

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SAN JOSE MUNICIPAL CODE CHAPTER 25.08 TO ELIMINATE THE REQUIREMENT FOR ON-DEMAND TAXICAB COMPANY AND DRIVER ACCESS PERMITS AT THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT AND AUTHORIZING THE DIRECTOR OF AVIATION TO RE-INSTITUTE THE ON-DEMAND TAXICAB COMPANY AND DRIVER AIRPORT ACCESS PERMIT REQUIREMENTS, INCLUDING THE 300 PERMIT CAP, IN THE EVENT THAT EFFICIENT AIRPORT OPERATIONS, PASSENGER SERVICE NEEDS AND THE PUBLIC INTEREST REQUIRE A LIMITATION ON THE NUMBER OF ON-DEMAND GROUND TRANSPORTATION PROVIDERS AT THE AIRPORT

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-002 (Consultant services for design, study, inspection, or other professional services with no commitment to future action); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 25.08.740 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.08.740 Circling and solicitation prohibited

- A. No ground transportation provider, including any driver, representative, employee or other agent of a ground transportation provider, shall solicit on airport property.
- B. For purposes of this section, "solicit" or "solicitation" means the uninvited initiation of a conversation or other uninvited contact by a ground transportation provider, including a driver, other employee, representative or agent of any ground transportation provider for the purpose of enticing or persuading any person to use any service or facilities provided by the ground transportation provider or any affiliate of any ground transportation provider.
- C. No ground transportation provider shall circle at the airport.
- D. For the purposes of this section, "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 purpose.
- E. The prohibition on circling and solicitation in this section shall not apply to the airport on-demand system dispatch manager. The operations and activities of the airport on-demand system dispatch manager shall be pursuant to the terms

and conditions of the agreement between the City and the airport on-demand system dispatch manager.

SECTION 2. 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 shall pick up any on-demand passenger at the airport unless (i) authorized to do so pursuant to an airport access permit; (ii) authorized to do so pursuant to an agreement with the then current airport on-demand system dispatch manager; or except as provided in Section 25.08.753.
- B. No ground transportation provider of taxicab services shall pick up any prearranged passenger at the airport unless authorized to do so pursuant to a ground transportation permit issued pursuant to Section 25.08.710, or except as otherwise allowed pursuant to Section 25.08.700.

SECTION 3. Section 25.08.751 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.08.751 Airport access permit distribution

In the event that the director determines that efficient airport operations, passenger service needs and the public interest require a limitation on the number of on-demand ground transportation providers at the airport, the director may establish A up to a maximum of three hundred airport access permits ~~shall to~~ be issued to ground transportation providers of taxicab services authorizing pick up of on-demand passengers at the airport. Airport access permits ~~shall may~~ be issued to companies as

set forth in Section 25.08.755 and to individual taxicab drivers, as set forth in Section 25.08.756, in a ratio as determined from time to time by the ~~city council~~director.

SECTION 4. Section 25.08.754 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended 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~~ground transportation providers, 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 5. Section 25.08.756 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended 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~~may 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 pursuant to 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 times per year for a minimum duration of two weeks per assignment, but for no longer than three 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 6. Section 25.08.760 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.08.760 Requirements for ground transportation provider drivers, representatives, employees or other agents

Each driver, representative, employee or other agent of a ground transportation provider shall operate in strict compliance with the provisions of this title and any applicable airport rules and regulations at all times. In addition, each driver, representative, employee or other agent of a ground transportation provider that is authorized to provide on-demand services at the airport pursuant to this title shall operate in strict compliance with the then current airport on-demand system dispatch management agreement and with all operating procedures as established by the airport on-demand system dispatch manager.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO

Mayor

ATTEST:

TONI J. TABER, CMC

City Clerk