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(ITEM) From the Director, Department of Transportation, requesting authorization to create Section 4.05.09 of the Milwaukee County Code of General Ordinances regarding Transportation Network Companies at General Mitchell International Airport, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, Transportation Network Companies (TNC’s) provide ride services to passengers by using Internet applications which allow passengers to reserve ride services from any Internet capable device, including smartphones; and

WHEREAS, TNC’s have been active in Wisconsin and at General Mitchell International Airport (GMIA) for some time; and

WHEREAS, the Milwaukee County Code of General Ordinances requires commercial operators at GMIA to obtain permits and pay fees for the privilege of engaging in such commercial activities; and

WHEREAS, Section 440.465, Wisconsin State Statutes (State Statutes), places limitations on the regulation of TNC’s; and

WHEREAS, State Statutes allow airports to require a permit and a fee consistent with the statute; and

WHEREAS, GMIA proposes to require TNC’s to enter into the attached permit (FINAL PERMIT) and to pay a fee of \$3 for each passenger pickup originating at GMIA; and

WHEREAS, the proposed TNC permit holds TNC operators and drivers to substantially the same requirements as other ground service providers (taxicabs, limousines, and buses), and requires the same passenger fee imposed on taxicabs and limousines; and

WHEREAS, the TNC permit requires:

1. Pickup of TNC passengers at any of 3 designated TNC passenger pickup areas (Bag Claim Roadway, International Arrivals Building [IAB], and Rail Station) drop-off of passengers in passenger drop-off areas (III, 1 and Exhibit A)
2. A \$125 permit fee for each TNC vehicle operating at GMIA during the term of the permit and a \$3 per passenger trip fee (III, 2)
3. Permit term is for one year from September 1, 2016, to September 1, 2017 (III, 3)

- 47 4. Comply with all GMIA rules, regulations, policies and procedures (III, 4)
48
49 5. Comply with audit requirements (III, 5)
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51 6. Provide indemnification and insurance (III, 9)
52
53 7. Identify its vehicles and drivers (III, 19)
54
55 8. Refrain from the prohibited activities generally applicable to ground service
56 providers at GMIA (III, 21)

57
58 ; and
59

60 WHEREAS, TNC providers will be based in the former taxicab lot on GMIA's
61 main entrance road; and
62

63 WHEREAS, a TNC vehicle will receive an audible cell phone notification when a
64 passenger is available for pickup; and
65

66 WHEREAS, the TNC vehicle lot is depicted on the roadway map attached to this
67 resolution as Exhibit A (yellow-shaded area); and
68

69 WHEREAS, after receiving an audible cell phone notification, the TNC vehicle
70 will proceed to the curbside pickup area depicted on Exhibit A (green-shaded area); and
71

72 WHEREAS, GMIA has identified three spaces at the curbside area for each TNC
73 operator that enters into a permit with GMIA; and
74

75 WHEREAS, the TNC's will erect what is known as a "geo fence" at three
76 designated TNC passenger pickup areas (Bag Claim Roadway, IAB, and Rail Station)
77 and the TNC staging area, at no charge to Milwaukee County; and
78

79 WHEREAS, these electronic devices will record the entrance of TNC vehicles
80 into each area; and
81

82 WHEREAS, each permitted TNC will provide monthly data to GMIA from which
83 airport accounting will calculate the fees due the airport, which are \$125 for each TNC
84 vehicle using GMIA during the term of the permit, and a \$3 passenger pickup fee for
85 each TNC passenger; and
86

87 WHEREAS, TNC's will be billed monthly for these fees; and
88

89 WHEREAS, the Committee on Transportation, Public Works, and Transit, at its
90 meeting of June 8, 2016, recommended adoption of the Director's request (vote 6-0);
91 and
92

93 WHEREAS, the Milwaukee County Board of Supervisors, at its meeting of
94 June 23, 2016, referred this resolution/ordinance back to the Committee on
95 Transportation, Public Works, and Transit (vote 18-0); and
96

97 WHEREAS, the Committee on Transportation, Public Works, and Transit, at its
98 meeting of July 13, 2016, REAFFIRMED its previous recommendation to recommend
99 adoption of the Director's request (vote 5-0); now, therefore,
100

101 BE IT RESOLVED, the Director, Department of Transportation, is hereby
102 authorized to create Section 4.05.09 of the Milwaukee County Code of General
103 Ordinances regarding Transportation Network Companies at General Mitchell
104 International Airport.
105

106 AN ORDINANCE

107
108 The County Board of Supervisors of the County of Milwaukee does ordain as follows:
109

110 **SECTION 1.** Section 4.05.09 of the Milwaukee County Code of General Ordinances is
111 created as follows:
112

113 **4.05.09. Transportation Network Companies**

114 (1) Definitions.

- 115
116
117 (a) *Airport Director.* The duly appointed incumbent of the position of
118 *Airport Director at General Mitchell International Airport (GMIA), or the*
119 *person designated by him to act on his behalf.*
120
121 (b) *Commencement of Transportation Network Company Vehicle Service.*
122 *The first trip (as defined by this Section) of a Transportation Network*
123 *Company (TNC) vehicle.*
124
125 (c) *County Entity.* Any entity controlled by Milwaukee County (the County).
126
127 (d) *Geo-Fence.* A virtual perimeter of a specific geographical location on
128 *Airport property.*
129
130 (e) *Monthly Trip Fee.* The total trip fees paid to the County in a given
131 *calendar month.*
132
133 (f) *TNC Passenger Pick-Up Area.* Any one of the three geographical areas
134 *Designated in Exhibit A to this Permit as the permitted area in which*
135 *Permittee may pause to pick up TNC passengers.*
136
137 (g) *TNC Permit Fee.* The \$125 fee for each TNC vehicle providing TNC
138 *Services at GMIA during the term of this Permit.*

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- (h) TNC Staging Area. The area designated on Exhibit A where TNC vehicles may park and wait prior to proceeding to the TNC passenger pickup area.
- (i) Transportation Network Company (TNC). A corporation, partnership, sole proprietorship, or other entity, licensed under Section 440.4 et seq., Wisconsin State Statutes (State Statutes), to operate in Wisconsin, which uses a digital network to connect riders to drivers for the purpose of providing transportation. A TNC does not provide taxi service transportation. A TNC does not provide taxi service, transportation service arranged through a transportation broker, or any transportation service over fixed routes at regular intervals. As used in this Permit, all references to TNC are references to Permittee in particular.
- (j) Transportation Network Company Driver (TNC Driver). An individual who uses his or her vehicle to provide services for riders matched through a TNC's digital network.
- (k) Transportation Network Company Vehicle (TNC Vehicle). A vehicle driven by a TNC Driver to provide transportation to riders using the TNC's digital network.
- (l) Trip. The loading of a passenger at GMIA in any one of the three TNC Passenger Pick-Up Areas identified on Exhibit A attached to this Permit.
- (m) Trip Fee. The fee paid by Permittee to the County for the privilege of picking up a passenger at GMIA under the terms of this Permit.

(2) Licenses, Permits, Fees.

- (a) All TNC's operating under this section shall satisfy all of the licensing requirements required by Chapter 440, State Statutes, and sign an airport permit similar in form to the TNC permit contained in Appendix G – General Mitchell International Airport Transportation Network Company Permit for Operation.

SECTION 2. The provisions of this Ordinance shall become effective upon passage and publication.

srb
07/13/16
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