

(ITEM) From the Director, Department of Transportation, requesting authorization to amend Sections 4.05.01, 4.05.03, and 4.05.08 of the Milwaukee County Code of General Ordinances, regarding General Mitchell International Airport Commercial Ground Transportation Fees, by recommending adoption of the following:

A SUBSTITUTE RESOLUTION/ORDINANCE

WHEREAS, the existing Ground Transportation Program at General Mitchell International Airport (GMIA) offers passengers a variety of safe, reliable, and comfortable commercial ground transportation services to major regional and local destinations; and

WHEREAS, these transportation services are available at all times including when there is an irregular flight operation or unscheduled aircraft arrival, when there is a demand for service late at night, or during periods of inclement weather; and

WHEREAS, passengers should be able to choose either exclusive transportation or shared-ride transportation services offered on an on-demand or scheduled basis; and

WHEREAS, under Federal Aviation Administration Order 5190.6B commercial service airports are required to be financially self-sufficient; and

WHEREAS, airport operators consistently review their non-airline revenues to assure financial self-sufficiency, and non-airline revenues include fees paid by the operators of commercial ground transportation businesses; and

WHEREAS, at GMIA staff reviewed the commercial ground transportation programs used at peer airports when evaluating the possible implementation or changes to our program, and as applied to airport commercial services the airport's business relationship with the operators of these services, passenger boarding area facilities, airport rules and regulations, enforcement procedures, insurance requirements, and other aspects of an airport's commercial ground transportation operation; and

WHEREAS, the purpose of ground transportation fees is to provide reimbursement for ground transportation construction, maintenance, and operating expenses; and

WHEREAS, the fees offset airport operating expenses for roadways, safety and security staff, ground transportation management staff, salt, plowing, and lighting; and

WHEREAS, ground transportation operating expenses for the passenger traffic roadways at GMIA exceed \$1.5 million annually; and

47 WHEREAS, while making ground transportation financially self-sufficient, the
48 airport's goal is to treat similarly situated ground transportation providers equally; and
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50 WHEREAS, a review of current fees has identified some disparities in our fee
51 structure, for example, scheduled commercial buses carrying as many as 54
52 passengers are charged \$1 per pick-up, while Transportation Network Companies
53 (TNCs), limousines, and shuttles, all with passenger capacities less than a bus, are
54 currently charged \$3 to \$6 per pick-up; and
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56 WHEREAS, recommended changes to ground transportations will align these
57 fees with the size and passenger capacity of the transportation mode; and
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59 WHEREAS, at GMIA, a 90-day pilot program that started March 15, 2016, to
60 allow TNCs at GMIA on a trial basis will soon end; and
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62 WHEREAS, the program has been well received by the travelling public; and
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64 WHEREAS, under Section 440.465, Wisconsin State Statutes, airports are
65 allowed to impose fees or charges under Section 114.14(1) for the use of an airport by
66 TNCs; and
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68 WHEREAS, any such fees or charges must be imposed on TNCs rather than
69 their operators and may not exceed fees or charges imposed under Section 114.14(1)
70 for the use of the airport by taxicabs, limousines, shuttles, or other for hire vehicles; and
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72 WHEREAS, in reviewing the ground transportation fees under the pilot program,
73 disparities were identified between taxis and TNCs; and
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75 WHEREAS, taxi pick-up fees are currently \$1 compared to \$3 for TNCs; and
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77 WHEREAS, TNCs pay \$125 per company permit fee, while taxis pay a \$125 a
78 year per vehicle permit fee; and
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80 WHEREAS, the recommended changes to ground transportation fees will align
81 taxi fees and TNC fees and ensure that the airport meets its State and Federal Grant
82 Assurance Obligations; and
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84 WHEREAS, the Committee on Transportation, Public Works, and Transit, at its
85 meeting of July 13, 2016, recommended adoption of this substitute resolution/ordinance
86 (vote 5-0); now, therefore,
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88 BE IT RESOLVED, to eliminate disparities in ground transportation fees, the
89 airport recommends approval of the following changes to ground transportation fees in
90 Chapter 4 of the Milwaukee County Code of General Ordinances, effective September
91 1, 2016.
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94 **A SUBSTITUTE ORDINANCE**
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96 The County Board of Supervisors of the County of Milwaukee does ordain as follows:
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98 **SECTION 1.** The specified sections of Chapter 4 of the Milwaukee County Code of
99 General Ordinances are hereby amended as follows:
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101 **4.05.01. - Metered taxicab.**
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103 (1) *Definition.* "Metered taxicab." Under this section a metered taxicab is a motor
104 vehicle regularly engaged in the business of carrying passengers for hire, with
105 heating and air conditioning, in good operating condition, metered, and not
106 operated on an affixed route or on a reserved ride basis and charging for its
107 service by the use of a metered fare.
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109 (2) *Licenses, permits, fees.*
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111 (a) An owner or operator of a metered taxicab shall not do business or
112 attempt to do business on General Mitchell International Airport (GMIA)
113 unless such owner or operator has received all necessary licenses or
114 permits as owner or operator of a metered taxicab business by any city,
115 county, village, or town consistent with s. 349.24, Wis. Stats., and unless
116 such license or permit remains in full force and effect. The requirement
117 described in this subsection 4.05.01(2) (a) shall not apply to the owners of
118 the following airport metered taxicab permits: OC 7 (Helen Tsatsis) and
119 WA 37 (A&ME, Inc.), provided the identified permittees maintain the
120 airport metered taxicab permits in full force and effect as required by
121 Milwaukee County ordinance and do not sell, assign, or otherwise transfer
122 said airport metered taxicab permits.
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124 (b) *Airport metered taxicab permits.* In order to do business at GMIA the
125 owner or operator of a metered taxicab must possess a GMIA metered
126 taxicab permit. Two classes of metered taxicab permits are created for
127 operation at GMIA: class I and class A permits.
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129 (c) *Class I permits.* On and after September 1, 1990, class I metered taxicab
130 owner permits will be issued only to those owners whose vehicle(s) have
131 been permitted during the period October 1, 1989, through July 5, 1990.
132 Class I metered taxicab owner permits must be renewed and remain in full
133 force and effect on a continuous basis, in accordance with subparagraph
134 (g) below. In the event an owner does not renew the class I metered
135 taxicab owner permit prior to the annual dates prescribed herein below,
136 that owner shall forfeit his/her privilege to operate at the airport. The
137 addition of new class I permits will be at the discretion of the Milwaukee
138 County Board of Supervisors.

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(1) If an owner of a class I permit dies or becomes disabled, the class I permit may be transferred for the remainder of the term of the permit, upon notification to the airport director by the claimant, to the surviving spouse and if there is no surviving spouse, to the legal representative of the permittee or the estate, who would be eligible for the operation of the vehicle for the remainder of the permit period. A permit may also be transferred with the permittee's consent to the spouse for good cause and upon approval of the director or his/her designated representative. Upon expiration of the class I permit, the surviving spouse or legal representative may apply for the permit in his/her own name. Such applications shall not result in an increase in the number of class I permits in existence and shall be exempt from the requirement of subsection 4.05.01(2)(c) which reads "On and after September 1, 1990, class I metered taxicab owners permits will be issued only to those whose vehicle(s) have been permitted during the period October 1, 1989, through July 5, 1990." Class A permits shall not, under any circumstances, be transferred.

(2) This section and any amendments hereto shall not affect the exclusions contained in section 4.05.01(2)(a) and any amendments made thereto.

(d) *Class A permits.* No later than August 1, 2015, the airport director shall begin accepting applications for an unlimited number of class A metered taxicab permits for operation at GMIA with an implementation date of October 1, 2015. Class A metered taxicab permits (a) shall be awarded for a term of three (3) years; (b) shall not, under any circumstances, be transferable to another person or entity; and (c) shall be revocable at the discretion of the airport director, ~~and (d) shall require a fifty dollar (\$50.00) application fee to defray the costs resulting in the award of a class A permit;~~

(1) *Who may obtain a class A permit under this section.* Any individual owner of a metered taxicab who a) is licensed by the appropriate municipality to operate a metered taxicab; and b) meets the requirements of this section.

(e) The airport director shall designate an appropriate staging area for taxicabs serving GMIA and shall develop appropriate guidelines for the operation of such staging area and for taxicab operator conduct. The staging area operation guidelines shall not give preference to either class I or class A permit holders. Any taxicab operator or any other person operating a taxicab under such permit who violates any guidelines for operations or conduct at GMIA shall, as a consequence of such violation,

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cause the permit holder to lose all rights to the remainder of the term of the permit and such offending individual shall be ineligible from operating a metered taxicab at GMIA for the succeeding three-year period of time.

- (f) The annual airport permit fee for each class I and class A airport metered taxicab shall be one hundred twenty-five dollars (\$125.00). Application for annual metered taxicab owners permits must be submitted prior to October 1 each year. ~~The application fee for class I and class A permits shall be fifty dollars (\$50.00).~~ Late applications will not be considered after the October 1 date. The airport director or his/her designated representative will then issue a decal for each vehicle. The decal shall be mounted on the lower left hand corner of the windshield; the left corner being on the driver's left when seated behind the wheel. This permit shall be issued for each metered taxicab and shall not be transferred to any other metered taxicab. If owner replaces a vehicle which has previously been permitted, the permit shall be canceled and application shall be made to the airport director or his/her designated representative for a replacement permit and pay an additional fee of ten dollars (\$10.00).
- (g) In addition to the vehicle permit, each driver of a metered taxicab shall possess a valid airport driver's permit issued by the airport director for the privilege of doing business at General Mitchell International Airport. ~~Application for this permit and payment of the annual driver's permit fee of twenty five dollars (\$25.00) shall be made to the airport director.~~ This permit shall be placed on the right front sun visor of any airport authorized metered taxicab. Upon entering the airport property, each driver shall lower the sun visor to display the permit. If the metered taxicab is not equipped with a right front sun visor, the permit shall be displayed in such manner as directed by the airport director.
- (h) Any person who is not in possession of the necessary permits required under this section and who operates a metered taxicab at General Mitchell International Airport in such a manner as to constitute doing business, or who attempts to do business thereon shall, without limitation because of enumeration, be deemed to be in violation of [chapter 4](#) of the Code. A metered taxicab driver entering upon General Mitchell International Airport for the sole purpose of discharging a metered taxicab patron at said airport shall not be deemed to be doing business thereon if, after discharging said passenger, he/she shall immediately leave the airport premises without accepting another fare.
- (i) For the privilege of operating a metered taxicab(s) on the premises of General Mitchell International Airport, in addition to any required permit(s), the driver shall pay to the county a fee of ~~one dollar (\$1.00)~~ three dollars (\$3.00) for each cab leaving the airport with one (1) or more passengers, such fee to be paid at the time and in the manner designated by the

231 airport director. This fee includes those metered taxicab owners, operators
232 or drivers having personal, government or corporate accounts as herein
233 defined.

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235 (j) *Operations by unpermitted metered taxicabs, when allowed.* In the event
236 of extraordinary circumstances (such as large conventions, inclement
237 weather or the inability of the permitted metered taxicab fleet to meet
238 immediate passenger demand), the airport director or his/her designated
239 representative is authorized to request temporary metered taxicab service
240 from local providers in order to meet such extraordinary demand.
241 Additional temporary metered taxicabs will follow all policies, rules and
242 regulations pertaining to the operation of metered taxicabs at General
243 Mitchell International Airport.

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245 (k) A temporary metered taxicab permit, for a period not exceeding ten (10)
246 days, may be issued by the airport director. The temporary airport permit
247 fee shall be ten dollars (\$10.00). Said temporary permit cannot be
248 renewed. All rights and privileges granted herein for the annual permit
249 being replaced by said temporary permit shall be suspended for the
250 duration of the temporary permit.

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252 **4.05.03. - Out-of-county shuttle service.**

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254 (1) *Definition.*

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256 (a) "Out-of-county" shuttle service, under this subsection shall mean an entity
257 or person operating on a prereserved basis from General Mitchell
258 International Airport to destinations beyond the county limits.

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260 (b) The vehicle(s) making up an "out-of-county" shuttle service(s) shall be
261 comprised of van(s) regularly engaged in the business of carrying
262 passengers for hire, having a maximum seating capacity of twenty-two
263 (22) persons behind the driver, with heating and air conditioning and be in
264 good operating condition.

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266 (2) *Licenses, permits, fees.*

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268 (a) Pursuant to state law, each out-of-county shuttle service shall obtain from
269 the state department of transportation, and keep in full force and effect, a
270 certificate of common carrier and be approved by the airport director for
271 operation at General Mitchell International Airport and shall obtain all other
272 licenses and permits required by law.

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274 (b) The annual airport permit fee for each out-of-county shuttle vehicle shall
275 be two hundred fifty dollars (\$250.00). Application for permission to
276 operate at the airport, and payment of the fee, shall be made to the airport

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director who will then issue a decal for each vehicle. Decal shall be mounted on the inside lower left-hand corner of the windshield, the left-hand corner being on the driver's left when seated behind the wheel. This permit shall be issued for each vehicle and is not transferable to any other vehicle. If a vehicle is replaced which has previously been permitted, the permit shall be cancelled and application shall be made to the airport director for a replacement permit at an additional fee of ten dollars (\$10.00).

- (c) That out-of-county shuttle service shall pay to the county department of public works, airport division, by the 15th day of each month, ~~a sum equivalent to fifteen cents (\$0.15) per passenger transported by it to and from said airport~~ three dollars \$3.00 per trip made the preceding calendar month. The out-of-county shuttle service shall maintain accurate records and books of account which will enable it to submit monthly reports, on or before the 15th day of each month after the month of account, to the airport director on the number of passengers so carried. Said monthly reports shall be supported and verified by an annual statement prepared by a firm of certified public accountants at the close of each calendar year and submitted by permittee to county's airport director not later than March 1 of each year following the year of account.
- (d) Pursuant to state law, each out-of-county shuttle driver shall obtain a chauffeur's special license and shall keep it in full force and effect.
- (e) In addition to the vehicle permit, each chauffeur of an out-of-county shuttle service shall possess a valid airport driver's permit issued by the airport director for the privilege of doing business at General Mitchell International Airport. Application for this permit and payment of the annual permit fee of five dollars (\$5.00) shall be made to the airport director. The permit shall be placed on the right front sun visor of any airport authorized shuttle vehicle. Upon entering the airport property, driver shall lower the sun visor to display the permit. If the vehicle is not equipped with a right front sun visor, the permit shall be displayed in such manner as directed by the airport director.
- (f) Any person or operator of an out-of-county shuttle service at General Mitchell International Airport, who is not in possession of the necessary permits required under this section, and who operates in such manner as to constitute doing business, or who attempts to do business thereon shall, without limitation because of enumeration, be deemed to be in violation of [chapter 4](#) of the Code.
- (g) The airport director may approve or deny any application for a permit as described in this subsection.

323 (h) A temporary out-of-county shuttle permit, for a period not exceeding ten
324 (10) days, may be issued by the airport director. The temporary airport
325 permit fee shall be ten dollars (\$10.00). Said temporary permit cannot be
326 renewed. All rights and privileges granted herein for the annual permit
327 being replaced by said temporary permit shall be suspended for the
328 duration of the temporary permit.
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330 **4.05.08. - Arranged transportation services: limousines, non-metered taxicabs,
331 and out-of-county shuttles, and Transportation Network Companies (TNCs).**
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333 (1) *Definitions.*
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335 (a) *Arranged transportation services.* Under this chapter, arranged
336 transportation services shall consist of those modes of transportation
337 arranged prior to the passenger's arrival at General Mitchell International
338 Airport and that charge for their services by the trip rather than by a
339 metered fare including limousines, out-of-county shuttles, and non-
340 metered taxicabs. Arranged Transportation Services shall not include
341 metered taxicabs (defined in [section 4.05.01](#)), courtesy cars (described in
342 [section 4.05.04](#)), buses (described in [section 4.05.05](#)), and rental cars and
343 trucks (described in [section 4.05.06](#)).
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345 (b) *Limousine organization.* Under this subsection, limousine organization
346 means any company, partnership or person owning or leasing
347 limousine(s). If limousine(s) are leased, a copy of each of the current
348 lease agreements must be available at all times for inspection.
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350 (c) *Limousine and non-metered taxicab.* Under this chapter, a limousine is
351 defined as a for-hire ground transportation vehicle, regularly engaged in
352 the business of carrying passengers for hire, having a maximum seating
353 capacity of six (6) persons, unless the size of the group dictates a larger
354 vehicle, behind the driver and which is a top of the line American or
355 foreign production or custom automobile designated by its manufacturer
356 as a limousine and which has custom nonproduction features. Limousines
357 must operate on a pre-reserved (reservation) basis only; on demand
358 service is prohibited. A non-metered taxicab is a taxicab serving a
359 passenger who has arranged for a ground transportation service prior to
360 the passenger's arrival at General Mitchell International Airport. A non-
361 metered taxicab under this section may include a taxicab with a meter
362 located in the passenger compartment so long as the meter is not used to
363 calculate the charge to the passenger and so long as the charge to the
364 passenger is calculated solely by the trip and not by reference to a meter.
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366 (d) *Out-of-county shuttle.* Under this subsection out-of-county shuttle shall
367 mean a company, partnership or person which operates on a prereserved

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basis from General Mitchell International Airport to destinations beyond the county limits.

The vehicle(s) which make up "out-of-county" shuttle service(s) shall be van(s) regularly engaged in the business of carrying passengers for hire, having a maximum seating capacity of twenty-two (22) persons behind the driver, with heating and air conditioning and be in good operating condition.

(e) Transportation Network Company (TNC). A TNC is 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.

(2) *Licenses, permits, fees.*

(a) All vehicles operating under this section and all organizations operating under this section shall meet all of the applicable license and permit requirements of the jurisdiction in which the vehicle operator is domiciled or registered to do business or, if required by law, where such law requires registration.

(b) *Shuttles.*

(1) Each shuttle organization shall obtain from the state department of transportation, and keep in full force and effect, a certificate of common carrier and be approved for operation at General Mitchell International Airport.

(2) Pursuant to state law, each out-of-county shuttle driver shall obtain a chauffeur's special license and shall keep it in full force and effect.

(3) In addition to the vehicle permit, each chauffeur of an out-of-county shuttle service shall possess a valid airport driver's permit issued by the airport director for the privilege of doing business at General Mitchell International Airport. Application for this permit and payment of the annual permit fee of five dollars (\$5.00) shall be made to the airport director. The permit shall be placed on the right front sun visor of any airport authorized shuttle vehicle. Upon entering the airport property, driver shall lower the sun visor to display the permit. If the vehicle is not equipped with a right front

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sun visor, the permit shall be displayed in such manner as directed by the airport director.

- (4) Any person, organization, or operator of an out-of-county shuttle service at General Mitchell International Airport, who is not in possession of the necessary permits required under this section, and who operates in such manner as to constitute doing business, or who attempts to do business thereon shall, without limitation because of enumeration, be deemed to be in violation of [chapter 4](#) of the Code.
- (5) The airport director may approve or deny any application for a permit as described in [chapter 4](#) of the Code.
- (6) A temporary out-of-county shuttle permit, for a period not exceeding ten (10) days, may be issued by the airport director. The temporary airport permit fee shall be ten dollars (\$10.00). Said temporary permit cannot be renewed. All rights and privileges granted herein for the annual permit being replaced by said temporary permit shall be suspended for the duration of the temporary permit.
- (7) The annual airport permit fee for each out-of-county shuttle vehicle shall be two hundred fifty dollars (\$250.00). Application for permission to operate at the airport, and payment of the fee, shall be made to the airport director who will then issue a decal for each vehicle. The required decal shall be mounted on the inside lower left-hand corner of the windshield, the left-hand corner being on the driver's left when seated behind the wheel. This permit shall be issued for each vehicle and is not transferable to any other vehicle. If a vehicle is replaced which has previously been permitted, the permit shall be cancelled and application shall be made to the airport director for a replacement permit at an additional fee of ten dollars (\$10.00).
- (8) An out-of-county shuttle service shall pay to the county, department of public works, airport division, three dollars (\$3.00) per trip by the 15th day of each month for each trip ~~a sum equivalent to fifteen cents (\$0.15) per passenger transported by it to and from said airport~~ during the preceding calendar month. Permittee shall maintain accurate records and books of account which will enable it to submit monthly reports, on or before the 15th day of each month after the month of account, to the airport director on the number of passengers so carried. Said monthly reports shall be substantiated and verified by an annual statement prepared by a firm of certified public accountants at the close of each calendar year and

459 submitted by permittee to county's airport director not later than
460 March 1 of each year following the year of account.

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462 (c) TNCs.

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464 (1) In order to do business at GMIA the TNC must possess a
465 TNC Permit.

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467 (2) There is a fee of \$125 for each TNC vehicle providing TNC services at
468 GMIA during the term of the TNC Permit.

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470 (3) For the privilege of picking up a passenger at GMIA the TNC will pay a
471 fee for each pick-up as per the terms of the TNC Permit.

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473 **SECTION 2.**

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

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