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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, 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)  
50  
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, IAB, and the Rail Station) and the  
77 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 now, therefore,

92

93 BE IT RESOLVED, the Director, Department of Transportation, is hereby  
94 authorized to create Section 4.05.09 of the Milwaukee County Code of General  
95 Ordinances regarding Transportation Network Companies at General Mitchell  
96 International Airport.

97  
98 **AN ORDINANCE**  
99

100 The County Board of Supervisors of the County of Milwaukee does ordain as follows:  
101

102 **SECTION 1.** Section 4.05.09 of the Milwaukee County Code of General Ordinances is  
103 created as follows:

104  
105 **4.05.09. Transportation Network Companies**  
106

107 **(1) Definitions.**  
108

- 109 (a) *Airport Director.* The duly appointed incumbent of the position of  
110 *Airport Director at General Mitchell International Airport (GMIA), or the*  
111 *person designated by him to act on his behalf.*  
112
- 113 (b) *Commencement of Transportation Network Company Vehicle Service.*  
114 *The first trip (as defined by this Section) of a Transportation Network*  
115 *Company (TNC) vehicle.*  
116
- 117 (c) *County Entity.* Any entity controlled by Milwaukee County (the County).  
118
- 119 (d) *Geo-Fence.* A virtual perimeter of a specific geographical location on  
120 *Airport property.*  
121
- 122 (e) *Monthly Trip Fee.* The total trip fees paid to the County in a given  
123 *calendar month.*  
124
- 125 (f) *TNC Passenger Pick-Up Area.* Any one of the three geographical areas  
126 *Designated in Exhibit A to this Permit as the permitted area in which*  
127 *Permittee may pause to pick up TNC passengers.*  
128
- 129 (g) *TNC Permit Fee.* The \$125 fee for each TNC vehicle providing TNC  
130 *Services at GMIA during the term of this Permit.*  
131
- 132 (h) *TNC Staging Area.* The area designated on Exhibit A where TNC vehicles  
133 *may park and wait prior to proceeding to the TNC passenger pickup area.*  
134
- 135 (i) *Transportation Network Company (TNC).* A corporation, partnership, sole  
136 *proprietorship, or other entity, licensed under Section 440.4 et seq.,*  
137 *Wisconsin State Statutes (State Statutes), to operate in Wisconsin, which*  
138 *uses a digital network to connect riders to drivers for the purpose of*

139 providing transportation. A TNC does not provide taxi service  
140 transportation. A TNC does not provide taxi service, transportation  
141 service arranged through a transportation broker, or any transportation  
142 service over fixed routes at regular intervals. As used in this Permit, all  
143 references to TNC are references to Permittee in particular.

144  
145 (i) Transportation Network Company Driver (TNC Driver). An individual who  
146 uses his or her vehicle to provide services for riders matched through a  
147 TNC's digital network.

148  
149 (k) Transportation Network Company Vehicle (TNC Vehicle). A vehicle driven  
150 by a TNC Driver to provide transportation to riders using the TNC's digital  
151 network.

152  
153 (l) Trip. The loading of a passenger at GMIA in any one of the three TNC  
154 Passenger Pick-Up Areas identified on Exhibit A attached to this Permit.

155  
156 (m) Trip Fee. The fee paid by Permittee to the County for the privilege of  
157 picking up a passenger at GMIA under the terms of this Permit.

158  
159 (2) Licenses, Permits, Fees.

160  
161 (a) All TNC's operating under this section shall satisfy all of the licensing  
162 requirements required by Chapter 440, State Statutes, and sign an  
163 airport permit similar in form to the TNC permit contained in Appendix G –  
164 General Mitchell International Airport Transportation Network Company  
165 Permit for Operation.

166  
167 **SECTION 2.** The provisions of this Ordinance shall become effective upon passage  
168 and publication.

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171 srb  
172 06/08/16  
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