are not limited to:

i. Time and Mileage

The time and mileage charges paid or payable to Agency whether by cash, credit or otherwise.

ii. Insurance

All monies paid or payable from the sale of personal accident insurance, or any insurance of a similar nature, as part of an authorized vehicle rental agreement.

iii. Waiver

Fees received by Agency to waive deductibility in insurance.

iv. Fuel

All monies collected from or charges to customers as reimbursement for refueling an Auto returned pursuant to a rental agreement under which the customer is obligated to return the Auto with a full tank of gas or all monies collected from or charged to customers in advance for gas, pursuant to a rental agreement.

v. Intercity Fees

All Intercity Fees received by Agency.

vi. Vehicle Exchange

Monies paid to Agency for Airport Transactions although the Auto initially rented is exchanged elsewhere and new contract submitted therefore.

vii. Other Money Collected

All other monies collected from customers (including, but not limited to, monies from additional or underage drivers, rental of portable telephones, child restraint seats, ski racks, satellite navigation systems or other

technology, and other items of personal property) except those specifically excluded by this Ordinance.

3. Exclusions

Unless revenues from Agency's Rental Auto business are expressly and particularly excluded from Auto Rental Gross Receipts under this Ordinance, such revenues shall be included in Auto Rental Gross Receipts. Receipts that may be derived from sources similar but not identical to those described herein shall be included in Auto Rental Gross Receipts unless expressly excluded by this Ordinance. Auto Rental Gross Receipts specifically excludes:

i. Recovery of Damages

Charges to Agency's customers for repairs to Autos damaged by such customers to the extent such charges do not exceed the actual cost to repair or replacement.

ii. Taxes

Monies collected from Agency's customers for federal, state, county or municipal sales taxes specifically identified as such now in effect or hereinafter levied. No deduction from Auto Rental Gross Receipts shall be allowed for such items including franchise taxes, payroll taxes, vehicle license fees, or taxes levied on Agency's activities, facilities, equipment, operations, real or personal property.

iii. Theft

Uncollected charges arising upon theft or conversion of Agency's Auto, unless and until such charges are collected, provided that this provision shall not apply to uncollected bad debts where Agency has not actively pursued criminal prosecution.

iv. Advertising

Monies collected for the sale of advertising on Commercial Vehicles.

4. Prohibited Reductions

Agency may not reduce Auto Rental Gross Receipts by any of the following:

i. Volume Discounts

Corporate or volume rebates unless Agency can establish for each corporate or volume customer invoice: (1) the amount of the rebate is specifically stated on the rental agreement at the time that the vehicle is returned; (2) that the customer has a contractual right to the rebate; and (3) that the amount Agency claims as an exclusion from Auto Rental Gross Receipts is attributable to Airport Transactions by that corporate or volume customer. Auto Rental Gross Receipts may not be reduced by volume

discounts unless the discount is documented for each transaction and the document is submitted with Agency's monthly report.

ii. Credits for Out-of-Pocket Purchases

Credits given to Agency's customers for such things as out-of-pocket purchases of gas, oil or emergency services, regardless of where made may not be deducted from Auto Rental Gross Receipts.

iii. No Diversion of Rental Auto Receipts

Diversion, through direct or indirect means, of Rental Auto revenues from the inclusion in Auto Rental Gross Receipts is prohibited. Diversion shall include, but not be limited to, the following situations: shortage of Rental Autos for Airport Transactions while having rental vehicles available elsewhere in the Minneapolis-St. Paul metropolitan area, renting such vehicle to a potential customer that arrived at the Airport and not including the resulting Rental Auto revenue in the Auto Rental Gross Receipts.

iv. Bad Debts

Agency shall have the right to conduct all or a part of its business on a credit basis; provided, however, that the risk of such operation shall be borne by Agency, and Agency shall include as Auto Rental Gross Receipts any charge the company customarily makes for goods and services even though Agency fails to actually collect such a charge (i.e., there shall be no charge backs of bad debt).

7.3 Payments and Reports

a. Payment of Fees

The fees are payable on or before the 15th day of each calendar month following the month in which the fee was incurred unless notified in writing by the Commission of a different payment date.

b. Monthly Reports

Each Auto Rental Agency shall include with each monthly payment of the fee, a report of the number and Auto Rental Gross Receipts for Airport Transactions for the previous month's rental transactions. The monthly report shall provide in the absence of sequentially numbered rental agreements, a detailed methodology of identifying rental agreements that are Airport Transactions, the number of Airport Transactions closed during the month and the average fleet size for the month. Separate reports shall be furnished for each location that provided Airport Transactions. These reports shall show a full and complete breakdown analysis of all items included in the calculation of total Auto Rental Gross Receipts reported, and any other information deemed reasonably necessary by the Commission. Reports by Agencies that also have a lease or concession agreement with the Commission shall clearly distinguish automobiles supplied to passengers at the Airport and automobiles supplied to passengers shuttled from the Airport to another location.

If the Agency discovers an error in the report, the Agency has 60 days beyond the date the report is due to file a corrected report. This does not preclude the Commission from demanding payment as described below if the Agency has underpaid.

In addition, the Agency shall on or before the 15th day of each calendar month, submit the following computer data files for the preceding calendar month in a format acceptable to MAC and in a separate file for each of the Agency's locations operating at the Airport electronically to MAC at mspreports@mspmac.org:

1. A detailed listing of each closed rental transaction showing the customer rental agreement number, date and time that each rental was checked out and checked in, and a detailed breakdown of each separate rental charge, discount, tax and fee that was listed on each customer rental agreement.
2. An extract of the Agency's detailed general ledger transactions listing each entry on the general ledger accounting system or similar detailed report that is acceptable to MAC. The general ledger or alternative report must be a system-generated report that summarizes revenue transactions by location and must include at a minimum; transaction ID number, account code, transaction date, transaction description and amount.
3. A complete chart of accounts pertaining to data tables provided in items 1 and 2 above.

c. Audited Financial Statements

Each Agency shall submit by March 31st annually to the Commission Audited Statement of Airport Customer Gross Receipts. The expense of such audit shall be borne by the Agency. The audit shall be undertaken by a reputable firm of certified public accountants.

d. Late Payment Penalty

The Agency shall pay a penalty for late or delinquent payments of 18% per annum on the balance of the unpaid amount calculated from the date the amount is due until the close of the business day upon which the delinquent payment is received by the Commission.

e. Records

The Agency shall keep accurate accounts, records, books and data ("records") with respect to its auto rental operations in a form satisfactory to the Commission. The records shall among other things show all sales made and services performed for cash, on credit, or otherwise (without regard to whether paid or not), and, also, the Auto Rental Gross Receipts of the business, and the aggregate amount of all sales services and orders, and of all Airport Transactions on a monthly basis. All records, electronic or otherwise, shall be kept for a period of not less than six (6) years.

The records shall be kept in such a manner that the Airport Transactions are identifiable.

7.4 Audits

The records and accounting procedures and practices of the Agency relevant to this Ordinance shall be subject to examination by the Commission auditor(s) and/or other representatives of the Commission ("auditor") to conduct an audit. The Agency may elect, prepare and maintain records in a computerized format. The Agency agrees that, if any related information is maintained in a computerized format, such information will be made available to the Commission in a mutually acceptable format. Accordingly, Agency shall cause such data to be packed, unpacked, downloaded, uploaded, imported, exported, transferred, converted or otherwise manipulated to the extent necessary to provide such data in a mutually acceptable format.

The Agency agrees to provide and to deliver to the Commission in the Minneapolis-St. Paul Metropolitan area, within 10 working days from the date of formal written request by the auditor, records as the Commission may request, showing the Auto Rental Gross Receipts, sales made and services of Agency pertaining to its rental auto business shall likewise be open to inspection by the auditor upon request. Agency agrees that in the event that the requested documentation is not provided within 10 working days from the date of the written request, Agency shall bear the expense of the auditors to travel to and return from the Agency's corporate office to conduct the audit. Agency shall bear the expense of lodging for the auditors for the entire duration that is required to complete the audit in the Agency's corporate office location.

7.5 Transactions

None of the rental transactions arising from Airport passengers shall be consummated on Airport property except under agreement with the Commission.

SECTION 8 – OFF-AIRPORT PARKING

8.1 Scope

Section 8 applies only to Off-Airport Parking Companies as defined in Section 1. If any other provision of this Ordinance conflicts with Section 8 with respect to Off-Airport Parking Companies, Section 8 shall govern. Provisions referring to "Operators" throughout the Ordinance apply to Off-Airport Parking Companies unless specifically excluded, inconsistent with this section, or inapplicable based on context.

8.2 Off-Airport Parking Company Fees

Each Off-Airport Parking Company shall pay an Off-Airport Parking Company Per-Trip Fee pursuant to Schedule I.

SECTION 9 - ENFORCEMENT

9.1 Violations

The sanctions set forth in this section shall apply to Persons committing any of the following (hereinafter referred to as "violations"):

- a. Violations of this Ordinance, or any laws, regulations or manual expressly incorporated by this Ordinance;

- b. Violations of any Ordinance of the Commission for which a criminal penalty may be imposed; and
- c. Violations while on Airport property of any law of the State of Minnesota or the United States for which a criminal penalty may be imposed.

9.2 Immediate Suspensions

a. Conduct

The Landside Operations Department may immediately suspend a Company Permit or AVI Tag(s) for specific Vehicles, whichever is applicable, for the following reasons:

1. Failure to maintain insurance coverage as required by this Ordinance or failure to keep evidence of such coverage on file with the Commission.
2. Failure to comply with mechanical inspection requirements of this Ordinance or failure to keep evidence of such inspection on file with the Commission at all times.
3. Failure of an Operator to respond to telephone communications by the Commission within 12 hours provided that the Commission has attempted to establish telephone contact by calling the number on file with the Commission.
4. Use of an AVI Tag on a Vehicle that is not authorized by a MAC Representative.
5. Violations where the failure to immediately suspend would jeopardize the health, safety or welfare of the traveling public. This includes, but is not limited to, nonfunctioning headlight(s), taillight(s), cracked windshield, unsafe tire(s), brakes, steering mechanism or other unsafe or dangerous conditions.

b. Immediate Suspension Order

Upon finding cause for such Immediate Suspension, the Landside Operations Department shall immediately issue a written Order of Immediate Suspension. The Immediate Suspension Order shall state the grounds for the Immediate Suspension and inform the Operator that the Operator may present additional information to the Airport Director, if the Operator chooses to request that the Airport Director vacate that order. If such additional information is presented to the Airport Director, the Airport Director shall consider such information and shall promptly affirm or vacate the Order of Immediate Suspension.

c. AVI Tag Deactivation

Upon the issuance of an Order for Immediate Suspension, the Commission may deactivate the AVI Tag for one or more of the Operator's Vehicles.

d. Duration

1. When the Immediate Suspension is for the reasons stated in Paragraph a.1. or 2. or 3. above, the Immediate Suspension shall end and the AVI Tag(s) shall be

reactivated as soon as practical (but not later than the next business day) upon remediation of the reasons for the Immediate Suspension.

2. When the Immediate Suspension is for the reason stated in Paragraph a.4., the Immediate Suspension shall continue and AVI Tag(s) remain deactivated for two full business days after the problem is corrected and be reactivated the following business day. During the Immediate Suspension, the Operator is not eligible to transfer or obtain any new AVI Tag(s).
3. When the Immediate Suspension is for the reasons stated in Paragraph a.5. above, the Immediate Suspension shall be for such time as the Landside Operations Department determines that there continues to be a threat to the health, safety and welfare of the public; provided that if the Immediate Suspension period shall exceed 7 days after issuance of the Order of Immediate Suspension, the Airport Director shall initiate proceedings for Suspension or Revocation through issuance of an appropriate notice.

9.3 Suspensions

a. Conduct

A Company Permit or AVI Tags for specific Vehicles may be suspended for violations of this Ordinance.

b. Notice of Suspension

The Airport Director shall have the authority to issue a Notice of Suspension. The Notice of Suspension shall set forth:

1. the nature of the violation(s) which is the reason for the Suspension;
2. the date of the violation(s);
3. the length of the Suspension;
4. the date on which the Suspension shall commence;
5. the date of the Notice of Suspension; and
6. the right to a hearing.

The Airport Director shall review any report brought to his/her attention and may conduct additional investigation into such facts as deemed necessary in order to determine whether there are grounds for issuance of a Notice of Suspension. A Suspension shall commence not earlier than 15 days from the issuance of a Notice of Suspension or, where a hearing is requested, the final action of the Commission sustaining the Suspension under Section 9.5.

c. Duration

The Suspension shall be for such time as is ordered by the Airport Director not to exceed 6 months.

d. AVI Tag Deactivation

Upon the commencement of a Suspension, the Commission may deactivate the AVI Tag(s) for the Operator's affected Vehicle or Vehicles for the length of the Suspension.

9.4 Revocations

a. Conduct

A Company Permit or AVI Tag(s) for specific Vehicles may be revoked where any one of the following exist:

1. A violation(s) for which a Notice of Suspension may issue where the violator has had a previous Suspension within 12 months prior to the violation.
2. Violations that indicate a willful or reckless disregard for, and which has an immediate impact on the health, safety or welfare of the public.

b. Notice of Revocation

The Airport Director shall have the authority to issue a Notice of Revocation. The Notice of Revocation shall set forth:

1. the nature of the violation(s) which is the reason for the Revocation;
2. the date of the violation(s);
3. the length of the Revocation;
4. the date on which the Revocation shall commence;
5. the date of the Notice of Revocation; and
6. the right to a hearing.

The Airport Director shall review any report brought to his/her attention and may conduct additional investigation into such facts as deemed necessary in order to determine whether there are grounds for issuance of a Notice of Revocation. A Revocation shall commence not earlier than 15 days from the issuance of the Notice of Revocation or, where a hearing is requested, the final action of the Commission sustaining the Revocation under Section 9.5.

c. Duration

The Revocation shall be for 2 years. The Operator shall be eligible to reapply as follows:

1. If the Company Permit (applying to all the Operator's Vehicles) is revoked, the Operator shall not be granted a Company Permit for any Vehicle for a period of 2 years from the date on which the Revocation commences.

2. If the AVI Tags for fewer than all the Operator's Vehicles under the Company Permit are revoked, for a period of 2 years after the date on which the Revocation commences, the total number of AVI-Tagged Vehicles the Operator is eligible to operate shall be the number of Vehicles under the Permit prior to the Revocation minus the number of Vehicles revoked.

9.5 Procedure

- a. These procedures shall apply to Persons receiving a Notice of Suspension or Revocation but not Order for Immediate Suspension.
- b. Any Person receiving a Notice of Suspension or Revocation ("Notice") may request a hearing before a Hearing Officer. Such request must be made in writing and received by the Airport Director within twenty-one (21) calendar days after the Suspension or Revocation has been issued.
- c. If the Person requests a hearing, the Airport Director shall so advise the Executive Director/CEO, who shall appoint a Hearing Officer to conduct the hearing. The Hearing Officer shall set a time for such hearing to be held as soon as practical. The Airport Director shall notify the Operator or Driver of the time and place of the hearing not less than seven (7) calendar days before the time set for the hearing.
- d. The hearing shall be conducted by the Hearing Officer, shall be recorded by electrical or mechanical recorder or by a qualified reporter, and shall proceed as follows:
 1. The Airport Director shall present evidence, which supports the facts constituting grounds for the Notice.
 2. The Person requesting the hearing may appear in person, may be represented by counsel, may cross-examine Airport Director's witnesses who are present, and may present any relevant evidence which the Operator or Driver has relating to the facts constituting grounds for the Notice. The evidence at the hearing shall be limited to that which is relevant to the facts constituting grounds for the Notice.
 3. All testimony shall be taken under oath, but both the Airport Director and the Person requesting the hearing may introduce testimony under oath in the form of sworn statements if witnesses are unavailable or refuse to appear in person.
 4. The Hearing Officer shall hear the evidence and shall make recommended findings concerning the facts and penalty relevant to the violation(s) set forth in the Notice. The Hearing Officer shall make no recommended findings concerning any substantive issue other than the facts underlying the Notice.
 5. The Hearing Officer shall issue a report in writing stating his/her recommended findings as soon as practical following the hearing.
 6. Either the Airport Director or the Person requesting the hearing may request review of the Hearing Officer's report by the Executive Director/CEO/. The review must be requested by filing with the Executive Director/CEO a written Request for Review within 10 days of the date of the Hearing Officer's report. The Request for

Review must state reasons for reversing or vacating the report. The party not requesting review may submit a written Response to the Request for Review within 10 days of the date of the Request for Review. Based on the record of the hearing, the Request for Review and the Response, the Executive Director/CEO shall issue a written ruling that affirms, reverses or vacates the Hearing Officer's report or modifies the penalty imposed. The Executive Director/CEO may order remand to a Hearing Officer for a new hearing, a supplemental hearing and/or for additional findings.

7. Where review is requested, the Executive Director/CEO's ruling shall be the final action of the Commission. Where review is not requested within 10 days, the Hearing Officer's report shall be the final action of the Commission.

9.6 Delayed Suspension Repair Notice

a. Conduct

MAC Representatives may issue to the Operator or Driver of any Commercial Vehicle a Delayed Suspension Repair Notice upon observing that the Vehicle is damaged or in need of repair, but which do not relate to the ability of the Vehicle to safely convey passengers.

b. Contents of Notice

The Delayed Suspension Repair Notice shall set forth:

1. The nature of the violation(s).
2. The date on which the violation(s) took place.
3. The date by which the repair of such violation(s) must take place ("repair date"), which shall be up to 30 days from the date of the violation.
4. Notice that the AVI Tag for the Vehicle shall be deactivated on the repair date without further notice unless the Vehicle has passed inspection by a MAC Representative.

c. Duration

A Suspension pursuant to a Delayed Suspension Repair Notice shall be for such time until the Vehicle passes an inspection by a MAC Representative.

d. Other Actions Not Precluded

Any Delayed Suspension Repair Notice shall be without prejudice to other enforcement actions taken under this section.

e. Review

Any Delayed Suspension Repair Notice shall be reviewable by the Airport Director upon written request.

SECTION 10 - NOTICE

10.1 Notice to Individuals

Notice as required by Section 9, or any other notice required by this Ordinance to be given to an individual or Operator, is sufficient if delivered in person, sent by U.S. mail to the last address on file with the Commission, or transmitted by E-Mail. Time of "issuance" means when the notice is hand delivered, placed in the mail, or E-mailed.

10.2 Posted Notice

Notice of Commission meetings to review fees, notice of meetings, and notice of issues that affect numerous Operators shall be sufficient if posted outside the Commission meeting room or in other location reasonably calculated to provide notice. Changes to fees (that require Commission action) shall be posted in such manner 30 days prior to implementation.

SECTION 11 - GENERAL PROVISIONS

11.1 Penalty

Any Person violating any of the provisions of this Ordinance shall upon conviction be punished by sentence within the parameters of the maximum penalty for misdemeanors set forth in Minn. Stat. § 609.03 or as amended.

11.2 Provisions Severable

If any part of this Ordinance shall be held unconstitutional or invalid, this does not affect the validity of the remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of this Ordinance without the unenforceable provisions.

11.3 Repealer

As of the effective date of this Ordinance, Ordinance No. 111 is repealed.

11.4 Time Periods

The time periods set forth in this Ordinance shall be based on calendar days unless otherwise specified.

11.5 Effective Date

This Ordinance is effective January 1, 2017.

SCHEDULE I

SCHEDULE OF FEES

Annual Permit Fee* \$ 60.00

Per-Trip Fee for January 1, 2017 – December 31, 2017 \$ 3.16

AVI Tag Activation Fee* \$ 50.00

Dwell Rate*:

Class I Vehicles

Class II Vehicles

0 - 10:59 minutes	\$ 0.00	0 - 20:59	\$ 0.00
11:00 - 20:59	\$ 1.00	21:00 - 30:59	\$ 1.00
each additional		each additional	
10 minute increment	\$ 2.00	10 minute increment	\$ 2.00

eTrip Lane Trip Fee* \$ 8.00

Auto Rental Agency Privilege Fee 10% of Auto Rental Gross Receipts

Off-Airport Parking Company Per-Trip Fee: 2.0 times the current Per-Trip Fee

Fees are subject to annual review and adjustment by the Commission according to Section 6.8. Check with Landside Operations for current amounts.

* These fees may be adjusted periodically by the Airport Director under Sections 6.1, 6.3, 6.4, and 6.5. Check with Landside Operations for current amounts.