

**SAN JOSE INTERNATIONAL AIRPORT
COMMERCIAL GROUND TRANSPORTATION
RULES AND REGULATIONS**

1. PURPOSE

The purpose of these “Rules and Regulations” is to maintain a high level of customer service and to make effective and efficient use of the Airport roadway and transportation infrastructure. In addition to general rules that are applicable to all Ground Transportation Providers, specific rules applying to the following categories of Ground Transportation Providers are included:

Category 1	Commercial Operators: 1.A – Bus and Shuttle Operators (Prearranged) 1.B – Limousine Operators (Prearranged and On-Demand) 1.C – Shuttle Operators (On-Demand)
Category 2	2.A – Hotel/Motel Courtesy Vehicle Operators (Prearranged) 2.B – Parking Lot Courtesy Vehicle Operators (Prearranged) 2.C – Company Courtesy Vehicle Operators (Prearranged) 2.D – Off-Airport Rental Car Agency Operators (Prearranged)
Category 3	3.A – Taxicab Operators (Prearranged) 3.B – Taxicab Operators (On-Demand)
Category 4	Courier Vehicle Operators (Prearranged)
Category 5	Transportation Network Companies (TNC’s) (Prearranged and On-Demand)

2. AUTHORITY

The provisions set forth herein are promulgated under the authority of Chapter 25.01 of Title 25 of the Municipal Code. The Director may modify these Rules and Regulations and may delegate his or her authority with respect to the enforcement of these Rules and Regulations.

3. APPLICABILITY

These Rules and Regulations govern the operation of all Ground Transportation Providers on Airport premises, including, without limitation, its Terminal Buildings, roadways,

parking facilities, and all other surface areas of the Airport.

4. VIOLATION AND INTERPRETATION

4.1 Violation. Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of these Rules and Regulations or any lawful order issued pursuant thereto may be denied use of the Airport for commercial purposes by the Director. Such denial of use is in addition to any penalties imposed pursuant to federal, state, or local law.

4.2 Interpretation. In the event that an interpretation of any provision of these Rules and Regulations is required, the Director shall render such an interpretation, and his or her determination shall be considered as final authority on the matter. All applicable federal, state, and local laws and regulations and the laws and regulations of any other legal authority having jurisdiction, as now in effect or as may be promulgated in the future, as they may be from time to time be amended, are hereby incorporated as part of these Rules and Regulations as though fully set forth herein. Any reference in these rules and regulations to a federal, state, or local law or regulation also refers to any amendment to such law or regulation.

5. DEFINITIONS

Unless otherwise expressly stated, the following terms shall have the meaning indicated for the purpose of these Rules and Regulations.

“**Airport**” is defined in Chapter 25.01 of the Municipal Code

“**Airport Per-Trip Fee**” means a fee per Trip, set by the Director in an amount established by City Council resolution, based on certain industry indicators, and paid by all Ground Transportation Providers to City.

“**Automatic Vehicle Identification System (AVI System)**” means a system for the automatic tracking of Vehicle movement on the Airport roadways and in or on parking facilities, which may include, without limitation, the placement of a transponder or other device upon a Vehicle.

“**Bus**” means any Vehicle designed, used, or maintained for carrying more than 10 persons, including the driver.

“**Category 1 – Commercial Operators: Bus, Shuttle, Limousine**” means collectively Category 1.A - Bus and Shuttle Operators (Prearranged), Category 1.B - Limousine Operators (Prearranged and On-Demand) and Category 1.C Shuttle Operators (On-Demand).

“Category 1.A - Bus and Shuttle Operators (Prearranged)” means Ground Transportation Providers that operate Buses or shuttles for Prearranged pickups and drop-offs only and use Airport roadways and infrastructure to transport passengers and their baggage, for hire. This group includes, but is not limited to, Ground Transportation Providers exercising privileges granted by the California Public Utilities Corporation as a Passenger Stage Corporation or as a Charter-Party Carrier.

“Category 1.B - Limousine Operators (Prearranged and On-Demand)” means Ground Transportation Providers that operate Limousines for Prearranged pickups and drop-offs and On-Demand pickups, where charges are determined by an On-Demand Technology Solution and use Airport roadways and infrastructure to transport passengers and their baggage, for hire as a Charter-Party Carrier operating limousine, as defined by Section 5371.4 of the California Public Utilities Code.

“Category 1.C - Shuttle Operators (On-Demand)” means Ground Transportation Providers that operate shuttles for On-Demand pickups and use Airport roadways and infrastructure to transport passengers and their baggage, for hire, where charges are determined by an On-Demand Technology Solution. This group includes, but is not limited to, Ground Transportation Providers exercising privileges granted by the California Public Utilities Corporation as a Passenger Stage Corporation or as a Charter-Party Carrier.

“Category 2 Operators” means collectively Category 2.A – Hotel/Motel Vehicle Operators, Category 2.B – Parking Lot Van Operators, Category 2.C – Company Courtesy Vehicle Operators, and Category 2.D – Off-Airport Rental Car Agency Operators.

“Category 2.A - Hotel/Motel Courtesy Vehicle Operators” means Ground Transportation Providers that operate Vehicles for Prearranged pickups and drop-offs only and use Airport roadways and infrastructure to transport passengers and their baggage between the Airport and any hotel/motel located on or off Airport property, at no charge to the passenger.

“Category 2.B - Parking Lot Courtesy Vehicle Operators” means Ground Transportation Providers that operate Vehicles for Prearranged pickup and drop-off only and use Airport roadways and infrastructure to transport passengers and their baggage between the Airport and any commercial parking lot located on or off Airport property, at no charge to the passenger.

“Category 2.C - Company Courtesy Vehicle Operators” means Ground Transportation Providers that operate courtesy Vehicles for Prearranged pickup and drop-offs only for private business establishments and use Airport roadways and infrastructure to transport passengers and their baggage between the Airport and a business establishment located on or off Airport property using a Vehicle owned or leased by the business establishment, at no charge to the passenger.

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“Category 2.D - Off-Airport Rental Car Agency Operators” means Ground Transportation Providers that operate Off-Airport Rental Car Agencies that rent Vehicles for Prearranged pickups and drop-offs only and use Airport roadways and infrastructure to transport passengers and their baggage between the Airport and a rental car business establishment located off Airport property.

“Category 3 Operators” means collectively Category 3.A – Taxicab Operators (Prearranged) and Category 3.B – Taxicab Operators (On-Demand).

“Category 3.A - Taxicab Operators (Prearranged)” means Ground Transportation Providers that operate Taxicabs for Prearranged pickups and drop-offs only and use Airport roadways and infrastructure to transport passengers and their luggage, for hire, where charges are determined by the use of a taxi meter.

“Category 3.B - Taxicab Operators (On-Demand)” means Ground Transportation Providers that operate Taxicabs for On-Demand pickups and use Airport roadways and infrastructure to transport passengers and their luggage, for hire, where charges are determined by an On-Demand Technology Solution. Category 3.B – Taxicab Operators (On-Demand) must enter into a Driver Services Agreement with the On-Demand Manager, pursuant to the On-Demand Ground Transportation Management Agreement.

“Category 4 - Courier Vehicle Operators” means Ground Transportation Providers that operate courier Vehicles for Prearranged pickups and drop-offs and use Airport roadways and infrastructure to transport property, baggage, or parcels for business purposes and not for use or consumption on Airport property. “Courier Vehicle Operators” do not include Ground Transportation Providers only transporting property, baggage, or parcels incidental to transporting Airport passengers, nor does it include any governmental entity which provides Ground Transportation Provider services at the Airport.

“Category 5 – TNCs and TNC Drivers (Prearranged and On-Demand)” means Ground Transportation Providers that operate personal Vehicles for Prearranged pickups and drop-offs and On-Demand pickups where charges are determined by an On-Demand Technology Solution, and that use Airport roadways and infrastructure to transport passengers and their baggage, for hire, as further defined under applicable state law, while providing TNC Services (as defined below).

“Circling” means the repetitive operation of any Vehicle upon Airport roadways as a Commercial Activity for the purpose of soliciting or attempting to pick up passengers in any location other than approved loading zones specifically authorized for such use.

“City” means the City of San José, a chartered municipal corporation of the State of California.

“Commercial Activity” is defined in Chapter 25.01 of Title 25 of the Municipal Code.

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“Courier Operator Waybill” means a Category 4 - Courier Operator document containing the courier customer’s name, the date and the Customer name and address from which the property, parcel or baggage to be picked up or to which the items are to be delivered by the courier operator.

“Director” shall mean the Director of Aviation of the City, or such person as the Director may designate.

“Driver Services Agreement” means an agreement between the On-Demand Manager and Category 1.B – Limousine Operators (On-Demand), Category 1.C – Shuttle Operators (On-Demand), Category 3.B - Taxicab Operators (On-Demand), and Category 5 - TNCs (On-Demand).

“Ground Transportation Provider” is defined in Chapter 25.01 of Title 25 of the Municipal Code, as further categorized into Category 1, 2, 3, 4 and 5 Operators (as defined herein). For purposes of these Rules and Regulations, all Categories of Ground Transportation Providers exclude Vehicles owned or operated by the City, Santa Clara County or any other governmental entity.

“Ground Transportation Provider Waybill” means a Ground Transportation Provider document containing the passenger’s name(s), the number of persons in the party, the location of the pickup, and the airline and flight number on which the passenger arrived or will arrive. Waybills may be in electronic form or a printed hard copy.

“Limousine” is defined in Section 5371.4 of the California Public Utilities Code.

“Municipal Code” means the San José Municipal Code, as amended from time to time.

“Off-Airport Car Rental Agency” is defined in Chapter 25.01 of the San José Municipal Code.

“On-Demand” means the providing for hire of commercial ground transportation on or from the Airport where transportation was not Prearranged with a specific Ground Transportation Provider in advance of the passenger’s arrival at the Airport, or was not Prearranged after the passenger’s arrival at the Airport with a Ground Transportation Provider situated off the Airport.

“On-Demand Ground Transportation Management Agreement” means an agreement entered into between City and an On-Demand Manager that governs On-Demand Ground Transportation Provider services operated by Category 1.B – Limousine Operators (On-Demand), Category 1.C Shuttle Operators (On-Demand), Category 3.B Taxicab Operators (On-Demand), and Category 5 - TNCs (On-Demand) at the Airport, as may be amended from time to time.

“On-Demand Manager” means the City or the contractor that operates and manages

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the On-Demand Ground Transportation Provider services at the Airport pursuant to the On-Demand Ground Transportation Management Agreement.

“On-Demand Per-Trip Fee” means the fee in an amount set forth in the On-Demand Ground Transportation Management Agreement charged by the On-Demand Manager to those Category 1.B – Limousine Operators (On-Demand), Category 1.C – Shuttle Operators (On-Demand), Category 3.B – Taxicab Operators (On-Demand), and Category 5 - NCs (On-Demand) Ground Transportation Providers that have entered into Driver Services Agreements.

“On-Demand Technology Solution” means the Airport-approved on-line enabled software, application or platform (such as smart phone or other device app) developed by the On-Demand Manager used to connect On-Demand passengers with Category 1.B – Limousine Operators (On-Demand), Category 1.C – Shuttle Operators (On-Demand), Category 3.B – Taxicab Operators (On-Demand), and Category 5 - TNCs (On-Demand).

“Permit” means a permit issued by the Director pursuant to Chapter 25.08 of Title 25 of the Municipal Code, which authorizes a Ground Transportation Provider the non-exclusive, limited right to operate Vehicles on Airport premises for the purpose of conducting certain approved Commercial Activities.

“Prearranged” means the providing for hire of commercial ground transportation on or from the Airport, where such transportation was contracted or arranged for, by or on behalf of the passenger, in advance of the passenger’s arrival at the Airport, or after the passenger’s arrival at the Airport by communicating with a Ground Transportation Provider situated off the Airport.

“Revocation” is the revoking, suspending or termination by City prior to the Expiration Date of a Ground Transportation Provider’s Permit and its authorization to operate Vehicles on Airport roadways and to otherwise conduct Commercial Activities on Airport premises.

“Solicitation” means the uninvited initiation of a conversation or other uninvited contact by a driver, or other employee, representative or agent (whether formal or informal) of a Ground Transportation Provider with any person, for the purpose of enticing or persuading said person to use any service or facilities provided by a Ground Transportation Provider or any affiliate of a Ground Transportation Provider.

“Staging” and “Staged” means the temporary parking of any Vehicle before or after pickup or drop-off of passengers or parcels.

“Staging Area” means an area or areas set aside and designated by the Director for the use of Ground Transportation Providers to stage Vehicles prior to proceeding to designated loading areas on the Airport.

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“**Taxicab**” is a passenger Vehicle for hire, used to transport passengers on public streets. The charge for the use of a Taxicab is determined by a taxi meter.

“**Terminal Buildings**” means Terminal A at 2077 Airport Boulevard, Terminal B at 1701 Airport Boulevard, the Federal Inspection Building at 2065 Airport Boulevard, and the Interim Terminal at 1675 Airport Boulevard, all located at the Airport.

“**Terminal Magazine**” means an area at a Terminal Building where Ground Transportation Providers may position Vehicles to pick up Airport customers.

“**Transportation Network Company (TNC)**” means a company or organization operating in California that provides Prearranged transportation services for compensation using a TNC App to connect passengers with TNC Drivers using their personal Vehicles.

“**TNC App**” means an online-enabled application or platform (such as a smart phone app) developed by TNCs used to connect passengers with Category 5 - TNC Drivers.

“**TNC Service**” means whenever (i) the TNC Driver is using their personal Vehicle to transport passengers and their baggage for hire on rides connected through the TNC App; and (ii) as a public or livery conveyance including when the TNC Driver is on Airport roadways and infrastructure with the TNC App open and available to accept rides from a subscribing TNC passenger until the TNC App has been closed or the TNC Driver has left Airport property.

“**Trip**” means an entry onto any portion of the Airport roadways to either pickup and/or drop-off a parcel or passenger by a vehicle operated by a Ground Transportation Provider that is subject to a Trip Fee, pursuant to Part 7 of Chapter 25.08 of the Municipal Code to conduct Commercial Activities at the Airport.

“**Vehicle**” means any automobile, truck, van, Bus, Limousine, motorcycle, bicycle, and other wheeled conveyances (except aircraft) operated by a Ground Transportation Provider, in which any person or property can be transported upon land.

“**Vehicle Identification Decal**” means a decal issued by the Airport to be placed on each Ground Transportation Provider’s Vehicle to identify those Vehicles approved by Permit to operate on Airport premises.

6. GENERAL OPERATING RULES

The following provisions apply to all Ground Transportation Providers serving the Airport:

6.1 No Ground Transportation Provider shall provide ground transportation service to the public at the Airport, including but not limited to, Taxicab, Limousine, Bus, shuttle, courtesy vehicle, courier vehicle, TNC, or other ground transportation

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common carrier services, without a valid Permit issued by the Director; provided however, a Ground Transportation Provider may make On-Demand (non-Prearranged) passenger pickups in compliance with a valid Driver Services Agreement.

- 6.2** A Ground Transportation Provider shall be limited to the Commercial Activity of stopping at locations specified by Director, subject to the terms of their Permit, and (i) picking up or discharging passengers, and their related baggage; (ii) picking up or delivering parcels.
- 6.3** A Ground Transportation Provider shall acquire and maintain such certificates, licenses or other authorization required by federal, state and local laws to conduct its business as a Ground Transportation Provider.
- 6.4** All Ground Transportation Providers shall conduct business in compliance with all applicable local, state and federal laws and regulations.
- 6.5** Permits issued to any Ground Transportation Provider shall contain such terms and conditions as the Director determines to be necessary for the protection of the safety, convenience, and welfare of the Airport, City and the general public.
- 6.6** Vehicles shall be operated and maintained upon the Airport in strict accordance with the provisions herein prescribed for the control of such Vehicles, and any local, state, or federal laws, now in effect or hereafter enacted, except in cases of emergency involving the protection of life and/or property. All Vehicles operated on Airport roadways must at all times comply with any lawful signs and mechanical or electrical signals and other directions issued by the Airport, unless directed otherwise by authorized personnel.
- 6.7** The Director is authorized to place and maintain such traffic signs, signals, pavement markings, and other traffic control devices upon Airport roadways, parking facilities and other Airport property as required to indicate and carry out the provisions of these rules and regulations and to impose restrictions upon parking areas and loading zones on Airport property. Traffic control restrictions imposed by Director may include, without limitation: (i) designating a parking time limit on any portion of said areas; (ii) designating any portion of said areas as a passenger loading zone, a freight loading zone, a zone for City Vehicles only, a zone for the general public, or a zone for designated Ground Transportation Providers; (iii) designating any portion of said areas as "NO STOPPING, NO WAITING or NO PARKING" area(s); (iv) designating where and how Vehicles shall be parked by means of parking space markers; and (v) designating direction of travel and indicating same by means of appropriate signs and/or markings.
- 6.8** Vehicles on Airport roadways shall be operated in strict compliance with the roadway speed limits, as indicated by posted traffic signs used at the Airport.

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- 6.9** Unless specifically exempted, vehicles must be marked in such a manner as to clearly identify the name of the Ground Transportation Provider providing the service and meet all requirements of **Section 8** entitled “Vehicle Standards”. All Vehicles used at the Airport, either on a temporary or permanent basis that are not clearly marked must be pre-approved by the Director before use at the Airport.
- 6.10** The Director may use his or her full authority under federal, state, and local law to remove, or cause to be removed at the owner’s expense, from any restricted or reserved area, any roadway or right-of-way or any other area on the Airport, any Vehicle which is: disabled, abandoned, illegally or improperly parked, or creating an operational problem. Any such Vehicle may be removed or caused to be removed to an official Vehicle impound area designated by the Director. Neither the Airport nor the City shall be liable for damage to any Vehicle or loss of personal property which might result from the act of removal.
- 6.11** Unless expressly exempted by the Director in writing, each Vehicle used in conducting ground transportation Commercial Activities requiring a Permit will display a Vehicle Identification Decal, issued by the Airport, at a location on the Vehicle specified by the Director.
- 6.12** At the discretion of the Director, all or specified Vehicles may be required to have installed a transponder or similar device as part of an AVI System for the tracking of Vehicles on the Airport roadways and parking facilities.
- 6.13** No person shall operate any Vehicle on the Airport other than on the roads and parking areas authorized by the Director for use by that particular type of Vehicle and operation. Additional restrictions may be contained in a Ground Transportation Provider’s Permit. Vehicles are not to be positioned so as to block the flow of traffic or prevent other Vehicles from gaining access to, or departing from, ground transportation areas or any other area at the Airport.
- 6.14** No person shall use the roads, walks, or Airport facilities in such a manner as to hinder or obstruct their proper use, public access, or the conduct of proper and approved business activities or to interfere with the flow of traffic.
- 6.15** No Vehicle shall be stopped or parked on the Airport, except in the manner and at a location authorized for such a purpose by the Director including, without limitation, parking facilities designated for public or employee use.
- 6.16** Ground Transportation Providers may unload passengers at the Terminal Buildings, at any curb marked for that purpose. Loading of passengers and their related baggage shall be performed only at the designated areas as indicated and specified in the Permit. Pickup and delivery of parcels shall be performed only at the designated areas as indicated and specified in the Permit.

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- 6.17** Unless expressly approved in the Permit or in these Rules and Regulations, Vehicles are not to be left unattended at any time.
- 6.18** Director may establish a Staging Area for use by any category of Ground Transportation Provider and require that each Vehicle proceed through the Staging Area prior to loading any passenger at the Airport.
- 6.19** Vehicles are not to be “staged” or stored at the Airport unless in a Staging Area designated for this purpose by the Director. All Ground Transportation Providers are to adhere to any restrictions placed on the use of such a Staging Area by the Director.
- 6.20** Double parking of Vehicles by a Ground Transportation Provider is prohibited.
- 6.21** All Vehicles shall be maintained and operated upon Airport roadways in accordance with Vehicle safety requirements as specified by federal, state and local laws currently in effect and as may be promulgated in the future.
- 6.22** Any addition or deletion to the list of authorized Vehicles provided to the Airport by a Ground Transportation Provider (as listed on an application attached to the Permit) shall be forwarded to the Airport. The Director’s prior approval must be obtained if such change results in: (i) an increase in the number of Vehicles which a Ground Transportation Provider is authorized to operate at the Airport; (ii) a larger Vehicle operating at the Airport than a replaced Vehicle previously authorized to operate at the Airport; or (iii) increased frequency of operation of such Vehicles. The request to change service or Vehicles shall be submitted to the Director in writing no less than thirty (30) days in advance of the proposed implementation date. The Director may approve, reject or require modification to any such proposed changes and may require that the Permit be revised to reflect such change. If the Director shall fail to respond within thirty (30) days of receipt of such request, the request shall be deemed approved.
- 6.23** Each entity operating as a Ground Transportation Provider may be required to deposit with City, upon execution of the Permit, a Trip deposit as required by the Director.
- 6.24** No Ground Transportation Provider shall install, erect, affix, paint, display or place or permit the installation, erection, affixation, painting, display or placement of any sign, lettering, nor other advertising device or media in, on, or about the Airport, the Terminal Buildings, or any portion thereof, without the prior written consent of the Director.
- 6.25** No Ground Transportation Provider shall use an agent or employee of the company to act as a coordinator of passengers in the Terminal Buildings or on Terminal

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Building curbsides, without prior authority of the Director.

- 6.26** While operating on the Airport, Ground Transportation Providers must provide identification and follow all directions given by law enforcement officers, or duly authorized Airport personnel. Ground Transportation Providers must move their Vehicles when requested by such persons.
- 6.27** All Ground Transportation Providers are prohibited from performing any Vehicle maintenance, including checking fluid levels and raising Vehicle hoods on Airport property (except emergency repairs limited to repair of flat tires and jump starts). Vehicles may not be washed or rinsed on Airport property.
- 6.28** Director may modify these rules or regulations or institute such additional rules and regulations and additional procedures as he or she deems necessary or useful.

7. GROUND TRANSPORTATION PROVIDER CONDUCT

- 7.1** All Ground Transportation Providers shall conduct themselves in a professional manner and be courteous to the public, passengers, and Airport employees or representatives. Threats of physical harm, fighting, gambling, possession or use of any weapons, public intoxication or the use or possession of illegal substances on Airport premises are expressly prohibited.
- 7.2** No Ground Transportation Provider nor any driver, employee, representative or agent of a Ground Transportation Provider shall deceive the public or Airport through false representations or misleading statements concerning its prices or services or those of any other Ground Transportation Provider.
- 7.3** Each Ground Transportation Provider's drivers, employees, representatives and agents while on Airport property, shall wear identification name tags identifying his or her name and the name of any associated Ground Transportation Provider.
- 7.4** Operators, drivers, and any other employees or representatives of Ground Transportation Providers that enter the Airport property shall be neatly attired.
- 7.5** Solicitation of passengers on Airport property is prohibited unless specifically authorized by the Director.
- 7.6** No driver, representative, employee or agent of a Ground Transportation Provider shall conduct any personal business or business other than that expressly described in the Permit.
- 7.7** Littering on Airport property is prohibited.

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- 7.8** No driver, representative, employee or other agent of any Ground Transportation Provider shall disembark from a Vehicle, other than to assist passenger loading or discharge on the curb directly adjacent to the Vehicle, unless expressly authorized by these rules and regulations or the Permit.
- 7.9** The following activities are prohibited on Airport property by any on-duty driver, representative, employee, or agent of a Ground Transportation Provider: gambling, participating in athletic events, consumption of alcoholic beverages, and possession of or being under the influence of illegal drugs.
- 7.10** No Ground Transportation Provider shall refuse to transport any passenger for any reason except those explicitly allowed by law, including any City Ordinance .
- 7.11** Each Ground Transportation Provider shall be held responsible for the failure of its drivers, agents, employees or other representatives to comply with the Permit and these rules and regulations.

8. GROUND TRANSPORTATION PROVIDER VEHICLE STANDARDS

- 8.1** Vehicles shall be marked so that Airport customers may easily distinguish the particular Vehicle's category of operation.
- 8.2** All Vehicles shall be maintained in good and safe mechanical condition and otherwise in compliance with the California Vehicle Code and the California Public Utilities Code.
- 8.3** All Vehicles shall be clean and free of any visible damage, and shall have hubcaps, door handles and all equipment required by the California Vehicle Code and the California Public Utilities Code, as applicable.
- 8.4** All Vehicles shall be marked in similar manner, color and identification, except as distinguished per **Section 8.1** above.
- 8.5** All Vehicles shall be marked in such a manner as to clearly identify the Ground Transportation provider and any markings required by any applicable governing authority, including, but not limited to, the California Public Utilities Commission. Marking or signage must be approved by the Director, be clearly visible, and a minimum size of 8 inches by 12 inches. Category 1.B Limousine Operators, due to the nature of their Vehicles, may request an exemption from this requirement by submitting a request in writing to the Director.
- 8.6** The Airport reserves the right to perform periodic Vehicle inspections to determine that Vehicles comply with standards set forth in the Permit, these Rules and Regulations, the California Vehicle Code and the California Public Utilities Code.

9. REGULATIONS APPLICABLE TO CATEGORY 1 - COMMERCIAL OPERATORS: BUS, SHUTTLE, LIMOUSINE

9.1 Category 1.A - Shuttle Operators and 1.B - Limousine Operators (Prearranged). The following apply to all Category 1.A Shuttle Operators and 1.B Limousine Operators (Prearranged):

9.1.1 Category 1.A - Shuttle Operators and Category 1.B - Limousine Operators (Prearranged) of any commercial shuttles or Limousines are prohibited from leaving their Vehicles unattended except when required to meet a Prearranged party in a Terminal Building. Any driver or representative leaving their Vehicle to meet a Prearranged passenger must have a Ground Transportation Provider Waybill in a form acceptable to the Director, prepared in advance, for such passenger. The driver or other representative may prepare the Ground Transportation Provider Waybill based on radio or telephone communications. The driver or representative must present the Ground Transportation Waybill to any Airport official upon request. The driver must leave a copy of the Ground Transportation Provider Waybill in the left front dash of any unattended Vehicle.

9.1.2 No more than one Vehicle of Category 1.A - Shuttle Operators and 1.B - Limousine Operators (Prearranged) may stop at a designated loading zone at the same time, except for Prearranged pickup with prior approval as provided below.

9.1.3 Prearranged passenger pick-ups using multiple Vehicles may be authorized by the Director, provided that the Operator notifies Airport Landside Operations or Airport Parking Control Officers in advance and obtains consent. The Director, Landside Operations or Parking Control Officers may impose such conditions as they deem reasonable on multiple Vehicle pickups, including, without limitation, requiring pickup from a different location and requiring staging of the operator's Vehicles at a designated location until passengers are ready for pickup.

9.2 Category 1.B – Limousine Operators (On-Demand). The following apply to Category 1.B – Limousine Operators (On-Demand):

9.2.1 Limousine Operators (On-Demand) may provide On-Demand pickup services at the Airport.

9.2.2 Limousine Operators (On-Demand) shall have the right to provide On-Demand services pursuant to the terms of a Driver Services Agreement with the Airport's On Demand Manager. Each Limousine Operator authorized to provide On-Demand services at the Airport is responsible to City at all times during the term of the Driver Services Agreement for compliance with the

provisions set forth therein and the Permit.

9.2.3 Limousine Operators (On-Demand) may conduct On Demand passenger pickups as directed by the On-Demand Manager at the areas designated for On-Demand ground transportation activities. Limousine Operators (On-Demand) shall follow all dispatch procedures and regulations established by City and the On-Demand Manager. The Director reserves the right to relocate or reconfigure ground transportation areas as necessary.

9.3 Category 1.B – Bus Operators. The following apply to Category 1.B - Bus Operators:

9.3.1 Buses, except for scheduled County Transit service and Airport-contracted Parking Shuttle buses, are prohibited from Staging on the Terminal Building curbs, except during the process of loading or unloading of passengers and their related baggage. Buses are to be Staged only in areas expressly designated for this purpose, as indicated by posted signs.

9.3.2 Buses shall not proceed to Terminal Building curbs for loading of passengers and their related baggage until all passengers are assembled (including their related baggage) and are ready for immediate loading. No waiting for passengers to arrive on Terminal Building “white” curb areas is allowed.

9.3.3 Buses are not to be left unattended by the driver at any time.

9.3.4 Buses are not allowed to remain at the loading/unloading area for longer than five (5) minutes.

9.4 Category 1.C – Shuttle Operators (On-Demand). The following apply to Category 1.C - Shuttle Operators (On-Demand):

9.4.1 Shuttle Operators (On-Demand) may provide On-Demand pickup services at the Airport.

9.4.2 Shuttle Operators (On-Demand) shall have the right to provide On-Demand services pursuant to the terms of a Driver Services Agreement with the Airport’s On-Demand Manager. Each Shuttle Operator authorized to provide On-Demand services at the Airport is responsible to City at all times during the term of the Driver Services Agreement for compliance with the provisions set forth therein and the Permit.

9.4.3 Shuttle Operators (On-Demand) may conduct On Demand passenger pickups as directed by the On-Demand Manager at the areas designated for On-Demand ground transportation activities. Shuttle Operators (On-

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Demand) shall follow all dispatch procedures and regulations established by City and the On-Demand Manager. The Director reserves the right to relocate or reconfigure ground transportation areas as necessary.

10. REGULATIONS APPLICABLE TO CATEGORY 2 OPERATORS

10.1 Category 2.A, 2.B, and 2.C Operators (Prearranged). The following provisions apply to Category 2.A – Hotel/Motel Courtesy Vehicle Operators, Category 2.B – Parking Lot Courtesy Vehicle Operators, and Category 2.C – Company Courtesy Vehicle Operators:

10.1.1 Unless actively engaged in the loading of passengers and their related baggage, Vehicles may not stop in such designated loading areas for more than forty-five (45) seconds during peak hours. Peak hours are 5:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:00 p.m., and 7:00 p.m. to 10:30 p.m.

10.1.2 During non-peak hours, a Vehicle may remain at designated loading zones for more than forty-five (45) seconds, but must immediately proceed out of such loading zone after (i) another Vehicle arrives to use the loading zone and there is not sufficient space for all Vehicles to conveniently use the loading zone, (ii) the San José Police Department (“SJPD”) or other authorized Airport personnel instruct the Vehicle driver to proceed, or (iii) the expiration of more than five (5) minutes, whichever occurs earlier.

10.1.3 No more than one Vehicle from a Ground Transportation Provider may be at a designated loading zone at the same time.

10.2 Category 2.D Operators (Prearranged). In addition to the foregoing provisions applicable to Category 2.A, 2.B and 2.C Operators, the following provisions apply to Category 2.D – Off-Airport Rental Car Agency Operators:

10.2.1 Off-Airport Rental Car Agency Vehicles are approved to pick-up in areas defined in **Exhibit B** to the Permit.

10.2.2 Off Airport Rental Car Agency Vehicles are subject to the Airport Trip Fee for pickups and drop-offs in an amount set forth in a resolution approved by City Council if a designated Vehicle, solely for the purposes of transporting off Airport rental car customers to/from the Airport, cannot be provided by the Off Airport Rental Car Agency operator.

11. REGULATIONS APPLICABLE TO CATEGORY 3 OPERATORS

11.1 Category 3.A and 3.B Operators (Prearranged and On-Demand). The following

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rules and regulations apply to all Category 3 Operators:

- 11.1.1** Taxicab operators are to remain with their Vehicles while picking up or dropping off passengers or parcels, or waiting in a loading area.
 - 11.1.2** NO TAXICAB OPERATOR SHALL REFUSE TO TRANSPORT A PASSENGER FROM THE AIRPORT FOR ANY REASON EXCEPT THOSE ALLOWED BY LAW. Avoidance of this rule by suggesting alternate means of transportation to a passenger is strictly prohibited.
 - 11.1.3** Flat-rating is prohibited; all fares are to be meter-rated or established by an On-Demand Technology Solution.
 - 11.1.4** Taxicab operators are to refrain from congregating within the Terminal Magazine areas.
 - 11.1.5** All Taxicabs operators must be in compliance with all regulations as promulgated by the SJPD Permits Units.
 - 11.1.6** Taxicabs being used to pick up or drop off parcels at the Airport must obtain and comply with all provisions of a Category 4 Operator Permit and must display a sign in the front window of the Vehicle reading “Baggage/Parcel Pickup”.
- 11.2 Category 3.A Operators (Prearranged).** The following provisions apply to Category 3.A – Taxicab Operators:
- 11.2.1** Taxicab operators making a Prearranged passenger pickup may proceed directly to the designated Prearranged/radio dispatched space. The driver must provide the name of the passenger to Airport personnel upon request.
 - 11.2.2** Taxicabs operators shall only provide Prearranged pickup and drop-off services at the Airport.
- 11.3 Category 3.B Operators (On-Demand).** The following provisions apply to Category 3.B – Taxicab Operators (On-Demand):
- 11.3.1** Taxicab operators may provide On-Demand pickup services at the Airport.
 - 11.3.2** Taxicab operators shall have the right to provide On-Demand services pursuant to the terms of Driver Services Agreement with the Airport’s On Demand Manager. Each Taxicab operator authorized to provide On-Demand services at the Airport is responsible to City at all times during the term of the Driver Services Agreement for compliance with the

provisions set forth therein and the Permit.

- 11.3.3** Taxicab operators may conduct On Demand passenger pickups as directed by the On-Demand Manager at the areas designated for On-Demand ground transportation activities. Taxicab operators shall follow all dispatch procedures and regulations established by City and the On-Demand Manager. The Director reserves the right to relocate or reconfigure ground transportation areas as necessary.

12. REGULATIONS APPLICABLE TO CATEGORY 4 - COURIER OPERATORS

The following provisions apply to Category 4 - Courier Operators:

- 12.1** Unless expressly approved in the Permit, no Courier operator shall load or unload freight or parcels in any area other than those designated for such use by the Director. Such area shall be indicated by appropriate signs or markings.
- 12.2** Courier operators using Vehicles that, due to physical size, cannot be accommodated in the designated loading/unloading areas must inform the Director in advance to allow for special handling. The Director retains the right to refuse the use of Airport facilities to any Courier operator that cannot be reasonably accommodated for these reasons.
- 12.3** Courier operators leaving their Vehicle to pick up or drop-off freight or parcels must have a Courier Operator Waybill, in a form acceptable to the Director, prepared in advance, for such pickup or drop-off. The Courier operator may prepare the Courier Operator Waybill based on telephone or radio communications. The driver or representative must present the Courier Operator Waybill to any Airport official upon request. The driver must leave a copy of the Courier Operator Waybill on the left front dash of any unattended Vehicle.

13. REGULATIONS APPLICABLE TO CATEGORY 5 – TRANSPORTATION NETWORK COMPANY

The following provisions apply to Category 5 – Transportation Network Companies. Notwithstanding anything to the contrary in the Permit or Rules and Regulations, the following rules shall apply to Category 5:

- 13.1** TNCs must apply for, provide all information required to complete a Permit application, and be approved by Airport to receive a Permit.
- 13.2** TNCs and TNC Drivers must comply with all CPUC requirements (below) and provide documented proof to the Airport prior to being issued a Permit.

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- 13.3** TNCs and TNC Drivers must comply with these Rules and Regulations, as attached to the Permit.
- 13.4** TNCs must pay all outstanding fines and fees due the City/Airport prior to receiving a Permit and remain current on any fees thereafter.
- 13.5** TNCs must pay the Airport Per-Trip Fees.
- 13.6** TNCs are responsible for all actions of their TNC Drivers or staff while on Airport property.
- 13.7 CPUC Requirements.** TNC Drivers must meet and follow all federal, state and local requirements, including those of the California Public Utilities Commission (“CPUC”). CPUC requirements are subject to change and TNCs must act in compliance with all adjusted rules, regulations, and requirements as modified in the future by federal and/or state agencies.
- 13.8** The Director can prohibit, deny, suspend, or revoke the Permit of any TNC if found to be in violation of CPUC regulations and/or if the permittee has failed to conform to the Airport Permit requirements, these Rules and Regulations, Municipal Code Section 25.10.030, or applicable federal, state, or city laws.
- 13.9 Monthly Audits.** TNCs must comply with all CPUC background check requirements and TNCs must choose to participate in one of the monthly auditing processes.
- 13.10 Background Checks and Curbside Random Audits**
 - 13.10.1** The CPUC background checks of TNC Drivers must be performed by a third party that is both accredited by the National Association of Professional Background Screeners and jointly approved by the TNC and the City.
 - 13.10.2** The Airport, in conjunction with the SJPD and the CPUC, will conduct random audits of TNC Drivers and their Vehicles along the curbside of the Airport, where driver’s license checks will be used to investigate the driving records of TNC Drivers as well as performing a search for outstanding warrants.
 - 13.10.3** Mobile fingerprinting equipment may be used as required by SJPD Law Enforcement Officers (LEO’s) to confirm the identity of TNC Drivers performing work at the Airport.
 - 13.10.4** TNC Driver Vehicles must have CPUC-approved trade-dress on all

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Vehicles. Provisions relating to Vehicle identification decals in the Permit and these Rules and Regulations shall not be applicable to Category 5 TNC Drivers.

- 13.10.5** TNC's will bear the cost of background checks, monthly audits and any additional curbside random audits.
- 13.10.6** If City determines the TNC vehicle checks and audits are inadequate, the inspections may be administered by a City-approved third-party entity.

13.11 City Business Tax Certificate Requirement.

- 13.11.1** Section 4.76.170 of the Municipal Code requires all businesses in the City to obtain Business Tax Certificates. Section 4.76.050 states in relevant part "The term "business" shall include all activities engaged in or caused to be engaged in within this city including...independent contractors..."
- 13.11.2** All TNC Drivers who operate as independent contractors are subject to the City's Business Tax Certificate requirement pursuant to Part 4, Chapter 4.76 of the Municipal Code.
- 13.11.3** TNC Drivers will obtain their Business Tax Certificate from the City Finance Department.
- 13.11.4** The Director may require TNC Drivers to display the Business Tax Certificate on the Vehicle or have the certificate available for inspection.
- 13.11.5** Additional information regarding this requirement is available on the City's website at www.sanjoseca.gov.
- 13.11.6** The TNC represents that it has notified its TNC Drivers of the City's Business Tax Certificate requirement for independent contractors in the City. Further, TNC must submit to Airport staff evidence that it has engaged in diligent and good-faith efforts to instruct all TNC Drivers of their obligations as independent contractors to obtain a City Business Tax Certificate.

13.12 Technology-Driven TNC Driver Trip Recording Systems and Monthly Reports

- 13.12.1** The Airport must have ability to track Trips by TNC Drivers while on Airport property. The Airport and TNCs will cooperate and collaborate to identify the most efficient, best available, and proven technology to track TNC Driver Trips occurring on the Airport as technological

solutions evolve.

13.12.2 The Airport reserves the right to request reports on TNC Driver Trip data from TNCs specific to the Airport.

13.12.3 The TNC will submit Monthly Trip Reports to the Airport as requested for billing and/or auditing purposes.

13.12.3.1 If the TNC fails to furnish the City with the Monthly Reports as required per the Permit, the TNC will pay a late fee of twenty-five (\$25.00) per day to the Airport

13.12.3.2 TNC's failure to provide City a Monthly Trip Report by the deadline will be delinquent. The penalty for delinquent payments shall consist of simple interest of one (1%) percent of the invoice amount remaining unpaid per month, or part thereof, from the date of the delinquency until the close of business day upon which the delinquency payment is received by the City. Maximum payment shall not exceed ten (10%) percent of delinquent balance. If a delinquent account is not settled within ninety (90) days from the due date, the City may draw such delinquent payments from the Security Deposit that was required to establish an account with the Airport.

13.13 TNC Driver Pick Up Areas.

13.13.1 TNC Drivers will pick up customers at locations designated by the Airport. Failure to do so can result in the issuance of an Administrative Citation. Designated pickup areas are as follows, but are subject to change as conditions change and as deemed necessary by the Airport:

13.13.1.1 Terminal A: Arrivals Curb along the south end of the Terminal A Garage, App-based Rideshare Pick-Up Area – Designated Stop # 1

13.13.1.2 Terminal B: East side of Ground Transportation Island south of center crosswalk, App-based Rideshare Pick-Up Areas – Designated Stops # 8 and 9

13.14 TNC Insurance Coverage. TNC insurance shall be the primary insurance at all times while on Airport property in an amount determined by City's Risk Manager and will be in effect whether or not a passenger is on board the TNC Driver Vehicle, per Permit requirements.

13.15 TNC Driver Vehicle Age and/or Mileage Restrictions. Restrictions on TNC Driver Vehicle age and mileage limits are *not* mandated by the Airport based on the condition that TNCs must perform TNC Driver Vehicle inspections on TNC Driver registered Vehicles as mandated by CPUC regulations; and TNCs provide the ability via the TNC App for customers to submit feedback to TNCs on their ride experience including reporting on the condition of the Vehicle.

13.16 Enforcement. Enforcement of Municipal Code, Permit and these Rules and Regulations may include (i) verbal and written warnings; (ii) Citations ranging from \$45 to \$250 (depending on the violation); and (iii) additional actions up to and including Revocation of the Permit for non-compliance.

13.17 Provisions Not Applicable.

13.17.1 The provisions relating to the AVI System and vehicle decals in the Permit and these Rules and Regulations shall not be applicable to TNCs and TNC Drivers.

13.17.2 The provisions relating to name tags and attire in the Permit and these Rules and Regulations shall not be applicable to Category 5.

13.17.3 The provisions relating to the “Starter System” referenced in Section 3.2.8 of the Permit shall not be applicable to Category 5 during the term of this Permit.

13.17.4 TNC Drivers are not providing TNC Services while they are on Airport property for personal reasons.

13.18 Waybills.

13.18.1 The Ground Transportation Provider Waybill requirements in the Permit and Rules and Regulations shall apply to Category 5 as follows: the Ground Transportation Provider Waybill may be in electronic form displayed on the phone of the TNC Driver, containing the pickup or drop-off location and customer’s name. If the TNC Driver leaves the Vehicle unattended, the TNC Driver must leave a copy of the Ground Transportation Provider Waybill in the left front dash of the unattended Vehicle.

13.18.2 The TNC Driver must present the Ground Transportation Provider Waybill to any Airport official upon request.

13.19 City Rights.

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13.19.1 The Airport will monitor current and evolving CPUC requirements and whether they provide for sufficient regulatory oversight of TNC and TNC Driver operations at the Airport, the safety and security of TNC customers in general, and adequate protection of the Airport's passengers utilizing transportation services provided by TNCs.

13.19.2 Airport staff will assess whether additional requirements are necessary and/or to be implemented to align with changes made within the federal, state, or local regulatory environment surrounding TNCs. Airport staff may implement these required changes at the time of their enactment.

13.20 On-Demand Services. TNC Drivers (On-Demand) shall have the right to provide On-Demand services pursuant to the terms of a Driver Services Agreement with the Airport's On Demand Manager. Each TNC Driver authorized to provide On-Demand services at the Airport is responsible to City at all times during the term of the Driver Services Agreement for compliance with the provisions set forth therein and the Permit.

14. FAILURE TO COMPLY Suspension and Revocation

14.1 In addition to any other right that the City may have, the Director has the power to Revoke the Permit and thereby the operating privileges, of any Ground Transportation Provider, pursuant to Section 25.10.030 of the Municipal Code.

14.2 A Ground Transportation Provider whose Permit has been Revoked must remove any Vehicle Identification Decals issued by the Airport, and if applicable, return any AVI equipment, proximity cards, or other equipment that may have been issued by the Airport.

14.3 Any Ground Transportation Provider who has had its Permit Revoked and is then found to be operating on the Airport during the period of suspension, may have its Permit Revoked without notice.

14.4 Each Ground Transportation Provider shall be held responsible for the failure of its drivers, agents, employees or other representative to comply with these Rules and Regulations.

15. APPEAL OF REVOCATION PROCESS

Chapter 25.10 of Title 25 of the Municipal Code sets forth the appeal rights of any entity operating as a Ground Transportation Provider whose Permit has been Revoked.