

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 25.01 OF TITLE 25 OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTIONS CREATING DEFINITIONS OF AN AIRPORT ACCESS PERMIT AND APPROVED METHODOLOGY FOR ADJUSTING AIRPORT ACCESS PERMITS AND AMENDING SECTION 25.08.750 OF PART 7 OF CHAPTER 25.08 AND ADDING SECTIONS 25.08.751, 25.08.752, 25.08.753, 25.08.754, 25.08.755, 25.08.756 AND 25.08.757 CREATING A PERMIT AND OTHER REQUIREMENTS FOR TAXICABS IN THE ON DEMAND SYSTEM AT THE AIRPORT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 25.01 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled and to read as follows:

25.01.305 Airport Access Permit

“Airport Access Permit” means a permit that authorizes a taxicab driver to pick up On-demand passengers at the Airport.

SECTION 2. Chapter 25.01 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled, and to read as follows:

25.01.306 Approved Methodology

“Approved Methodology” means the methodology for adjusting Airport access contracts, as approved by the San José City Council on November 16, 2004, and any amendments subsequently approved by the City Council.

SECTION 3. Section 25.08.750 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.08.750 Taxicab Services Providers

- A. No ground transportation provider of taxicab services or taxicab driver shall pick up any on-demand passenger at the Airport unless authorized to do so pursuant to a an Airport Access Permitn-agreement with the city authorizing such passenger pick-ups, except as provided in Section 25.08.760 or Section 25.08.753.
- B. No ground transportation provider of taxicab services shall pick up or drop off any prearranged passenger at the Airport unless authorized to do so pursuant to a ground transportation permit issued pursuant to Section 25.08.710.

SECTION 4. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered entitled, and to read as follows:

25.08.751 Airport Access Permit Distribution

Airport Access Permits may be issued, at the discretion of the Director, to companies as set forth in Section 25.08.755 and to individual taxicab drivers, as set forth in Section 25.08.756. The Director will utilize the Approved Methodology for determining the number of Airport Access Permits. The Director's decision to reduce the number of Airport Access Permits utilizing the Approved Methodology is final and not subject to administrative or judicial appeal.

SECTION 5. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled and to read as follows:

25.08.752 Conditional Airport Access Permits

The Director may issue Conditional Airport Access Permits utilizing the Approved Methodology. Any Conditional Airport Access Permit shall be clearly identified as conditional on its face.

SECTION 6. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled and to read as follows:

25.08.753 Accessible Vehicles

Vehicles that are accessible under the Americans with Disabilities Act of 1990, or other guidelines for accessible vehicles, may operate in the on-demand program without an Airport Access Permit, whenever the need, as determined in the Director's sole discretion, arises.

SECTION 7. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled, and to read as follows:

25.08.754 Company On-Demand Authorization

The Director may grant on-demand authorization in a ground transportation permit to any company, firm, business organization, partnership, business trust, or other business entity that meets all of the requirements for ground transportation providers and provides door-to-door shuttle services as regulated by the Public Utilities Commission, or provides taxicab services and meets the requirements for a taxicab business license pursuant to Section 6.64.130, et seq. In determining whether to grant on-demand authorization for door-to-door shuttle services, the Director will consider the availability of on-demand services at the Airport compared to the demand for that service and the public interest.

SECTION 8. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled, and to read as follows:

25.08.755 Taxicab Company Airport Access Permits

A. The Director may distribute Taxicab Company Airport Access Permits to any taxicab company, firm, business organization, partnership, business trust, or other business with on-demand authorization in its ground transportation permit and that meets the following additional criteria:

1. Maintains and operates at least fifteen (15) vehicles;
2. Maintains and utilizes an approved computer aided dispatch and global positioning system on all vehicles;
3. Services the Airport with a minimum of twenty-five percent (25%) of trips with Clean Fuel Vehicles; and
4. Maintains current accounts with the City for any and all fees and taxes.

B. Taxicab Company Airport Access Permits shall expire and be reallocated annually based upon the company's percentage of taxicab trips originating within the City, exclusive of its participation in the on-demand program.

C. Taxicab Company Airport Access Permits may be used by a permitted and licensed designee of the company. The permit holder is responsible for compliance with all laws, rules, regulations and permit conditions for each Taxicab Company Airport Access Permit regardless of its legal relationship with the designee.

- D. Taxicab Company Access Permits may be suspended or revoked pursuant to the provisions of Section 25.10.010, et seq. Conduct which is grounds for denial, suspension or revocation of any permit may result in the suspension or revocation of either the Taxicab Company Airport Access Permit or the Ground Transportation Permit, or both, at the sole discretion of the Director.
- E. Revocation of any ground transportation permit revokes any Taxicab Company Airport Access Permits allocated to that company. The Taxicab Company Airport Access Permits will be immediately surrendered and the Director may reallocate any such Permits pursuant to the Approved Methodology.

SECTION 9. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section, to be numbered, entitled, and to read as follows:

25.08.756 Driver Airport Access Permits

- A. Driver Airport Access Permits may be distributed to individual drivers as set forth in Section 25.08.751.
- B. The Director shall maintain a waiting list for Driver Airport Access Permits based upon seniority of taxicab service within the City.
- C. Driver Airport Access Permits may be suspended or revoked pursuant to the provisions of Section 25.10.010, et seq.
- D. A Driver Airport Access Permit holder must affiliate with a company that is the holder of a ground transportation permit with on-demand authorization in Section 25.08.754.

E. No person may transfer or assign his or her Driver Airport Access Permit, and any attempt to assign or transfer a Driver Airport Access Permit shall render the Driver Airport Access Permit void, except under the following circumstances:

1. A Driver Airport Access Permit may be temporarily used by another duly licensed and permitted designee who is affiliated with the same company with on-demand authorization as the Driver Airport Access Permit holder; and

2. The use is no more than two (2) times per year for a minimum duration of two weeks per assignment, but for no longer than three (3) months per year.

F. A Driver Airport Access Permit holder is responsible for compliance with all laws, rules, regulations and permit conditions of the Driver Access Permit by the holder or designee, regardless of the holder's legal relationship with the designee.

G. A Driver Airport Access Permit shall have a one year term, but may renew upon expiration, unless suspended or revoked in accordance with Section 25.10.010. A Driver Airport Access Permit shall not be renewed unless the holder is in compliance with all terms and conditions of the permit and is current on the payment of all fees and taxes due to the City. Upon renewal, a Driver Airport Access Permit holder shall provide the Director with any such information as the Director shall reasonably request.

SECTION 10. Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended by adding a new section to be numbered, entitled, and to read as follows:

25.08.757 Restrictions on Company Affiliation

- A. No person shall allow, permit or otherwise authorize any individual to utilize a Taxicab Company Airport Access Permit whose Driver Airport Access Permit has been suspended or revoked within the last two (2) years.
- B. No person shall allow, permit or otherwise authorize any individual to utilize a Taxicab Company Airport Access Permit whose conduct has been responsible for the revocation of a Taxicab Company Airport Access Permit within the last two (2) years.
- C. No person shall allow, permit or otherwise authorize any individual to utilize a Taxicab Company Airport Access Permit whose Driver Airport Access Permit is suspended.

PASSED FOR PUBLICATION of title this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk