

CONDITIONAL:
PERMANENT:
(Airport Staff: check one)

**AIRPORT ACCESS PERMIT #
FOR ON-DEMAND TAXICAB SERVICES AT
MINETA SAN JOSE INTERNATIONAL AIRPORT**

BETWEEN

**AND
THE CITY OF SAN JOSE**

This Airport Access Permit For On-Demand Taxicab Services at the Norman Y. Mineta San Jose International Airport ("Permit") shall commence on the date set forth on the signature page of this Permit ("Commencement Date") and is issued by the City of San José, a municipal corporation of the State of California (hereinafter "City") to , an INDIVIDUAL (hereinafter "Permittee").

RECITALS

WHEREAS, the City is empowered to grant the right and privilege to operate within the on-demand passenger or parcel pick-ups at the Norman Y. Mineta San José International Airport (the Airport); and

WHEREAS, Permittee as a Ground Transportation Provider represents and warrants that it possesses the necessary abilities, experience and qualifications to operate as a Ground Transportation Provider with on-demand passenger pick-ups at the Airport; and

WHEREAS, the City's Director of Aviation is empowered pursuant to the provisions contained in Section 25.08.700 of the San José Municipal Code to grant to Ground Transportation Providers the privilege to conduct on-demand pick-ups of passengers or parcels at the Airport; and

WHEREAS, Permittee desires to be granted the non-exclusive privilege of operating as a Ground Transportation Provider with on-demand passenger pick-ups at the Airport by executing a permit granted by City; and

WHEREAS, in order to provide on-demand taxicab services and other ground transportation services in an efficient manner at the Airport, City has contracted with an On-Demand Ground Transportation Manager ("Manager") to manage the operations of all on-demand ground transportation providers on the Airport, including taxicabs; and

WHEREAS, as a condition of this Permit and in order to facilitate the collection of fees and the enforcement of performance standards, Permittee must affiliate with an On-Demand Ground Transportation Permittee to make on-demand passenger pick-ups at the Airport;

NOW, THEREFORE, the City issues this Permit subject to the terms, conditions and other provisions contained in this Permit:

AIRPORT ACCESS PERMIT

SECTION 1 TERM OF PERMIT

1.1 General

The term of this Permit shall commence at 12:01 a.m. on the Commencement Date set forth on the signature page and shall be for one year, but may automatically renew upon expiration, unless earlier suspended or revoked in accordance with Section 4 below. In no event shall this Permit be renewed unless (i) Permittee is in compliance with all terms and conditions of this Permit; and (ii) Permittee is current on payment of all fees and taxes then due to City or the Manager. This Permit is a privilege which may or may not be renewed, at the sole discretion of the City.

SECTION 2 PERMITTED ACTIVITIES

Permittee is authorized to provide on-demand taxicab service at the Airport only in the locations specified from time to time by the Director of Aviation, during the specified dates and subject to the direction of the Manager and the City.

Prior to commencing operations at the Airport pursuant to this Permit, Permittee must affiliate with an On-Demand Ground Transportation Contractor that is authorized to make on-demand ground transportation passenger pick-ups at the Airport. A list of authorized On-Demand Ground Transportation Contractors is available from the Director, and Permittee must provide written confirmation to the Director and Manager that Permittee has an affiliation with an On-Demand Ground Transportation Contractor prior to making any on-demand ground transportation passenger pick-ups at the Airport.

Permittee must have an affiliation with an On-Demand Ground Transportation Contractor that is authorized to make on-demand ground transportation passenger pick-ups at the Airport at all times during the term of this Permit. In the event that Permittee wishes to affiliate with another On-Demand Ground Transportation Contractor that is authorized to make on-demand ground transportation passenger pick-ups at the Airport during the term of this Permit, Permittee must have an affiliation with the new Contractor prior to commencing operations at the Airport with that Contractor and must provide written confirmation to the Director and Manager that Permittee has a affiliation with the new On-Demand Ground Transportation Contractor.

SECTION 3 PERMIT FEES

Permittee shall pay Permit Fees as established by City for on-demand taxicab service at the Airport. These fees shall include any Airport Trip Fees, Fees for the Manager's operations, deposits or fees for automated vehicle tracking or identification systems, administrative fees or other fees that may be assessed as set by resolution of the City Council, as that resolution may be amended from time to time.

Permit Fees shall be payable to and collected on behalf of the City by the On-Demand Ground Transportation Dispatch Manager or the City directly, at the City's option.

SECTION 4 PERMITTEE OBLIGATIONS

4.1 Compliance with Rules and Regulations

"Rules and Regulations" means those Airport Commercial Ground Transportation Rules and Regulations which the Director now or hereafter enacts, and as may be amended from time to time as well as the Standard Operating Procedures as outlined in the City's contract with the Manager, a copy of which is attached to this permit and incorporated into this Permit. Permittee shall comply with all applicable Rules and Regulations and all applicable laws or directives of the City, Airport, State of California or the Manager in providing taxicab service to the Airport, including any new Rules and Regulations that may be established, even if more restrictive than current Rules and Regulations.

4.2 Designated Staging Areas and Dispatch System

City has contracted with Manager to manage the operations of all on-demand ground transportation providers on the Airport, including taxicabs. Manager shall designate areas where Permittee's Vehicles shall be parked when not actively loading or unloading passengers. Permittee shall not attempt to pick-up on demand Airport Customers unless it has progressed through the dispatch system operated at the Airport by Manager.

Permittee shall obey all directions of the City, Airport or Manager, including dispatchers, City or Airport staff, and Curbside Security Officers or Airport Operations staff. Directions may include, but are not limited to, dispatching, requests to provide service, directions to stay away from staging lot(s) if they are full, or other directions required to maintain optimal taxicab service levels at the Airport. The Director of Aviation may promulgate new Rules and Regulations as provided in Section 4.1 above regarding on-demand ground transportation services that thereby become enforceable through this Permit. Failure to obey directions may result in revocation of the Permittee's Airport Access Permit as provided in Section 5 below. In the event of a conflict between directions received from City/Airport staff and directions received from the Manager, Permittee shall abide by directions received from City/Airport staff.

4.3 Alternate Day Access

Permittee is authorized to provide on-demand taxicab service at the Airport subject to the following provisions, as may be changed from time to time by the Director of Aviation.

4.3.1 Permittee shall be authorized to provide on-demand taxicab service at the Airport only on those days of the week specified by the Manager. Permittee will not work on days other than those specified by the Manager without prior authorization or request by the Manager or the Airport.

4.3.2 “Authorized day”, shall begin at 3:00 A.M. and end 24 hours later at 2:59 A.M.

4.4 Permit Conditions

Permittee’s compliance with all of the following requirements of on-demand taxicab service at the Airport is a condition of this Permit. Manager may refuse to provide dispatch services to Permittee in the event that Permittee fails to comply with all terms and conditions of this Permit. City may suspend or revoke this Permit in the event that Permittee fails to comply with all terms and conditions of this Permit. As further provided in Section 5.2 below, suspension or Revocation of this Permit may be appealed pursuant to the provisions contained in Chapter 25.01 of the San José Municipal Code, as amended from time to time.

4.4.1 Customer Service Requirements

Permittees shall:

- a. Courteously greet and interact with passengers
- b. Provide passenger door and luggage assistance
- c. Provide climate control (air conditioning or heat) at the request of the passenger
- d. Allow Passenger choice of music (radio or other device) or silence
- e. Provide direct transit to location(s) in the San Jose metropolitan area based on street address or names of public facilities
- f. Speak and understand the English language
- g. Maintain proper dress and appearance, including Permit and ID
 - i. Proper dress shall include: solid color, collared shirt or blouse; dark color slacks or skirt; closed-toed shoes. No shorts, sweat clothes, tennis shoes, sandals or shirts with writing other than company names shall be allowed.
 - ii. Clothing must be clean and present a professional appearance.
 - iii. Permittees must use good hygiene habits
 - iv. Picture ID and Permit shall be clearly visible to passenger
- h. Provide professional conduct towards customers, fellow Permittees, Manager, City and Airport staff
- i. Not solicit or offer funds or gifts to attain additional trips or specific benefits from passengers or the Manager.
- j. Not refuse undesired fares, including short fares
- k. Respond immediately to lost and found and complaint communications
- l. Accept credit cards or cash for payment of fares
- m. Obey all traffic laws

- n. Maintain all training required by City and Manager for taxicab Permittees

4.4.2 Vehicle Standards

Permittees shall maintain the condition and appearance of their vehicles to all applicable City and Airport standards, including those listed in the Rules and Regulations.

4.5 Service Obligation

4.5.1 Permittee shall provide service to the Airport a minimum of 70% of the days designated in **Exhibit A**. To meet this requirement, over any consecutive fourteen (14) day period during the term of this Permit, Permittee must provide on-demand taxicab service at the Airport on a minimum of five (5) of the days designated in **Exhibit A** and at non-Airport locations in Santa Clara County on a minimum of five (5) days designated as non-Airport days on **Exhibit A**. A minimum of four (4) on-demand trips per day from the Airport on Airport days or four (4) trips for non-Airport locations on non-Airport days will satisfy the daily service obligations in this Permit. Failure to meet the service obligation as provided in this Section by the Permittee may result in revocation of the Permittee's Airport Access Permit as provided in Section 5 below.

4.5.2 The obligation to provide service a minimum of 70% of the days designated in **Exhibit A** as provided in Section 4.5.1 above, is a minimum requirement of this Permit. Notwithstanding this minimum requirement, Permittee shall be required to respond to requests for on-demand taxicab service at the Airport on all of the days designated in **Exhibit A**, subject to the direction of the Manager, City and Airport staff.

4.5.3 Other than the terms of this section, individual Permits are neither transferrable nor assignable. Permittee may temporarily assign this Permit to another City permitted taxi driver up to two (2) times per year for a minimum of two (2) weeks per assignment or for a maximum of three (3) months total per year. "City permitted taxi driver" means a taxi driver who has been issued a taxicab driver permit by the City of San Jose. For each assignment, Permittee will turn in Permittee's Airport Access Permit ID to the Manager and designate the Permittee to receive a TEMPORARY Airport Access Permit ID. The designated TEMPORARY Permittee must be present at the time of the transaction and sign an Airport Access Permit for the assignment period prior to providing on-demand taxicab services at the Airport. The TEMPORARY Permittee shall be subject to the same requirements and designated days as the Permittee. The TEMPORARY Permittee must affiliate with the same On Demand Ground Transportation contractor as Permittee. A Permittee may not concurrently operate under more than one Airport Access Permit. Notwithstanding the preceding sentence Permittee may assign this permit to another City permitted taxi driver pursuant to this Section 4.5.3 only if the proposed assignee holds a Permit for days other than

the days designed in **Exhibit A** of this Permit. Permittee shall remain responsible for any violations of the Rules and Regulations and any other Permit conditions during any assignment period, and City may suspend or revoke this Permit for any violations of the Rules and Regulations and any other Permit conditions during any assignment period as provided in Section 5 below.

4.5.4 The Permittee will respond promptly to requests from the Manager to provide service on their designated days.

4.6 Finances and Record Keeping

4.6.1 For each month during the term of this Permit, Permittee will accurately report to the On-Demand Ground Transportation Permittee that Permittee is affiliated with, all trip data required by City, Airport or the Manager in a format approved by the City. Monthly reports will be due to the Contractor not later than the 10th day of the month for the previous month's activity.

4.6.2 Permittee will promptly report to City any discrepancies with trip reporting records generated by the Airport Manager or by the contractor with which the Permittee is affiliated.

4.6.3 Permittee shall maintain and make available for City's inspection and/or audit, for a period of not less than three years all records, logs or other documentation utilized by Permittee to prepare the reports required under Section 4.6.1 of this Permit.

4.7 Liquidated Damages/Administrative Citations

Permittee shall be responsible for any liquidated damages or administrative citations issued to them or to anyone utilizing this Access Permit.

SECTION 5 REVOCATION

City may revoke or suspend this Permit if Permittee at any time fails to conform with its terms, provisions and conditions or upon any changes to the Airport's On-Demand Taxicab Services system by the City of San José. Permittee with a revoked Airport Access Permit shall be ineligible for issuance of an Airport Access Permit for a minimum of 2 years from revocation.

5.1 Grounds for Revocation

Any revocations or suspensions of this Permit are subject to the notice and appeal procedures set out in Section 5.2 below. Grounds for revocation or suspension of this Permit shall include, but not limited to, each of the grounds stated in Section 25.10.030,

and any other violation of the conditions of this Permit, including without limitation, to the following failures to conform:

- Permittee fails to have an affiliation, and provide written confirmation of that contract to the Director of Aviation and Manager, with an On-Demand Ground Transportation Contractor that is authorized to make on-demand ground transportation passenger pick-ups at the Airport at all times during the term of this Permit;
- Permittee uses or gives its permission to any person to use any portion of Airport, or Terminals used by Permittee under this Permit, for any illegal purpose;
- Permittee fails to comply with the Rules and Regulations;
- Permittee has committed the same breach of either this Permit or the Rules and Regulations three (3) times or more during a six (6) month period;
- Permittee does not possess all current and valid certifications, licenses, federal, state or local government approvals or other authorizations necessary to engage in taxicab on-demand ground transportation pick-ups at the Airport.
- If the first page of this Permit is marked TEMPORARY or “CONDITIONAL,” this Permit may be terminated by the Director of Aviation at any time in the event the Director determines, in his sole discretion, that there are more on-demand taxicab service providers at the Airport than warranted by market conditions and passenger demand;
- Permittee fails to pay fees and taxes owed to the City or Manager when due.

5.2 Procedure for Appeal of Revocation

Part 3 of Chapter 25.10 of Title 25 of the San José Municipal Code sets forth the appeal rights of any person whose Airport Access Permit has been revoked or suspended. Permittee will be allowed to continue to operate pursuant to the terms of the Permit until such time as a revocation or suspension becomes final as provided below.

- 5.2.1 Upon determining the need to revoke or suspend an Airport Access Permit, the Airport will issue a written notice to revoke or suspend the Permit.
- 5.2.2 The notice will be final unless the Airport receives within fourteen (14) calendar days of such notice, a written statement from the Permittee accompanied by Permittee’s evidence regarding the revocation.
- 5.2.3 The Director of Aviation or the Director’s designee will schedule a hearing which shall be held as soon as reasonably possible after receipt of a timely request for hearing.
- 5.2.4 If written evidence is not received within the fourteen (14) day period or the revocation is upheld after review, the revocation will begin immediately upon expiration of the fourteen (14) day period.

5.2.5 In the event that the Director or the Director's designee upholds the decision to revoke or suspend the Permit, Permittee may file an appeal of the decision with the Norman Y. Mineta San José International Airport Commission.

SECTION 6 MISCELLANEOUS

6.1 AVI System, Airport Identification

Permittee shall maintain the AVI, or similar system, device or tag(s) and any required Airport vehicle identification in their vehicle at all times while working at the Airport. Permittee shall not avoid monitoring by the system, or any other device for recording activity. Permittee shall not tamper with the Airport AVI transponder, or in anyway interfere, with the Airport AVI system's ability to accurately record AVI activity for billing or other tracking purposes.

6.2 Inspections

Permittee will allow inspections of their vehicle when requested by City, including Airport and San Jose Police Department, or Manager staff.

6.3 Maintain Peace

Permittee will maintain peace in the workplace and not encourage or provoke others to disrupt the service provided to the passengers of the Airport. Permittee will abide by the dispute resolution process in its affiliation with the On-Demand Ground Transportation Permittee that is authorized to make on-demand ground transportation passenger pick-ups at the Airport.

6.4 Public Safety Interruption

City may interrupt or suspend Permittee's activities at the Airport and Permittee's use of the Airport if, in City's discretion, such interruption or termination is necessary in the interest of public safety. Permittee hereby waives any claim against the City for damages or compensation should its activities be interrupted or suspended for any period. In the event of any such suspension or interruption by City, Permittee shall be excused from its Service Obligations under this Permit for the period of any such suspension or interruption.

6.5 Permittee Representations

Permittee represents and warrants that Permittee: (a) holds a valid, current taxi Permittee permit for operation of a taxicab from City; (b) is affiliated by contract with a valid taxi company that has a valid Ground Transportation Permit with On-Demand Authorization; (c) will only drive a taxicab vehicle that has a valid permit to be operated from the City (d) maintains all training requirements of taxicab Permittees and (e) maintains the proper levels of insurance and other required permits to maintain a valid City operating permit.

WITNESS THE EXECUTION HEREOF the day and year written beneath each party's name below.

EFFECTIVE DATE: 12/01/2012

TERMINATION DATE: 11/30/2013

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal Corporation of the State of California

By: _____

Sr. Deputy City Attorney

Airport Operations Manager

PERMITTEE

By: _____

SJPD Taxi Permit Number: _____

Address

City, State, Zip Code

Phone Number

E-mail Address

EXHIBIT A
ALTERNATE DAY ACCESS SCHEDULE

EXHIBIT B
TAXI SAN JOSE STANDARD OPERATING PROCEDURES