

## EXHIBIT A

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

#### **1.0 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: Bus, Shuttle, Limousine
Category 2	Parking, Hotel/Motel, Company Courtesy Vehicle and Off-Airport Rental Car Operators
Category 3	Taxicab Operators - Pre- Arranged Taxicab Operators - On Demand And Pre-Arranged)
Category 4	Courier Operators
Category 5	Transportation Network Companies (TNC's)

#### **2.0 AUTHORITY**

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

#### **3.0 APPLICABILITY**

The following rules and regulations govern the operation of all Ground Transportation Providers on the San Jose International Airport premises, including,

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without limitation, its terminal buildings, roadways, parking facilities, and all other surface areas of the Airport.

### **4.0 VIOLATION AND INTERPRETATION**

#### **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.

#### **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.

### **5.0 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 San Jose Municipal Code.

**“Airport Taxicab Fee”** means a fee paid by Taxicabs for the services and benefits provided, which includes relieving roadway congestion at the Airport.

**“Automatic Vehicle Identification System (AVI)”** 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.

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**Category 1 – “Commercial Operators: Bus, Shuttle, Limousine”** means a Category 1.A. - Bus and Shuttle Operator, a Category 1.B - Limousine Operator or a Category 1.C. Shuttle Operator (on-Demand).

**Category 1.A. “Bus and Shuttle Operator”** means any Person that uses the Airport roadways and infrastructure to transport passengers and their baggage for hire, other than Limousines (Category 1.B.), Hotel/Motel Operators (Category 2.A.), Parking Lot Operators (Category 2.B.), Company Courtesy Vehicle Operator (Category 2.C.), Taxicab Operators (Categories 3A and 3B), and off- airport car rental agencies. 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. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity. If a new category of ground transportation operators is created by the Director, Category 1.A. does not include ground transportation providers in that category, unless the context clearly deems otherwise.

**Category 1.B. "Limousine Operator"** means any Person that uses the 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. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 1.C. “Shuttle Operator(On-Demand)”** means any Person that uses the Airport roadways and infrastructure to transport passengers and their baggage for hire to make on-demand (non-prearranged) passenger pickups and or drop offs 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. These operators may also provide Prearranged Pickups and Drop offs. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 2.A. - "Hotel / Motel Operators"** means any Person that uses the 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. This category does not include Vehicles owned or

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operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 2.B. - "Parking Lot Operators"** means any Person that uses the Airport roadways and infrastructure to transport passengers and their baggage between the Airport and any commercial parking lot located on or off Airport property. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 2.C.- "Company Courtesy Vehicle Operators"** means any Person that uses the 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, but does not include a Hotel/Motel Courtesy Operator, Parking Lot Courtesy Operator, or an off-airport car rental agency.

This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 2.D. - "Off-Airport Rental Car Operators"** means any Person that uses the Airport roadways and infrastructure to transport passengers and their baggage between the Airport and a rental car business establishment located off Airport property, at no charge to the passenger, but does not include an Hotel/Motel Courtesy Van Operator, Parking Lot Courtesy Van Operator, or a Company Courtesy Vehicle Operator. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 3A - "Taxicab Operators - Prearranged Pickup and/or Drop off"** means any Person that uses the Airport roadways and infrastructure to operate Vehicles to make prearranged passenger pickups and or drop offs for hire where charges are determined by the use of a taxi meter. These operators are required to obtain and maintain a valid ground transportation permit issued by the Director of Aviation. This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 3B - "Taxicab Concessionaire Operators - On-Demand Pickup"** means any Person that uses the Airport roadways and infrastructure to operate Vehicles to make on-demand (non-prearranged) passenger pickups and/or drop offs for hire where charges are determined by the use of a taxi meter. These operators may also provide Prearranged Pickups and Drop offs.

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This category does not include Vehicles owned or operated by the City of San Jose, Santa Clara County or any other governmental entity.

**Category 4 - " Courier Operators"** means any person using the airport to transport property, baggage, or parcels for business purposes and not for use or consumption on airport property. "Courier Operator" does not include any person only transporting property, baggage, or parcels incidental to transporting airport passengers, nor does it include any governmental entity which provides ground transportation service at the Airport.

**Category 5 – "Transportation Network Company (TNC) Drivers"** means any Person that uses the Airport Roadways and Infrastructure to transport passengers and their baggage for hire as defined under applicable state law, while providing TNC service (as defined below). The TNC Drivers definition shall not apply to such Persons while they are on Airport property for personal reasons and not providing TNC service.

**A Transportation Network Company (TNC)** is a company or organization operating in California that provides a transportation platform (a "TNC App") to connect passengers with TNC drivers using their personal vehicles.

**"Transportation Network Company (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. TNC drivers must accept the trips off the Airport property.

**"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 municipal corporation known as the City of San Jose, in the County of Santa Clara, State of California, and any successor thereto. City shall also mean the person, division, department, bureau, or agency as may from time to time be expressly designated by the Council to exercise functional authority and control over given areas of responsibility with respect to rights and obligations of City under this Permit.

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

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

**“Ground Transportation Provider”** is defined in Chapter 25.01 of Title 25 of the San Jose Municipal Code.

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

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

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

**“Permit”** means a permit issued by the Director of Aviation pursuant to Chapter 25.01 of Title 25 of the Municipal Code, which authorizes a Ground Transportation Provider (or TNC platform) the non-exclusive, limited right to operate Vehicles on Airport premises for the purpose of conducting certain approved Commercial Activities.

**“Pre-arranged”** 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 termination of a Ground Transportation Provider’s Permit and its authorization to operate Vehicles on the 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

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a Ground Transportation Provider or any affiliate of a Ground Transportation Provider.

**“Staging”** means the temporary parking of any Vehicle before or after pickup/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.

**“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 A”** means that certain airline terminal building and related parking facility at 2077 Airport Boulevard, San Jose, California.

**“Terminal B”** means that certain airline terminal building and related parking facility at 1701 Airport Boulevard, San Jose, California.

**“Terminal Magazine”** an area at each Airport terminal where Taxicab drivers are allowed to position Taxicabs to pick up Airport Customers.

**“Transportation Network Company (TNC)”** As defined under applicable state law, a company or organization operating in California that provides transportation platform using an online-enabled platform to connect passengers with drivers using their personal vehicles.

**“Transportation Network Company (TNC) Service”** Whenever the TNC driver is using their vehicle as a public or livery conveyance including when the TNC app is open and available to accept rides from a subscribing TNC passenger until that app has been closed.

**“Trip”** A Vehicle shall be considered to have made one Trip each time the Vehicle uses the Airport for pick-up activities on the platform, pursuant to this Permit.

**“Trip Fee”** means a fee established resolution of City Council for a Trip made by Vehicles of certain categories of Permittees.

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**“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 to operate on Airport premises.

**“Waybill”** for Courier Operators means a document or electronic form containing the courier customer’s name, the time of arrival at the authorized courier location and the airline on which the property, parcel or baggage to be picked up will arrive or to which the items are to be delivered by the Courier Operator.

**“Waybill”** for all Ground Transportation Providers except Courier Operators, means a document or electronic form containing the passenger’s name(s), the number of persons in the party, the location of the pick up, and the airline and flight number on which the passenger arrived or will arrive.

### **6.0 GENERAL OPERATING RULES**

The following rules and regulations apply to all Ground Transportation Providers serving the San Jose International Airport.

- 1) No Ground Transportation Provider shall provide ground transportation service to the public at the Airport, including but not limited to, taxicab, limousine, van, bus, shuttle, courtesy van, courier vehicle, TNC or other ground transportation common carrier services, without a valid Permit issued by the Director; provided however, that a Ground Transportation Provider of taxicab or shuttle services may make on-demand (non-prearranged) passenger pickups in compliance with a valid agreement with the City.
- 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, or (ii) picking up or delivering parcels.
- 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.



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All Ground Transportation Providers shall conduct business in compliance with all applicable Local, State and Federal laws and regulations.

- 4) 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 City and the general public.
- 5) Vehicles shall be operated and maintained upon the Airport in strict accordance with rules and regulations 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) 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) a passenger loading zone, (b) a freight loading zone, (c) for City Vehicles only, (d) for the general public, or (e) for designated Ground Transportation Providers; (iii) designating any portion of said areas as a NO STOPPING, NO WAITING or NO PARKING area; (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.
- 7) 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.
- 8) 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 Vehicle Standards. All Vehicles used at the Airport, either on a temporary or permanent basis, that are not

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clearly marked must be pre-approved by the Director before use at the Airport.

- 9) 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.
- 10) Unless expressly exempted by the Director in writing, each Vehicle used in conducting commercial ground transportation activities requiring a Permit will display a Vehicle Identification Decal, issued by the Airport, at a location on the Vehicle specified by the Director.
- 11) 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 Automatic Vehicle Identification (AVI) System for the tracking of Vehicles on the Airport roadways and parking facilities.
- 12) 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.
- 13) 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.
- 14) 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.

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- 15) Ground Transportation Providers may unload passengers at the Terminals, at any curb marked for that purpose (white curb). **LOADING OF PASSENGERS AND THEIR RELATED BAGGAGE SHALL BE PERFORMED ONLY AT THE DESIGNATED AREAS AS INDICATED AND SPECIFIED IN THE PERMIT.** Pick-up and delivery of parcels shall be performed only at the designated areas as indicated and specified in the Permit.
- 16) Unless expressly approved in the Permit or in these rules and regulations, Vehicles are not to be left unattended at any time.
- 17) 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. Fees, as established by resolution of the City Council, may be charged for such Staging Area and for the services of any coordinator established in connection with the Staging Area.
- 18) 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.
- 19) Double parking of Vehicles by a Ground Transportation Provider is prohibited.
- 20) 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.
- 21) 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

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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.

- 22) Each entity operating as a Ground Transportation Provider may be required to deposit with City, upon execution of the Permit, security deposit(s) as required by the Director.
- 23) 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, or any portion thereof, without the prior written consent of the Director.
- 24) 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 curbsides, without prior authority of the Director.
- 25) While operating on the Airport, Ground Transportation Providers and their drivers, agents and other representatives, 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.
- 26) All Ground Transportation Operators or other agents, employees or representatives of a Ground Transportation Provider 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.
- 27) 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.

### **7.0 GROUND TRANSPORTATION PROVIDER CONDUCT**

- 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,

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- gambling, possession or use of any weapons, public intoxication or the use or possession of illegal substances on Airport premises are expressly prohibited.
- 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.
  - 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 the Ground Transportation Provider with whom he or she is associated.
  - 4) Operators, drivers, and any other employees or representatives of Ground Transportation Providers that enter the Airport property shall be neatly attired.
  - 5) Solicitation of passengers on Airport property is prohibited.
  - 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 Ground Transportation Provider's Permit.
  - 7) Littering on Airport Property is prohibited.
  - 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 Ground Transportation Provider's Permit.
  - 9) The following activities are prohibited on Airport property by any on-duty driver, representative, employee, or agent of a Ground Transportation Provider: gambling, athletic events, consumption of alcoholic beverages, possession of or being under the influence of illegal drugs.
  - 10) No Ground Transportation Provider shall refuse to transport any passenger for any reason except those explicitly allowed by law, including any Ordinance of the City of San Jose.

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- 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

### **8.0 VEHICLE STANDARDS**

- 1) If Permittee is operating as more than one category of Ground Transportation Provider, Permittee's Vehicles shall be marked so that Airport Customers may easily distinguish the particular Vehicle's type of operation.
- 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.
- 3) All Vehicles shall be clean and free of any visible damage, shall have hubcaps and door handles and all equipment required by the California Vehicle Code and the California Public Utilities Code, if applicable.
- 4) All Permittee's Vehicles shall be marked in similar manner, color and identification, except as distinguished per paragraph 1) above. TNC vehicles must have approved trade-dress on all vehicles.
- 5) All Permittee's 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, clearly visible and a minimum of 8" by 12". 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.
- 6) The Airport reserves the right to perform periodic vehicle inspections to determine that Vehicles are in compliance with standards set forth in the Ground Transportation Permit, these Rules and Regulations, the California Vehicle Code and the California Public Utilities Code.

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### **9.0 REGULATIONS APPLICABLE TO CATEGORY 1 - COMMERCIAL OPERATORS: BUS, SHUTTLE, LIMOUSINE**

The following rules and regulations apply to Category 1 - Commercial Operators: Bus, Shuttle, Limousine as indicated, in addition to the preceding rules and regulations.

#### **Commercial Operators: Bus, Shuttle, Limousine**

- 1) Drivers and/or other representatives of any Commercial Shuttle or Limousine Passenger Operator are prohibited from leaving their Vehicles unattended except when required to meet a Pre-arranged party in a Terminal building. Any driver or representative leaving their Vehicle to meet a Pre-arranged passenger must have a Waybill in a form acceptable to the Director, prepared in advance, for such passenger. The driver or other representative may prepare the Waybill based on radio or telephone communications. The driver or representative must present the Waybill to any Airport official upon request. The driver must leave a copy of the Waybill in the left front dash of any unattended Vehicle.
- 2) No more than one Vehicle of a Category 1 Operator, may stop at a designated loading zone at the same time, except for pre-arranged pickup with prior approval as provided below.
- 3) Pre-arranged 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.

#### **Bus Services**

The following rules specifically apply to bus services providers:

- 1) Buses, except for scheduled County Transit service and Airport- contracted Parking Shuttle buses, are prohibited from Staging on the Terminal curbs, except during the process of loading or unloading of passengers and their related baggage.

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Buses are to be Staged only in areas expressly designated for this purpose, as indicated by posted signs

- 2) Buses shall not proceed to the Terminal 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 the Terminal "white" curb area is allowed.
- 3) Vehicles are not to be left unattended by the driver at any time.
- 4) Bus operators are not allowed to remain at the loading/unloading area for longer than five (5) minutes.

### **10.0 REGULATIONS APPLICABLE TO CATEGORY 2 - HOTEL/MOTEL, PARKING LOT, COMPANY COURTESY VEHICLE OPERATORS AND OFF-AIRPORT RENTAL CAR OPERATORS**

The following rules and regulations apply to Category 2 - Operators, as indicated, in addition to the preceding rules and regulations.

- 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.
- 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 police or other authorized Airport personnel instruct the Vehicle driver to proceed, or (iii) the expiration of more than five (5) minutes, whichever occurs earlier.
- 3) No more than one Vehicle from a Ground Transportation Provider may be at a designated loading zone at the same time

### **10.1 REGULATIONS APPLICABLE TO CATEGORY 2 - OFF-AIRPORT RENTAL CAR OPERATOR SHUTTLES**

The following rules and regulations apply to Category 2 - Operators, as indicated, in addition to the preceding rules and regulations.



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- 1) Off-Airport Rental Car shuttles are approved to pick-up in areas defined in Exhibit B.
- 2) Off Airport Rental Car shuttles are subject to pick-up/drop-off fees as defined by the Rate Resolution if a designated shuttle solely for the purposes of transporting off airport rental car customers to/from the Airport cannot be provided by the Off Airport Rental Car operator.

### **11.0 REGULATIONS APPLICABLE TO CATEGORY 3 - TAXICAB OPERATORS (PREARRANGED - CATEGORY 3A. AND ON-DEMAND - CATEGORY 3.B.**

The following rules and regulations apply to Category 3 - Taxicab Operators, as indicated, in addition to the preceding rules and regulations.

- 1) A Taxicab driver making a pre-arranged passenger pick-up may proceed directly to the designated pre-arranged/radio dispatched space. The driver must provide the name of the passenger to Airport personnel upon request.
- 2) Taxicab Operators are to remain with their Vehicles while picking up or dropping off passengers or parcels or waiting in a loading area.
- 3) 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.
- 4) Flat-rating is prohibited; all fares are to be meter-rated.
- 5) Taxicab Operators are to refrain from congregating within the magazine areas.
- 6) All Taxicab vehicles and drivers must be in compliance with all regulations as promulgated by the San Jose Police Department Permits Units.
- 7) Taxicab vehicles being used to pick up or drop off parcels at the Airport must obtain and comply with all provisions of a Category 4 Permit and must display a sign in the front window of the vehicle reading "Baggage/Parcel Pick-up".

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- 8) Taxicabs operating with Category 3.A. authority, as described in these rules, shall only provide “pre-arranged” taxicab services at the Airport.

The following rules and regulations apply to Category 3B - Taxicab Operators – On Demand, as indicated, in addition to the preceding rules and regulations.

- 1) Only taxicabs with Category 3.B. authority, as described in these rules, shall provide “on-demand”, taxicab services at the Airport.
- 2) Permittee shall have the right to utilize: (a) drivers who have been issued a valid and current Airport Access Permit; and (b) drivers who Permittee authorizes to use Permittee’s Airport Access Permits to pick-up on-demand (walk up) taxicab ground transportation passengers at the Airport, subject to all terms and conditions of this Agreement.

If Permittee qualifies for Airport Access permits, Permittee will be issued a pre-determined number of Airport Access permits. For each Airport Access Permit issued to Permittee, Permittee may, in turn, enter into an agreement with any person who holds a current and valid City-issued taxicab driver’s permit to allow that person to provide on-demand taxicab services at the Airport pursuant to the terms of Permittee’s Airport Access Permit. For each driver authorized by Permittee to provide on-demand taxicab services at the Airport pursuant to the terms of Permittee’s Airport Access Permit, Permittee shall provide City with a City’s then-current Airport Access Permit form signed and dated by that driver. Permittee shall remain responsible to City at all times during the term of this Agreement for compliance with the requirements and conditions of each Airport Access Permit issued by City to Permittee, and Permittee shall require any person who operates at the Airport pursuant to Permittee’s Airport Access Permit to comply with all requirements and conditions of the Airport Access Permit and the terms and conditions of this Agreement.

- 3) If determined to be required by the City, City shall reallocate the number of Airport Access Permits issued to Permittee and all other On Demand taxicab Permittees at the Airport pursuant to a formula as established by the City.
- 4) Permittee may conduct its On Demand passenger pick-ups as directed by the Manager or the Airport at the areas designated for ground transportation activities. Permittee and its drivers shall follow all dispatch procedures and regulations established by City and any Manager contracted by the City to provide On Demand ground transportation

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dispatch services at the Airport. The Director reserves the right to relocate or reconfigure ground transportation areas as necessary.

- 5) Monthly Activity Reports. On or before the tenth (10th) day of each month following the Effective Date, Permittees shall provide to the Director a monthly activity report, in such form and detail as the Director may require, setting forth by permit number, the number of passenger pickups made by Permittee's Airport permitted drivers at locations in Santa Clara County, other than the Airport during the previous month. If the monthly activity report is not provided on or before the tenth (10th) day of each month as required herein, Contractor must pay a delinquency fee set forth in Section 4.1.5(D)

### **12.0 REGULATIONS APPLICABLE TO CATEGORY 4 - COURIER OPERATOR**

The following rules and regulations apply to Category 4 - Courier Operators, as indicated, in addition to the preceding rules and regulations.

- 1) Unless expressly approved in its 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.
- 2) Courier Operators using Vehicles that, due to physical size, can not 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 can not be reasonably accommodated for these reasons.
- 3) Any driver or representative leaving their Vehicle to pickup or drop off freight or parcels must have a Waybill, in a form acceptable to the Director, prepared in advance, for such pickup or drop off. The driver or representative may prepare the Waybill based on telephone or radio communications. The driver or representative must present the Waybill to any Airport official upon request. The driver must leave a copy of the Waybill on the left front dash of any unattended Vehicle.

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### **13.0 REGULATIONS APPLICABLE TO CATEGORY 5 TRANSPORTATION NETWORK COMPANY**

**The following rules and regulations 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.**

TNC companies will be treated as all other Ground Transportation (GT) providers and must apply for an Airport Ground Transportation Permit. As with other GT Operators, they must follow all Rules and Regulations and pay all appropriate deposits and fees. All Airport Ground Transportation Permit holders must meet and follow all Federal, State and local requirements, including those of the CPUC. TNC companies are responsible for all actions of their drivers or staff while on Airport property.

## **OPERATIONS PLAN**

**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.**

### **CPUC Current Requirements as of June 19, 2015.**

- **Criminal Background Checks:** TNC must conduct a Criminal Background Check on drivers before being employed by a TNC or authorized by CPUC as drivers
- **Driving Record:** TNC must check driver's record prior to allowing to the driver operate and quarterly thereafter.
- **Vehicle Inspections:** Each TNC vehicle must undergo a 19 point vehicle inspection as required by the CPUC.
- **Insurance:** TNC must maintain \$1 million insurance policy.
- **Driver Training:** TNC must provide reports on training programs to the CPUC.

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- **General and Accessibility / ADA Services Reporting to CPUC:** TNC must regularly report to CPUC on ADA Accessibility Plan and other items such as:
  - ✓ Services provided must be broken down by zip code, problems with drivers must be reported, and hours logged by driver must be reported to the CPUC.

### **Requirements to Operate at SJC:**

1. TNC must be in compliance with all CPUC requirements and provide documented proof to the Airport prior to being issued an Airport Ground Transportation Permit.
2. TNC must apply for, provide all information required to complete a permit application, and be approved by the Airport to receive an Airport Ground Transportation (GT) Permit.
3. TNC must comply with all Rules and Regulations included within the Airport GT Permit.
4. TNC must pay all outstanding fines and fees due the City/Airport prior to receiving an Airport GT Permit and remain current on any licenses, deposits and charges thereafter.
5. The Airport Director can prohibit, deny, suspend, or revoke the operation of any TNC at the Airport if found to be in violation of CPUC regulations and/or if the permittee has failed to conform to the Airport GT Permit requirements, Airport Rules and Regulations, Municipal Code 25.10.030, or applicable federal, state, or city laws.
6. Permitted TNC's shall pay for the cost of the program and all other charges/fees occasioned by its operations or activities on or about the Airport.
7. TNCs must comply with all CPUC background check requirements and TNCs must choose to participate in one of the following monthly auditing processes:
  - A. A random audit and fingerprint background verification of permitted TNC drivers based on 1% of the company's estimated drivers, conducted by the Airport or an Airport approved background provider; or
  - B. A random audit based on 1% of the number of permitted TNC drivers completing trips at the Airport performed by a third party accredited by the

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National Association of Professional Background Screeners, jointly approved by the TNC and the Airport; or

- C. A random audit of 1% of the known San Jose TNC drivers per month, performed by an approved third party accredited by the National Association of Professional Background Screeners, jointly approved by the TNC and Airport.

**All options include auditing of an additional 1% of a TNCs drivers would be required should any TNC driver audited that month fail the background check.**

**The background check audits 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.**

Furthermore,

The Airport, in conjunction with the SJPD and the CPUC, will conduct random audits 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.

Mobile fingerprinting equipment may be used as required by SJPD Law Enforcement Officers (LEO's) to confirm the identity of individual drivers performing work at the Airport.

**TNC's will bear the cost of the TNC background check audit protocol and any additional curbside random audits.**

8. If the City Manager's Office determines the TNC vehicle inspections are inadequate, the inspections should be administered by a city-approved third party entity.
9. **San Jose Business License Requirement:**
- Section 4.76.170 of the Municipal Code requires all businesses in the City to obtain Business Licenses. Section 4.76.050 states in part "The term "business" shall include all activities engaged in or caused to be engaged in within this city including...independent contractors...".

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- ❖ All TNC drivers who operate as independent contractors are subject to the City's Business License Tax requirement pursuant to Part 4, Chapter 4.76 of the San Jose Municipal Code.
- ❖ Drivers will obtain their Business Tax Certificate from the City Finance Department.
- ❖ The Director may require drivers to display the Business Tax Certificate on the vehicle or have the certificate available for inspection.
- ❖ Additional information regarding this requirement is available on the City's website at [www.sanjoseca.gov](http://www.sanjoseca.gov)

Permittee represents that it has notified its TNC drivers of the City's Business License Tax requirement for independent contractors in the City of San Jose. Further, Permittee 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 license.

**10. Technology Driven Trip Recording Systems;** 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 trips occurring on the Airport as technological solutions evolve.
- ❖ The Airport reserves the right to request reports on trip data from TNCs specific to the Airport (SJC)
- ❖ TNC will submit Monthly Trip Reports to the Airport as requested for billing and/or auditing purposes.

**11. Late Fees on Monthly Reports:** If the TNC permit holder fails to furnish the City with the Monthly Reports as required per the permit agreement, the permit holder shall pay a late fee of twenty five (\$25.00) per day to the Airport.

**12. Performance Penalty for Delinquent Payments:** The performance 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.

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- ❖ If 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. TNC Pick Up Areas:**

- ❖ 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. Currently designated pick-up areas are as follows but are subject to change as conditions change and as deemed necessary by the Airport:

**Terminal A:** approved to pick-up at the App-based Rideshare location as defined in Exhibit B.

**Terminal B:** approved to pick-up at the App-based Rideshare location as defined in Exhibit B.

### **14. TNC Insurance Coverage**

TNC insurance shall be the primary insurance at all times while on Airport property in the amount of \$1,000,000 dollars and will be in effect whether or not a passenger(s) is on board the TNC vehicle per Airport / City requirements.

### **15. TNC vehicle age and/or mileage restrictions**

Restrictions on vehicle age and mileage limits are not mandated by the Airport based on the condition that TNC companies must perform vehicle inspections on TNC registered vehicles as mandated by CPUC regulations and;

TNCs provide the ability via the TNC app for customers to submit feedback to TNC companies on their ride experience including reporting on the condition of the vehicle.

### **Enforcement of Municipal Code and Airport Rules and Regulations may include:**

- ❖ Verbal and written warnings
- ❖ Citations ranging from \$45 to \$250 (depending on the violation)
- ❖ Additional actions up to and including suspension or revocation of the Ground Transportation Permit for non-compliance.



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**16. The provisions relating to AVI transponders in the Permit and Rules and Regulations shall not be applicable to Category 5.**

**17. The provisions relating to Vehicle Identification decals in the Permit and Rules and Regulations shall not be applicable to Category 5. TNC vehicles must have forms of trade dress approved by the California Public Utilities Commission for such TNC Company on all vehicles operating on the TNC Platform.**

**18. The Waybill requirements in the Permit and Rules and Regulations shall apply to Category 5 as follows: the Waybill may be in electronic form displayed on the phone of the TNC driver, containing the pick-up or drop-off location and customer's name. If the driver leaves the vehicle unattended, the driver must leave a copy of the Waybill in the left front dash of the unattended Vehicle.**

**19. The driver must present the Waybill to any Airport official upon request.**

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

**21. 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.**

*The Airport will monitor current and evolving CPUC requirements and whether they provide for sufficient regulatory oversight of TNC 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.*

*Airport staff can assess whether additional requirements would be necessary and/or 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.*

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### **14.0 FAILURE TO COMPLY**

#### **Suspension and Revocation**

- 1) In addition to any other right that the City may have, the Director has the power to suspend or revoke the Permit and thereby the operating privileges, of any entity operating as a Ground Transportation Provider, pursuant to Section 25.10.030 of the San Jose Municipal Code.
- 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.
- 3) Any Ground Transportation Provider who has had its Permit suspended, and is then found to be operating on the Airport during the period of suspension, may have its Permit revoked without notice.
- 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.

### **15.0 APPEAL PROCESS**

#### **Appeal of Suspension or Revocation**

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 denied, suspended or revoked.