

Chapter 9 AVIATION

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ARTICLE II. LANDSIDE AREA REGULATIONS

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DIVISION 3. GROUND TRANSPORTATION

Sec. 9-51. Definitions.

For the purpose of this division only, the following terms shall have the meanings specified below unless otherwise indicated herein:

Airport use fees includes all fees and charges required to be paid under or pursuant to this division.

Airport use permit means a valid, unexpired and unrevoked permit issued by the director pursuant to this division. An airport use permit contains terms and conditions more completely prescribed in this division. An airport use permit grants privileges (e.g., using airport property for commercial purposes, supplying services at the airports) for which fees are imposed. Both airport use permits and the more specialized contracts mentioned in this division are types of contracts, leases or other arrangements authorized by state law. An airport use permit does not grant a permittee the privilege of parking on airport property without paying a separate parking fee.

Applicable regulations means all of the provisions of this chapter, all other applicable ordinances, rules, and regulations of the city and the director, any applicable rules, regulations, statutes, and constitutional provisions of the federal and state governments, and any applicable assurances and covenants made by the city in connection with federal or state grant programs.

Automated vehicle identification system means a system consisting of vehicle transponders, radio-frequency identification, antennas, computer software and industry-specific hardware to enhance-facilitate billing, reporting, invoicing, security and access control, compliance enforcement, automatic staging and call up for buses, limousines, and shuttles, taxi queuing and dispatching from the holding lot, and gate access control and security authorization for commercial transportation providers.

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Geofence means a virtual perimeter, consisting of defined geographical boundaries, that uses global positioning system, radio frequency identification or other technology to track and report vehicle location and activity.

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Transportation network company has the meaning provided in section 46-502 of this Code.

Sec. 9-52. General provisions.

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(l) Enforcement. The director shall enforce the provisions of chapters 26, 45 and 46 of this Code on each airport's roadways and curb zones, including the designation of persons other than peace officers, to enforce the provisions of those chapters as well as state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the director. The director shall issue appropriate identification and the necessary citation forms to the persons designated pursuant to this section.

(m) Inspections and audits. All commercial companies and vehicles permitted to access any HAS airport are subject to inspection and audits to ensure compliance with the provisions of this division.

(n) Permit and HAS access limits. The director may at any time limit either the number of permits or the access afforded to commercial business entities due to limitations in the availability of curbside space or parking and staging in the applicable staging lots, garages and holding areas.

(o) Badging and driver identification. The director reserves the right to require the possession and presentation upon request, of HAS badges, identification cards, radio-frequency identifications or other forms of identification verification as the director deems necessary for the enforcement of this division.

(p) City audit rights. Unless otherwise provided in a contract entered into pursuant to this division, the director may, upon fourteen days' written notice, without cost to a commercial business entity operating under this division, cause an inspection and audit to be made of the books and records of the commercial business entity to determine the correctness of the computation of fees paid to the Houston Airport System. If, as a result of such inspection and audit, it is established that additional compensation is due the city, the commercial business entity shall pay such additional compensation to the city within fifteen days of receipt of written notice from the director.

Sec. 9-53. Airport use permits generally.

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(c) *Insurance.* Each permittee must provide and maintain insurance coverage (or self-insurance) as required by this section throughout the term of the permit.

- (1) Permittees are required to have and maintain motor vehicle (or automobile) liability insurance with limits of liability not less than \$100,000.00 for bodily injury to one person or death of one person and \$300,000.00 for bodily injury to or death of all persons injured or killed in any one accident.
- (2) Insurance policies must meet all of the criteria required for insurance policies under ~~section-chapter~~ 46-207 of this Code. The director shall approve self-insurance in lieu of liability insurance policies if the applicant submits proof that the applicant has qualified as a self-insurer under state laws and regulations applicable to motor carriers (see, e.g., § 643.102, Texas Government Code and 43 TAC § 18.16) up to the limits required by this section for liability insurance policies.
- (3) Because airport use permits are not required for taxicabs or non-Houston taxis, the foregoing insurance provisions (as well as the other permit requirements) do not apply to them; however, the provisions of chapter 46, including the insurance provisions, shall remain applicable to taxicabs, and the ordinances and regulations of the municipality regulating non-Houston taxis shall remain applicable to them.
- (4) Each permittee shall submit written proof of insurance (or self-insurance) to the director: (i) with each application for a permit, including transfers and other changes, (ii) at least 15 days before any existing coverage expires, and (iii) at any other time when requested by the director. Each proof of insurance shall meet the criteria of ~~section-chapter~~ 46-207 of this Code, or such other criteria as the director may promulgate, e.g., for self-insurance. The director may waive these requirements when proof is already on file with another city department as required by ~~section-chapter~~ 46-207 of this Code.

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(g) ~~Transfer.~~ A permit is personal to the applicant designated in the application, provided that it may be transferred with the approval of the director. The standards and procedures for transfer approvals are the same as for issuance of original permits. Non-transferable. A permit is personal to the applicant or commercial business entity to whom it is issued and may not be sold, transferred or conveyed by operation of law or otherwise.

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Sec. 9-55. Application fees.

(a) For vehicle classes 2, 4, 5, ~~and 6,~~ and 11 as defined in Table 9-1, a non-refundable application fee must accompany each application for an airport use permit. The amount of the fee is stated for this provision in the city fee schedule for an original permit or a renewal permit or for transfer of a permit.

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Sec. 9-57. Airport use fees; additional provisions.

(a) *Billing accounts.* The director is authorized to establish monthly billing accounts for permittees who regularly use an airport.

(b) *Payment procedures.* Payment of the airport use fees required by this division shall be made in accordance with procedures promulgated by the director and at the times specified by the director. The director is authorized to employ ~~automatic vehicle identification devices~~ automated vehicle identification systems and other measures deemed appropriate by the director for this purpose, parts of which ~~devices systems~~, if used, shall be affixed to vehicles as prescribed by the director. Payment shall be made by charging the fee to an account established by the director pursuant to this section or by United States currency. With respect to taxicabs, ~~and~~ non-Houston taxis and transportation network companies at city airports, the director shall also have the authority prescribed by chapter 46 of this Code.

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(f) *Periodic revisions.* ~~See the annual fee increase provisions in section 1-13 of this Code. Periodically, the director shall calculate and submit to the city council for approval a new schedule of airport use fees that reflect changes in costs of providing, operating, and maintaining airport facilities.~~

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~~(h) *Owner responsibility.* The owner of a commercial business entity providing transportation services under this division is responsible for the payment of all fees under this Code and may not delegate or assign such responsibility or otherwise avoid it by altering the name of the commercial business entity.~~

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Secs. 9-59. Transportation network company airport operations.

~~(a) TNCs and their drivers and vehicles must be in compliance with chapter 46 of this Code and be approved for an airport use permit to operate at HAS airports.~~

~~(b) TNC drivers waiting for a fare through a TNC's mobile application technology shall wait in the designated geofenced TNC waiting area on airport property or outside the geofence.~~

~~(c) TNC drivers may pick up pre-arranged passengers only at designated TNC pick-up areas at airport terminal commercial curbs.~~

Sec. 9-60. Geofence required.

TNCs shall create and maintain a geofence that complies with HAS Operating Instruction to track and report the monthly activity of TNC vehicles at any city airport. A TNC's mobile application technology must not show available vehicles within the geofence boundary surrounding an airport, except in designated TNC commercial vehicle waiting areas. A TNC's mobile application technology must capture vehicle movements into and out of the boundaries, to allow for tracking of trips from the airport. Each TNC shall (i) demonstrate to the director that the airport's designated geofenced area has been incorporated into its mobile application technology and (ii) ensure TNC drivers comply with all city and airport requirements.

Sec. 9-61. Payment of trip fees.

(a) TNCs shall pay the city trip fees in accordance with the fee schedule in Table 9-1 for TNCs. Trip fees shall be assessed when entering an airport's designated geofenced area for the purpose of picking up a passenger.

(b) Fees shall be payable to the Houston Airport System based upon monthly accumulated trip fees and are due the fifteenth day of every month. TNCs shall pay the Houston Airport System electronically either by wire transfer or by Automated Clearing House to the city bank account designated by the director.

Secs. 9-62—9-70. Reserved.

**Table 9-1
Annual and Recurring Airport Use Fees for Commercial Passenger Vehicles**

Class	Description/Criteria	Description/Criteria	Fees
1	Taxicabs	HOU: Departures from the airline terminal building at HOU with one or more passengers.	\$1.25 per departure.
		IAH: Departures from anywhere at IAH with one or more passengers	\$2.75 per departure
2	Commercial Carrier Service (Contract)	Vehicles providing commercial carrier service under contract with the City.	Fees are as prescribed in the contract.
3	Commercial Carrier Service (Special Permit Conditions)	Vehicles providing commercial carrier service not under contract with the City, but with special permit conditions under subsection 9-54.	The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$325.00 7 through 11 seats: \$400.00 12 through 24 seats: \$475.00 25 seats or more: \$550.00
4	On-Airport Rental Car Agencies (HOU)	Vehicles used in connection with the business of on-airport rental car users.	Fees are as specified in the contract.
5	Off-Airport Rental Car Agencies	Vehicles used in connection with the business of off-airport rental car users.	Off-airport percentage of adjusted gross receipts. See Note 1.
6	Off-Airport Parking Agencies	Vehicles used in connection with the business of off-airport parking users.	8% of gross receipts. See Note 2.
7	Courtesy Limousines	Courtesy vehicles providing limousine service.	The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$325.00 7 through 11 seats: \$400.00 12 through 24 seats: \$475.00 25 seats or more: \$550.00 Additional fee for each hour over first for parking in Limousine Lots is \$1.50 per each 15 minute increment. Waive first chargeable hour for vehicles waiting for international flights.

8	Other Courtesy Vehicles	All other courtesy vehicles not covered above	The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$325.00 7 through 11 seats: \$400.00 12 through 24 seats: \$475.00 25 seats or more: \$550.00
9	All Others	All other commercial passenger vehicles, not covered above	The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$325.00 7 through 11 seats: \$400.00 12 through 24 seats: \$475.00 25 seats or more: \$550.00
10	Occasional Use	All commercial vehicles using the airport occasionally (no more than twice in any week)	Fee per trip, based on number of seats (including driver) is: 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50
<u>11</u>	<u>Transportation Network Companies (TNCs)</u>	<u>Vehicles providing transportation services pursuant to chapter 46, article IX of this Code.</u>	<u>\$1.25 per departure from HOU</u> <u>\$2.75 per departure from IAH</u>

Note 1 *Rental car users (percentage, gross receipts).* For off-airport rental car users: (i) the off-airport percentage is two percentage points lower than the prevailing percentage rate of gross receipts for on-airport rental car users at the airport in question, as determined by the director, and (ii) "adjusted gross receipts" means the sum of money, for any given time period, computed according to the following formula: (G - N) - E. In this formula:

"G" is gross receipts, which for this purpose shall mean all revenue paid or payable and all compensation received in connection with the user's business operations at the facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as time and/or mileage charges after discount, for the rental of automobiles by the user; all sums received from the user's customers by the reason of their acceptance of personal accident insurance; all sums received for any other insurance or airport fees, including any renewal policy issued to any customer; all sums received in connection with automobile rentals for mobile phones, car seats, and other amenities; all sums received for valet services, or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, the supply of automobiles or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales or other similar taxes (which do not include non-tax fees such as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any

sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles; amounts paid by customers of the user separately billed as additional charges for waiver by the user of its right to recover from customers for damage to the vehicle rented; any charges collected from customers as reimbursement for refueling an automobile rented pursuant to a rental agreement under which the customer is obligated to return the automobile with the same amount of gasoline furnished at rental; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures.

"N" is the amount, if any, of the user's non-airport-related gross receipts (included in "G") for the time period in question, as determined by the director. The user may seek to have such an amount determined for any given time period by applying in writing to the director on or before the due date of the fee for that time period and providing clear and convincing documented proof as to the amount of the user's non-airport-related gross receipts during such time period. If such proof is made to the satisfaction of the director, the director shall issue an order determining the amount of "N" for such time period and adjusting the airport use fee accordingly. If the director does not issue such an order within 30 days following the day that the user makes an application, the user may appeal the failure to issue the order to the hearing officer in the same manner as an appeal for the denial of a permit.

"E" is \$15,000.00 per month, prorated on a daily basis for time periods shorter than a month.

Note 2 *Parking users (gross receipts)*. For off-airport parking users, 'gross receipts' means all revenue paid or payable and all compensation received from the user's business operations at each facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as parking charges after discount; all sums received as airport fees; all sums received in connection with providing any amenities or services in connection with parking; all sums received for valet services or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, motor vehicle parking or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales, or other similar taxes (which do not include non-tax fees such as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles or property; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures. With the approval of the director, a user that also provides parking for non-airport-related activities may deduct the resulting non-airport-related gross receipts. Any such deduction is determined and governed by the provision, above, for the non-airport-related deduction from the gross receipts of off-airport car rental users (see "N" in the formula for adjusted gross receipts of off-airport car rental users).

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