

Ordinance amending Chapter 9 of the Code of Ordinances to establish provisions for transportation network companies and transportation network drivers to operate at the Corpus Christi International Airport; and providing for penalties, severance, publication, and an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI:

Section 1. Chapter 9 of the Code of Ordinances, entitled “Aviation”, is amended by adding new section 9-61.1, entitled “Transportation Network Operations”, to establish provisions for transportation network companies and transportation network drivers to operate at the Corpus Christi International Airport, to read as follows:

“Section 9-61.1. Transportation Network Company Airport Operations.”

“(a) Definitions. For the purposes of this section only, the following terms shall have the meanings specified below unless otherwise indicated herein:

“Airport complex means the area, buildings, and roadways within the boundary of the airport’s geofence property, as designated by the director for transportation network operational purposes. The director may promulgate a map or other description of the airport complex, and it shall be a presumption that the boundaries of the airport complex are as so promulgated by the director.

“Airport TNC operating agreement means an agreement entered into between the airport director and a commercial business entity to conduct transportation network operations by a transportation network company, through the use of one or more transportation network drivers, to authorize and provide transportation network services on the airport complex, in exchange for the payment of airport use fees and other applicable charges by the director.

“Airport use fee includes all fees and charges required to be paid under or pursuant to this section and arising under an airport TNC operating agreement, including airport operating fees and trip fees.

“Applicable regulations means all of the provisions of this chapter, all other applicable ordinances, rules, and regulations of the city and the airport that apply to all ground transportation providers, including transportation network companies, vehicles, and drivers, operating on airport property or conducting activities at the airport.

“Automated vehicle identification (AVI) system means a system consisting of vehicle transponders, radio-frequency identification, antennas, computer software and industry-specific hardware to facilitate billing, reporting, invoicing, security and access control, and compliance enforcement for transportation network vehicles.

“Geofence means a virtual perimeter, consisting of defined geographical boundaries, which uses a global positioning system, radio frequency identification, or other technology to track and report vehicle location and activity on airport property and may operate as a component of the airport’s AVI system.

“Passenger means any person picked up by a transportation network driver from the airport complex.

“Regulatory approval means all permits, licenses, certificates, registrations, and other approvals required by applicable regulations.

“Transportation network company has the meaning provided in section 57-282 of this Code and may be interchangeably referred to in this section as a TNC.

“Transportation network driver has the meaning provided in section 57-282 of this Code.

“Transportation network service has the meaning provided in section 57-282 of this Code.

“Transportation network vehicle has the meaning provided in section 57-282 of this Code and, for purposes of this section, specifically includes vehicles authorized and operating under a valid airport TNC operating agreement.

“(b) Transportation network company operations.

“(1) A transportation network company must enter into an airport TNC operating agreement, executed by the director, and be at all times in compliance with the terms and conditions of the airport TNC operating agreement in order to operate at the airport. The airport TNC operating agreement may include the payment of a separate, annual airport operating fee of \$600 to offset the cost of AVI and geofence technology applications, administration of the agreement, and other airport costs in connection with each agreement including,

but not limited to, monthly and annual reporting required to be submitted by each transportation network company to the airport.

“(2) In addition to an executed airport TNC operating agreement and the provisions of this section, transportation network companies, their drivers, and their drivers’ vehicles must be in compliance with all applicable requirements of chapter 57 of this Code in order to operate on airport property.

“(3) Transportation network drivers must provide transportation network services under an authorized transportation network company’s airport TNC operating agreement and must hold a valid vehicle for hire permit issued under chapter 57 of the Code in order to operate at the airport. Each passenger picked up within the geofence area or airport complex by a transportation network driver is subject to an airport use fee, to be paid pursuant to the transportation network company’s airport TNC operating agreement.

“(4) Transportation network drivers waiting for a fare through a transportation network company’s internet-enabled mobile or digital platform shall wait in the designated area of the airport complex, if available, or shall wait outside the geofence. Drivers shall not wait in any areas leased or managed by airport tenants and shall not park in any areas which impede vehicle ingress or egress to the airport complex.

“(5) Transportation network drivers may pick up passengers for whom transportation network services have been pre-arranged by a transportation network company’s internet-enabled or mobile application technology only at designated transportation network pick-up areas at the airport complex as designated by the director and published in the airport’s ground transportation rules and regulations.

“(c) **Geofence required.** Unless a geofence technology application is adopted and in use by the airport, a transportation network company shall create, or have created, and maintain a geofence technology application that complies with the airport’s operating instructions to track and report the monthly activity of transportation network drivers and vehicles operating at the airport. A transportation network company’s internet-enabled or mobile application technology must not show available vehicles within the geofence boundaries at the airport, except in designated transportation network vehicle waiting areas. A transportation network company’s internet-enabled or mobile application technology must capture

vehicle movements into and out of the geofence boundaries, to allow for tracking of trips from the airport. Each transportation network company shall (i) demonstrate to the director that the airport's designated geofenced area has been incorporated into its internet-enabled or mobile application technology and (ii) ensure transportation network drivers comply with all regulatory approvals required to provide transportation network service as well as other applicable regulations. In the event the airport adopts for use its own geofence technology application, the airport's application shall be used as the primary geofence technology application by every transportation network company operating at the airport on and after the date of its adoption.

“(d) **Payment of trip fees.** Transportation network companies shall pay an airport trip fee of \$2.00 per passenger picked up by each transportation network driver authorized and providing service under the transportation network company's airport TNC operating agreement. Trip fees are assessed each time a transportation network driver enters the airport's geofence boundary for the purpose of picking up a passenger, and each such entry is presumed to be for the purpose of picking up a passenger unless the airport is notified otherwise in advance. Fees must be remitted by each transportation network company to the airport based upon monthly accumulated trip fees and are due on the 10th day of every month next following the month in which the trips are completed. Transportation network companies shall remit payment to the airport electronically either by wire transfer or by automated clearing house (ACH) payments to the city bank account designated by the director.”

Section 2. If, for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is held invalid or unconstitutional by final judgment of a court, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

Section 3. Publication must be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

Section 4. This ordinance takes effect after official publication.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez _____
Rudy Garza _____
Michael Hunter _____
Chad Magill _____
Colleen McIntyre _____

Brian Rosas _____
Lucio Rubio _____
Mark Scott _____
Carolyn Vaughn _____

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez _____
Rudy Garza _____
Michael Hunter _____
Chad Magill _____
Colleen McIntyre _____

Brian Rosas _____
Lucio Rubio _____
Mark Scott _____
Carolyn Vaughn _____

PASSED AND APPROVED this the _____ day of _____, 2016

ATTEST:

CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor