

BOARD OF DIRECTORS MEETING

Minutes of September 16, 2015

The regular meeting of the Board of Directors was held in the first floor Conference Rooms 1A, 1B and 1C at 1 Aviation Circle. The Chairman called the meeting to order at 10:45 a.m. Seventeen Directors were present during the meeting:

Frank M. Conner III, Chairman	Richard A. Kennedy
Warner H. Session, Vice Chairman	Barbara Lang
Earl Adams, Jr.	William Shaw McDermott
Michael A. Curto	Caren Merrick
C. Charles Caputo	A. Bradley Mims
Lynn Chapman	Thorn Pozen
Bruce A. Gates	Nina Mitchell Wells
Anthony H. Griffin	Joslyn N. Williams
Katherine K. Hanley	

The Acting Interim Secretary and Executive Management were present:

John E. Potter, President and Chief Executive Officer
Margaret E. McKeough, Executive Vice President and Chief
Operating Officer
Jerome L. Davis, Executive Vice President and Chief Revenue
Officer

Mr. Conner reported that Interim Secretary, Lisa Makle-Brooks, was not at the day's Meeting due to the death of her father and that she was in their thoughts. Mr. Conner offered a motion that Erica Young serve as Acting Interim Secretary for the day's Meetings, which the Board approved.

Mr. Conner commented on the Authority's new website, which is a reflection of collaborative efforts throughout the organization.

Mr. Conner suggested that everyone attend the upcoming Dulles Day event on September 19.

I. MINUTES OF THE JULY 15, 2015 BOARD OF DIRECTORS MEETING

The Chairman called for the approval of the Minutes of the July 15, 2015 Board of Directors Meeting, which were unanimously adopted.

II. COMMITTEE REPORTS

a. Business Administration Committee – William Shaw McDermott, Co-Chair

Mr. McDermott reported that the Business Administration Committee had met that morning and on July 15. In July, the Committee had approved two recommendations to award contracts for parking and shuttle bus concessions at both Airports and the fixed base operator at Washington Dulles International Airport (Dulles International). The Committee had also concurred with pending procurements for unarmed security guard services at Dulles International and the Dulles Toll Road Administration Building; the Human Resource Management System; and the display advertising concession at both Airports.

At the day's Meeting, the Committee had approved recommendations to adopt amendments to the Metropolitan Washington Airports Authority Commercial Ground Transportation Regulations and had awarded a contract for development and operation of a fuel retailing and convenience concession at Dulles International. Mr. McDermott reported that he would offer these resolutions later in the day's Meeting. The Committee had also concurred with a pending procurement for the baggage handling system maintenance and operation services contract at Dulles International. Staff had also presented the Quarterly Acquisition Report.

b. Finance Committee – Michael A. Curto, Co-Chair

Mr. Curto reported that the Finance Committee had last met that morning and on July 15. At both Meetings, staff had presented the Financial Advisors' Reports and Financial Reports for both Enterprises.

In July, staff had also presented an information paper regarding the Aviation Enterprise's Series 2010C, 2003D and 2011A Bonds.

At the day's Meeting, the Committee had approved the Proposed Resolution Authorizing Direct Purchase of Bonds, Substitution of Letter of Credit and Conversion of Bonds for the Airport System Revenue Variable Rate Bonds, Series 2010C, 2003D-1 and 2011A. Mr. Curto reported that he would offer a resolution later in the day's Meeting.

Mr. Curto reported that staff had also presented the second quarter reports for Budget Reprogrammings and the Investment Program.

III. INFORMATION ITEMS

a. President's Report

Mr. Potter reported that the redesigned Authority website, which has a stronger emphasis on the Airports and the services they offer to the traveling public, had gone live over the prior weekend. In the weeks ahead, staff would continue to refine the site and new capabilities would be available. Mr. Potter congratulated Goutam Kundu, Chief Information Officer, and Mr. Davis for their work on the project.

Mr. Potter stated that since the Board had last met, the Silver Line had celebrated the one-year anniversary of its Phase 1 opening. Since its opening, the Silver Line has become an integral part of the regional transportation system, which brings business and economic development to the Dulles Corridor. Mr. Potter reported that ridership is strong on both the Silver Line and the Silver Line Express bus service. A ceremony, attended by a number of regional leaders, including several Directors, had been held on July 27 to mark the Silver Line's one-year anniversary. Mr. Potter thanked everyone working to close out Phase 1 and those currently working on the construction of Phase 2.

Mr. Potter reported that over 15,000 visitors are expected to attend the Dulles Day's Festival and Plane Pull at Dulles International. He thanked Federal Express and United Airlines for providing planes for the event. Mr. Potter noted that the Plane Pull had become a tradition to raise money for Special Olympics Virginia. He reported that Dulles Day had raised more than \$300,000 the previous year and had brought recognition to Dulles International, as well as to the Airport's contributions to the community. To provide customer access to the

Dulles Day event, attendees could take advantage of either free bus service on the Silver Line Express or free parking.

Mr. Potter recognized Michael Cooper, State and Local Government Affairs Manager, as a recipient of the President's Award by the Virginia Airport Operators Council for providing an extraordinary level of support for Airports in Virginia.

Mr. Potter concluded his remarks by reporting that Reagan National had recently received a few honors, including being named number one "for United States' airport location and access and how user-friendly the airport feels" according to the results of the *Travel and Leisure Magazine's* Worlds' Best Survey. Additionally, the travel website Jetsetter had included Reagan National on its list as one of "the World's best airports for hungry travelers." Mr. Potter thanked and congratulated the concessions team and other employees who had contributed to these recognitions.

b. Executive Vice Presidents' Reports

Ms. McKeough reported that June and July passenger activity had continued to show positive growth. At Reagan National, passenger activity had increased 11 and 18 percent in June and July, respectively. Passenger activity had increased approximately 4 percent for both months at Dulles International. Ms. McKeough noted that the increase in passengers at Dulles International had been generated by domestic traffic, which is a reversal of the decline experienced for a number of prior months.

Ms. McKeough also reported that a decrease in international passenger activity levels had occurred in June and July, contrary to the prior months' summer passenger activity where successive months of growth had occurred. Ms. McKeough noted that the decrease had been tied to specific business decisions made by particular airlines and was not indicative of across-the-board decreases in international activity. She reported that international traffic is expected to increase later this year when a number of seasonal flights would be offered in the fall and winter.

Ms. McKeough reported that although Pope Francis would not travel through Reagan National or Dulles International when he visited Washington, D.C., higher passenger loads are expected at both Airports.

She noted that the Office of Public Safety and the Emergency Preparedness Coordinator are engaged in the region's law enforcement and preparedness efforts associated with the Pope's visit.

Ms. McKeough reported that Arlington County had approached the Authority to inquire about Reagan National's participation in the area's Capital Bikeshare program. The County is expanding its rental program and Reagan National will be one of the eight new locations next summer.

Ms. McKeough provided an update on the sound walls. She reported that construction work had begun on the sound walls during the summer. In addition to repairing existing walls, one new wall had been constructed. Ms. McKeough noted that contracts had been awarded for four new walls, and the sixth wall would be constructed as a part of the Silver Line Phase 2 project.

Ms. McKeough recognized Chief of Police, Stephen Holl, who would retire on September 19 after nearly 10 years of service at the Authority. She acknowledged that Chief Holl had made a number of safety and security contributions to the Authority. Vice President of Public Safety, Brian Norwood, had formally assumed the Police Chief's responsibilities while a recruitment process is underway.

Mr. Davis informed the Board that revenue continued on the same positive trend as in recent months but noted that he would skip his customary financial update. The day's remarks would focus on the journey of transformation to better connect with and serve customers, which began with the Authority's new website. Mr. Davis stated that staff had taken advantage of innovation, which is showcased on the Authority's website. He described the five goals of the website project -- focus on the customer; enable future revenue streams; reduce costs; leverage the subject matter expertise to keep the Authority's content up to date and fresh; and take a best practice driven approach. Mr. Davis highlighted a few features of the website and reviewed their functions. While most of the data could be found in other places, Mr. Davis explained that the Authority's website was unique because for the first time the features can be found in one place. He noted that the previous website did not provide any data pertaining to the web users' demographics. However, the new website provides the customers' demographic information that allows the Authority to continuously improve and receive real-time feedback. He reported that a digital survey had been rolled out two weeks ago that allows the Authority access to

real-time input from its customers. Mr. Davis showed an example of the signs throughout the Airports that enable customers to access the survey with minimal effort by merely aiming their cell phones at the signs. For customers who are not inclined to participate in a survey with their phones or tablets, two survey kiosks are available at Dulles International. Providing that the customers' response to using the kiosks was favorable, Mr. Davis stated that additional kiosks would be installed at both Airports. He reported that the survey tool provides the Authority with timely and relevant information that can be acted upon to improve the customers' experience. Mr. Davis shared the positive data that had been collected from the survey with regard to customers' recent experiences using the garage at Dulles International. He noted that if future data collected demonstrated different results, staff would be aware and would conduct research to determine what had caused the negative trend, which could not have been achieved in the past. Mr. Davis stated that staff would continue to refine ways to collect the customers' input to ensure that the Authority understands their experience.

Mr. Davis reported that a key category of information that the Revenue Office is pursuing is defining the Authority's customers, which will enable target promotions, position branding and pricing and improve marketing strategies. He stated that his team had identified five distinct customer types, which represented a specific segment of the market with unique needs and spending habits, through statistical analysis, surveys, focus groups and interviews, including: the luxury traveler, the road warrior, the family vacationers, the fast and frugal traveler, and the convenience seeker. Mr. Davis noted that he would share more about the segments as a part of the 2016 strategy on connecting customers, which he would present in October.

Mr. Davis recalled the three key goals of the Chief Revenue Office: to increase revenue, to enhance the customer experience and to build a strong reputation for Reagan National and Dulles International. In the pursuit of these goals, the Authority determines the most effective way to serve its customers by identifying who they are, what they want, what they need and what they think.

Mr. Davis congratulated the entire team, led by Mr. Kundu; Pam Alme, Marketing Manager; and Rob Yingling, Assistant Media Relations Program Manager; on the progress made thus far. Staff received a round of applause and Mr. Conner thanked them for their hard work.

Mr. Caputo suggested that the website be made into a mobile application to make it easier for customers to use, to which Mr. Davis agreed. He stated that the development of a mobile application is underway.

Ms. Merrick encouraged the Board and public to make known the user-friendly features that existed at both Airports, the ability to reserve parking at Reagan National and to learn about security line wait times at Dulles International, which can be accessed from the Authority's website.

IV. NEW BUSINESS

a. Recommendation for Approval and Adoption of Amendments to the Metropolitan Washington Airports Authority Commercial Ground Transportation Regulations

Mr. McDermott moved the adoption of the following resolution, which was unanimously approved:

WHEREAS, On May 20, 2015, the Business Administration Committee authorized the President to publish notice of proposed amendments to the Metropolitan Washington Airports Authority Regulations concerning Commercial Ground Transportation Services to include provisions for Transportation Network Companies and providers of Limousine Service, and to modify provisions relating to Taxicab Service, at the Airports;

WHEREAS, In accordance with Airports Authority procedures for amending its regulations, on May 22, 2015, staff published notice of public hearings to be held on the proposed amendments and of a public comment period, ending on June 22, 2015, during which written comments on the proposed amendments could be submitted to the Airports Authority;

WHEREAS, Four public hearings on the proposed amendments were conducted, two of which occurred on June 9, 2015, at Dulles International Airport and two of which occurred on June 10, 2015, at Reagan National Airport, and a number of written comments on the proposed amendments were received;

WHEREAS, In light of the comments made at the public hearings and in written submissions, staff revised the proposed amendments submitted to the Business Administration Committee on May 20, 2015;

WHEREAS, Staff presented these revised proposed regulations to the Business Administration Committee at its September 16, 2015, meeting, along with a detailed summary of the comments made during the public hearings and in the written submissions, and recommended that the Committee approve the revised proposed regulations and recommend their adoption by the Board of Directors;

WHEREAS, At its September 16, 2015, meeting, the Business Administration Committee, after considering, among other things, the summary of public comments and staff's revised proposed amendments, approved the revised amendments and recommended their adoption by the Board of Directors; and

WHEREAS, the Board has determined that it is in the interests of the Airports Authority and the travelling public to adopt the revised proposed amendments; now, therefore, be it

RESOLVED, that Part 5 of the Metropolitan Washington Airports Authority Regulations, entitled "Taxicabs," is and shall be repealed;

2. That Part 5 of the Metropolitan Washington Airports Regulations is and shall be amended and restated as set forth below:

PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES

Chapter I – Commercial Ground Transportation Services – General Provisions

§ 5.1. Purposes.

This Part 5 sets forth regulations applicable to Commercial Ground Transportation Services at National or Dulles which

are intended to achieve a number of objectives and purposes, including without limitation that the regulations work to ensure:

(1) that a broad range of convenient and reliable ground transportation services are available to passengers and other individuals using the Airports;

(2) that such services are delivered in a scope and manner that is consistent with available Airport facilities and that does not produce excess congestion on Airport roadways or at Airport commercial curbs;

(3) that the providers of such services reasonably compensate the Authority for the privilege of accessing the Airports and using the Airports' facilities in order to conduct their transportation service business on the Airports;

(4) that the Authority's regulation of the providers of such services is reasonable;

(5) that the Authority's regulation of the providers of such services is not inconsistent with the laws and regulations that may be applied to them by the federal government and by state and local governments in the Washington, D.C., metropolitan area; and

(6) that the Authority's regulation of the providers of such services does not distinguish in any significant manner between the providers of interstate and intra-state ground transportation services to and from the Airports.

(Res. No. 15-24, 9-16-15)

§ 5.2. Commercial Ground Transportation Services – Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Part 5, shall have the following meanings.

Access Fee: A fee (i) charged to the holder of a permit issued under this Part 5 in return for the privilege, which is conveyed by the permit, to access an Airport and to use the Airport's facilities in order for the permit holder to provide a Commercial Ground Transportation Service on the Airport and (ii) calculated on the basis of the occasions a person operating under the permit enters a Terminal Roadway, or other area of an Airport identified in the permit, in order to drop-off or pick-up one or more passengers or for other reasons set out in the permit.

Airport Manager: The manager of National or Dulles and any individual the manager has designated to perform a task, responsibility or function which this Part 5 assigns to the manager.

Automatic Vehicle Identification (AVI) System: An electronic or computerized system in operation at an Airport which allows the Authority to control access to certain areas on the Airport, and to monitor and record the presence of CGT Drivers and CGT Vehicles while on the Airport.

Class 3 Misdemeanor: The classification of offenses which arise from the violation of provisions in this Part 5 defining prohibited activities and which shall carry the penalty of a fine up to \$1,000.

Commercial Ground Transportation Mobile Applications (CGT Mobile Application): An online-enabled application, software, website and/or system that enables a person providing a CGT Service to make arrangements for Pre-Arranged Pick-Up Trips with individuals seeking transportation from or through such person.

Commercial Ground Transportation Permit Holder (CGT Permit Holder): A person to which, and in whose name, a permit has been issued under this Part 5 granting the privilege to provide at an Airport the CGT Service described in the permit.

Commercial Ground Transportation Driver (CGT Driver): An individual who, through the operation of a CGT Vehicle, is the

provider of a CGT Service for which a permit has been issued under this Part 5 or which the individual is providing under a contract executed by the Authority.

Commercial Ground Transportation Service (CGT Service): A Commercial Transportation Service consisting of the transportation of individuals by motor vehicle (i) from a location outside an Airport to a location on the Airport or (ii) from a location on an Airport to a location outside the Airport or another location on the Airport, which transportation is provided in return for compensation and as part of a for-profit business or activity owned, controlled or undertaken, in whole or part, either by the individual operating the vehicle that is providing the transportation or by a person with which such individual is associated (e.g., as an employee, agent or contractor). The term consists of the following CGT Services which are defined in subsequent Chapters of this Part 5: Limousine Service; Transportation Network Company Service; and Taxicab Service. The term does not include the transportation of individuals by motor vehicle to or from, or within, an Airport that is provided by an airline operating at the Airport, an air freight and cargo business utilizing an air cargo terminal at the Airport, or a person conducting a commercial activity for which the Authority has issued a permit under Part 6 of these Regulations.

Commercial Ground Transportation Vehicle (CGT Vehicle): A motor vehicle that is used in the provision of a CGT Service.

Commercial Transportation Service: The transportation of individuals by motor vehicle from one location to another that is provided in return for compensation and as part of a for-profit business or activity.

Designated Waiting Area: One or more areas or facilities on an Airport which have been identified in a permit issued under this Part 5, or in or pursuant to a contract executed by the Authority, where CGT Drivers may park their CGT Vehicles while waiting to arrange a Pre-Arranged Pick-Up Trip with one or more passengers located on the Airport.

Drop-Off Area: One or more specific areas on an Airport which have been designated by the Authority for the drop-off of passengers by persons providing one or more specified categories of CGT Service at the Airport; such designations may be made in permits issued under this Part 5, in or pursuant to contracts executed by the Authority, or otherwise by the Airport Manager.

Geofence: A software application utilizing the global positioning system to establish a virtual “fence” or perimeter around an Airport or a specified geographical area within an Airport which, when used in conjunction with a CGT Mobile Application, is capable of recording, and showing in real time on hand-held devices being carried by CGT Drivers or personnel of the Authority, information specified by the Authority relating, among other things, to the on-Airport location of the CGT Drivers and to the Pre-Arranged Trips that such CGT Drivers are in the course of providing.

Government or Governmental Authority: The government of the United States, the Commonwealth of Virginia, the State of Maryland and any other state, and the District of Columbia; any department or agency of any such government; and any county, city, commission, authority or other political subdivision of the Commonwealth of Virginia, the State of Maryland or any other state, or of the District of Columbia.

Government Authorization: A license, certificate, permit or other form of authorization issued by a Governmental Authority providing operating authority to or otherwise authorizing (i) a person to provide a specified Commercial Transportation Service within the jurisdiction of the Governmental Authority or (ii) an individual to operate a motor vehicle in the provision of a specified Commercial Transportation Service within the jurisdiction of the Governmental Authority.

Person (person): An individual or an entity, including without limitation, in the case of the latter, a corporation, company, limited liability company, partnership, limited partnership, limited liability partnership, proprietorship, association, or other form of organization with the legal capacity to enter

contracts, assume obligations, and sue and be sued. When used in this Part 5, the term may mean an individual only, an entity only, or both an individual and an entity.

Pick-Up Area: One or more specific areas on an Airport that have been designated by the Authority for the pick-up of passengers by persons providing one or more specified categories of CGT Service at the Airport; such designations may be made in permits issued under this Part 5, in or pursuant to contracts executed by the Authority, or otherwise by the Airport Manager.

Pre-Arranged Drop-Off Trip: The transportation by a person providing a CGT Service of an individual from a location outside an Airport to a location on the Airport, where an arrangement for the transportation is made between the person providing the service and the passenger in advance of the person picking up the passenger.

Pre-Arranged Pick-Up Trip: The transportation by a person providing a CGT Service of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, where an arrangement for the transportation is made between the person providing the service and the passenger both in advance of the person picking up the passenger and either (i) before the person enters the Airport for the purpose of picking up the passenger or (ii) when authorized by a permit issued under this Part 5 or a contract executed by the Authority to pre-arrange a trip from an area or facility on the Airport, while the person is located in such area or facility.

Pre-Arranged Trip: A Pre-Arranged Drop-Off Trip or Pre-Arranged Pick-Up Trip.

President: The President and Chief Executive Officer of the Authority.

Solicitation (Solicit): Any action or series of actions by an individual, while located on an Airport, which represents, or can be reasonably construed to represent, an offer to transport by motor vehicle another individual located on the Airport, for compensation, to a location outside the Airport, or

another location on the Airport, when a Pre-Arranged Pick-Up Trip, authorized by a permit issued under this Part 5 or by a contract executed by the Authority, has not been arranged with the other individual in advance of the action or series of actions.

Terminal Roadway: Each roadway within an Airport which runs adjacent and parallel to a passenger terminal, including all travel lanes within the roadway whether or not separated from other lanes by curbs and passenger waiting or loading areas.

(Res. No. 15-24, 9-16-15)

§ 5.3. Commercial Ground Transportation Services – Prohibited Activities.

The following activities relating to the provision of CGT Services are prohibited.

(1) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport shall pick up an individual located on the Airport, or otherwise allow such an individual to enter the person's CGT Vehicle, unless the person (i) is acting under and in compliance with a permit issued under this Part 5 which authorizes such action, (ii) is acting under and in compliance with a contract executed by the Authority which authorizes such action, or (iii) absent such permit or contract, is providing a Taxicab Pre-Arranged Pick-Up Trip in compliance with Sections 5.44 and 5.45, applicable to National, or Sections 5.50.2 and 5.50.3, applicable to Dulles; provided, that the provisions of this paragraph (1) shall not apply to activities which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(2) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport shall drop off an individual on the Airport unless the person (i) is acting under and in compliance with a permit issued under this Part 5 which authorizes such action, (ii) is acting under and in compliance with a contract executed by the Authority which

authorizes such action, or (iii) absent such permit or contract, is providing a Taxicab Drop-Off Trip in compliance with Section 5.44, applicable to National, or Section 5.50.3, applicable to Dulles; provided, that the provisions of this paragraph (2) shall not apply to activities which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(3) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport, whether or not possessing or covered by a permit issued under this Part 5 or operating under a contract executed by the Authority, shall engage in the Solicitation of an individual who is located on the Airport.

(4) No person providing a Commercial Ground Transportation Service on an Airport shall pick up an individual, or drop off an individual, at any location on the Airport other than at a Pick-Up Area or a Drop-Off Area.

(5) No person which is providing a CGT Service on an Airport or is present on an Airport for the purpose of providing such a service shall utilize the roadways or any other facilities at the Airport except:

(a) after entering the Airport, to travel directly to a Pick-Up Area or Drop-Off Area and, following the pick-up or drop-off of passengers, to immediately and directly depart the Airport, unless expressly authorized by a permit issued under this Part 5 or by or pursuant to a contract executed by the Authority to utilize other designated Airport facilities for specified purposes between the times the person enters and exits the Airport; or

(b) when expressly authorized by a permit issued under this Part 5 or by or pursuant to a contract executed by the Authority, after entering the Airport, (i) to travel directly to a Designated Waiting Area; (ii) to occupy such area for the purpose described in the permit or in or pursuant to the contract; (iii) after exiting the area, either to travel directly to a Pick-Up

Area in order to pick up one or more passengers or to immediately and directly depart the Airport; and (iv) after exiting a Pick-Up Area, to immediately and directly depart the Airport.

(Res. No. 15-24, 9-16-15)

§ 5.4. Commercial Ground Transportation Services – Eligibility for Permit.

(1) No person shall be eligible for a permit under this Part 5 unless the person possesses one or more Governmental Authorizations which authorize the person to provide within the jurisdiction of the authorizing Government the type of Commercial Transportation Service which the person wishes to be permitted to provide at an Airport.

(2) To be eligible for a permit, a person shall:

(a) submit a permit application on a form supplied by the Authority and pay all applicable fees;

(b) provide evidence that it possesses one or more of the Governmental Authorizations referenced in paragraph (1);

(c) certify that it is in compliance with the terms, conditions and requirements of each such Governmental Authorization, including without limitation those terms, conditions and requirements that relate to the following matters:

(i) the possession of specified types and amounts of insurance coverages;

(ii) the registration of the motor vehicles being operated under the Governmental Authorization;

(iii) the possession of motor vehicle operating licenses by individuals operating motor vehicles under the Governmental Authorization;

(iv) the review of records showing the criminal histories of individuals operating motor vehicles under the Governmental Authorization;

(v) the review of records showing the motor vehicle driving histories of individuals operating vehicles under the Governmental Authorization; and

(vi) the safety inspections of the motor vehicles being operated by individuals under the Governmental Authorization;

(d) certify that, to the best of its knowledge, it is in compliance with all federal, state and local laws and regulations applicable to the CGT Service for which it seeks a permit;

(e) provide information acceptable to the Airport Manager (e.g., certificates of insurance) which demonstrates that the types and amounts of insurance coverages referenced in subparagraph (c)(i) are in force and effect, and that, in the event a permit is issued to the applicant, the Authority will be named as an additional insured under all or specified insurance policies providing such coverages; and

(f) meet such additional eligibility requirements as may be established by an Airport Manager.

§ 5.5. Commercial Ground Transportation Services – Permits.

The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to undertake a specified Commercial Ground Transportation Service at the Airports, and to place such terms, conditions and requirements in the permits as the managers deem reasonable to achieve the purposes set out in Section 5.1 above and in other chapters of this Part 5, to protect the traveling public, and otherwise to be in the interest of the

Authority and the traveling public. When determining the terms, conditions, requirements and other provisions to place in permits issued under this Part 5, the Airport Managers shall consider inclusion of provisions which, among others, address the following matters:

- (1) the continued validity of the permit holder's Governmental Authorizations, as referenced in Section 5.4(1), and the permit holder's compliance with the terms, conditions and requirements of each such authorization;
- (2) the permit holder's compliance, both on and off Airport, with all federal, state and local laws and regulations applicable to the CGT Service which the permit holder is authorized to provide on an Airport by the permit;
- (3) the permit holder's compliance with all applicable Authority Regulations, including those governing the operation of motor vehicles on the Airports;
- (4) the permit holder's provision of information regarding the vehicles operating under the permit and the drivers of such vehicles;
- (5) the types and amounts of insurance coverages to be maintained by the permit holder, and the policies of insurance, if any, on which the Authority shall be named as an additional insured;
- (6) the obligations of the permit holder to defend, hold harmless and indemnify the Authority and its directors, officers, employees and agents;
- (7) the displays, trade dress or other physical identifiers to be maintained on vehicles operating under the permit which evidence the Governmental Authorizations under which the vehicles are operating, as well as the display of a decal or marker evidencing

the Authority permit under which the vehicle is operating;

(8) the Designated Waiting Area or areas, if any, at which the drivers operating vehicles under the permit may park while waiting to arrange a Pre-Arranged Pick-Up Trip with one or more passengers located on the Airport, and conditions relating to the use of any such area;

(9) the Pick-Up Area or areas on the Airport where vehicles operating under the permit are to pick up passengers and, if applicable, the Drop-Off Area or areas where passenger drop-offs are to occur;

(10) the permit holder's:

(a) utilization of the Authority's Automatic Vehicle Identification System;

(b) establishment and utilization of an alternative vehicle identification system (including without limitation a Geofence) which performs the same, or many of the same, functions as the AVI system and, in addition, is capable of providing to the Authority, and showing on a real time basis, information relating to the permit holder's on-Airport operations and activities, and a description of the information the system is to provide and to show on a real time basis; or

(c) obligations (i) to compile specifically defined information relating to the permit holder's on-Airport operations and activities (including without limitation specified information regarding its Pre-Arranged Trips), (ii) to prepare reports containing all or parts of such compiled information and deliver such reports to the Airport Manager, (iii) to undertake specifically defined actions on a regular basis that are designed to verify the accuracy of the

information being compiled and conveyed in such reports and to report the results of such actions to the Authority, (iv) to allow the Authority to undertake its own specifically defined activities to verify the accuracy of such information (including audits of the permit holder's systems, processes and procedures for recording and compiling information relating to Pre-Arranged Trips), and (v) when requested by Authority personnel, to provide in real time specified information relating to vehicles operating under the permit which are present on an Airport;

(11) a description of the charges, and their amounts, which the permit holder may be required to pay for equipment, services or other matters provided or made available by the Authority to the permit holder and/or to individuals operating vehicles under the permit (e.g., charges for use of equipment related to the Authority's AVI system);

(12) the permit holder's obligation to pay the applicable Access Fees and other fees identified in Section 5.7, and any charges described in the permit, and to pre-fund one or more accounts, on a regular basis, from which the Authority will be able to draw funds when such fees and charges become due or to provide a letter of credit or other form of surety or guarantee which the Authority will be able to access when the permit holder fails to timely pay such fees and charges;

(13) a schedule of administrative fines, consistent with Section 5.7, which may be assessed for violations of specified terms, conditions and requirements of the permit, and the process for the assessment and the permit holder's payment of such fines;

(14) in permits authorizing Pre-Arranged Trips, the preparation and possession by drivers operating vehicles under the permit of written or electronic

reports containing specified information relating to each Pre-Arranged Trip, and the obligation of such drivers to provide such reports to Authority law enforcement and other personnel when requested;

(15) a description of the information relating to the permit holder's operations and activities under the permit which is to be compiled by the permit holder, of the records containing such information or otherwise relating to the permit holder's operations and activities which are to be created and maintained by the permit holder, and of the reports containing, summarizing or otherwise addressing all or parts of such compiled information which are to be prepared by the permit holder and made available to the Airport Manager;

(16) the ability of the Authority to review the permit holder's records referenced in paragraph (15) and to conduct audits of the permit holder's operations and activities under the permit;

(17) a prohibition of Solicitation by the permit holder and any individual operating a vehicle under the permit;

(18) the designation of a single employee of the permit holder who shall be primarily responsible for all operations of the permit holder at the Airport, including addressing any issues and problems involving such operations that are presented by Authority personnel, and who shall be authorized by the permit holder to speak and act on its behalf in matters involving its Airport operations;

(19) a description of the process to be utilized by, and the related obligations of, the permit holder, whereby (i) passengers may submit complaints regarding the transportation they have received from a driver operating under the permit, including complaints involving the conduct of the driver, the condition of the vehicle, and the fare which was

charged, (ii) the complaint will be investigated, and (iii) when warranted, remedial action will be taken;

(20) a statement of the conditions under which the permit may be suspended or revoked by the Airport Manager and the period of time following the permit's revocation before the permit holder may apply for a new permit under this Part 5;

(21) a statement of the circumstances under which the permit holder will be required to terminate the ability of an individual driver to continue to operate a vehicle on an Airport under the holder's permit;

(22) a statement of the Airport Manager's ability, at any time and in the manager's discretion, to unilaterally amend the permit, including without limitation when reasonably required to further any of the purposes set out in Section 5.2; and

(23) the term and expiration date of the permit, if any.

(Res. No. 15- 24, 9-16-15)

§ 5.6. Commercial Ground Transportation Services – Requests for Exemption from Requirements Related to Pre-Arranged Trips.

(1) Under Chapters II and III of this Part 5, any person not a party to a contract executed by the Authority which is engaged in the provision of certain CGT Services – Limousine Service and Transportation Network Company Service – is prohibited from providing Pre-Arranged Drop-Off Trips and Pre-Arranged Pick-Up Trips at an Airport unless it is authorized to do so by a permit issued under this Part 5.

(2) Any person referenced in paragraph (1) which believes it is entitled by law (including without limitation the provisions of Section 14501 or Section 14505 of Title 49 of the United States Code) to provide Pre-Arranged Drop-Off Trips or Pre-Arranged Pick-Up Trips, or both, at an Airport without a

permit from the Authority may submit a written request for an exemption from the permit requirement imposed by this Part 5. The request shall be submitted to the manager of the Airport at which the person seeks to provide Pre-Arranged Drop-Off and Pick-Up Trips without a permit, and shall describe the basis for the person's claimed entitlement. The Airport Manager shall respond to the request in a written decision within 30 days of the request submission.

(3) Any person referenced in paragraph (1) and holding a permit issued under this Part 5 which believes it is entitled by law (including without limitation the provisions of Section 14501 or Section 14505 of Title 49 of the United States Code) to provide one or more particular Pre-Arranged Drop-Off Trips or Pre-Arranged Pick-Up Trips, or both, outside of, and not subject to the terms and conditions of, its permit may submit a written request for an exemption of such trips from the permit and its terms, conditions and requirements. The request shall be submitted to the manager of the Airport that is covered by the permit, shall identify the particular trips as to which the entitlement is claimed, and shall describe the basis for the claimed entitlement. The Airport Manager shall respond to the request in a written decision within 30 days of the request submission.

(4) In the event a request submitted under paragraph (2) or (3) is granted and an exemption from either the permit requirements of this Part 5 or the terms and conditions of a permit is provided by the Authority, the person receiving the exemption shall thereafter maintain a copy of the written decision providing the exemption in any vehicle the person operates on an Airport for the purpose of providing a CGT Service that is subject to Chapter II or III.

(Res. No. 15-24, 9-16-15)

§ 5.7. Commercial Ground Transportation Services – Permit and Other Fees; Administrative Fines.

(1) The fees set out in the table below shall apply to CGT Services provided on an Airport under a permit issued under this Part 5, except with respect to interim permits as provided in Sections 5.26(2) and 5.36(3).

<u>CGT Service</u>	<u>Permit Fee</u>	<u>Access Fee</u>	<u>Dispatch Fee</u>	<u>Fee for Excess Dwell Time in a Designated Waiting Area</u>
Limousine Service	\$250.00	\$4.00	NA	3.00 for each 15-minute period (or part thereof) following expiration of a 60-minute no-fee period
Transportation Network Company Service	\$5,000.00	\$4.00	NA	\$3.00 for each 15-minute period (or part thereof) following expiration of a 60-minute no-fee period
Taxicab Service	\$100.00 (every 2 years)	NA	\$3.00	NA

A permit fee is a one-time fee, payable at the time an application for a permit is made; provided, that a permit holder whose permit has expired or has been revoked by an Airport Manager will be required to pay a new permit fee in the event, following such expiration or revocation, it applies for a new permit.

(2) An Airport Manager may include in any permit issued under this Part 5 a schedule of administrative fines that may

be assessed against the permit holder for violations of the permit's terms, conditions, requirements and other provisions, including violations by individuals operating vehicles under the permit, which do not warrant the suspension or revocation of the permit; provided, that no such fine for the violation of a single permit provision may exceed \$250.00. These administrative fines are not intended to be punitive in nature or purpose, but rather to compensate the Authority for a portion of the cost it incurs in the enforcement of permits issued under this Part 5.

(3) The fees set out in paragraph (1) and the maximum administrative fine set out in paragraph (2), including such fees and maximum fine as they may have been revised pursuant to this paragraph, may be revised by the President or his designee; provided, that (i) notice of any proposed increase in the fees or maximum fine and of an opportunity to comment on the proposal shall be given to all CGT Permit Holders affected by the proposed increase; (ii) the effective date of any such increased fees or maximum fine shall be no less than 12 months following the effective date of the fees or maximum fine being increased; (iii) at least 45 days before the effective date of any such increased fees or maximum fine, notice of the increased fees or maximum fine shall be provided to the Business Administration Committee of the Authority's Board of Directors; and (iv) the President may reduce the fees or maximum fine at any time without providing any notices, including those in clauses (i) and (iii), and without the time restraint in clause (ii).

(Res. No. 15-24, 9-16-15)

§ 5.8. Commercial Ground Transportation Services – Suspension and Revocation of Permit; Application for New Permit Following Permit Revocation.

(1) An Airport Manager, after providing notice and an opportunity to be heard, may for good cause suspend for any period of time or revoke a permit issued to any CGT Permit Holder under this Part 5. Good cause includes without limitation any the following:

(a) suspension, revocation or expiration of any of the Governmental Authorizations required by a permit to be held by the permit holder;

(b) one or more continuing, or repeated, violations by the permit holder of the terms, conditions or requirements of any of the Governmental Authorizations required by a permit to be held by the permit holder, including violations by individuals who are operating vehicles for the permit holder under any such Government Authorization;

(c) one or more continuing, or repeated, violations by the permit holder of any of federal, state or local laws or regulations applicable to the permit holder's provision of the CGT Service covered by the permit, including violations by individuals who are operating vehicles for the permit holder;

(d) one or more continuing or repeated violations by the permit holder of the terms, conditions, requirements or other provisions of the permit, including violations by individuals who are operating vehicles for the permit holder under the permit; and

(e) in the case of a permit issued to and held by an individual or by an entity that is under the control of a single individual:

(i) the individual's conviction, plea of guilty, or plea of nolo contendere to the violation of any law involving the commission of a felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, or, in the last five (5) years, any other crime reasonably indicating that the individual may not be fit to provide service to the public;

(ii) the individual's accumulation of twelve (12) or more uniform demerit points, calculated in accordance with the Commonwealth of Virginia's demerit system, within a twenty-four

month period, or conviction or plea of guilty for reckless driving;

(iii) the suspension, revocation or expiration of the motor vehicle operating license which authorizes or allows the individual to operate a CGT Vehicle;

(iv) the suspension or revocation by a Government, or the expiration, of the license or registration of the CGT Vehicle used by the individual to provide the CGT Service covered by the permit; or

(v) the failure of the CGT Vehicle used by the individual to meet any safety standards, or pass any safety inspections, required by a Government.

(2) Prior to suspending or revoking a permit issued under this Part 5, the Airport Manager shall notify the CGT Permit Holder of the specific reasons for which the permit is proposed to be suspended or revoked and of the permit holder's opportunity to submit to the Airport Manager a written request for a meeting. If no such request is submitted within the period stated in the notice, which shall be no less than seven (7) days, the permit may be suspended or revoked by order of the Airport Manager. If a meeting is timely requested, it shall be scheduled by the Airport Manager as soon as feasible, and notice of the date, time and place of the meeting shall be provided to the permit holder.

(3) At a requested meeting, the permit holder may provide to the Airport Manager any information relevant to the reasons given for the proposed suspension or revocation. Following the meeting, the Airport Manager shall issue a written decision which affirms and implements the proposed action, modifies the proposed action, or does not impose any action, and this written decision shall be furnished to the permit holder. This decision of the Airport Manger shall be final.

(4) In the event of a final decision which suspends or revokes a permit, the permit holder shall immediately surrender the permit.

(5) Each party shall bear its own expenses associated with the process set out in this Section 5.8.

(6) Notwithstanding any provision to the contrary in this Section 5.8, the Airport Manager or the Vice President of Public Safety, or a designee of the vice president, may suspend a permit issued under this Part 5, or the privilege of certain individuals to operate a CGT Service Vehicle under the permit, immediately and without prior notice whenever the manager or vice president (or designee) determines that the failure to do so would present a substantial threat to public safety, to an Airport's operations, or to the flow of traffic to and from the Airport. The permit holder and any individual vehicle operators shall be notified of such suspension as soon as feasible. In the event the Airport Manager decides that a permit which has been suspended under this paragraph (6) should be revoked, the process set out in paragraphs (2) and (3) shall apply; provided, that the suspension under this paragraph (6) shall continue in effect until the conclusion of such revocation process, unless the suspension is earlier terminated by the manager or vice-president (or designee) who initially issued it.

(7) A person whose permit has been revoked may not apply for a new permit sooner than the date set out in the final decision of revocation or the expiration of the period set out in the revoked permit during which an application for a new permit may not be made.

(Res. No. 15-24, 9-16-15)

§ 5.9. Commercial Ground Transportation Services – Rules.

The President is authorized to establish any administrative rules and procedures that are reasonably necessary to promote the effective and efficient (i) administration of the process and system for the issuance of permits under this

Part 5, (ii) administration and enforcement of the permits which are issued under this Part 5, and (iii) enforcement of the Regulations in this Part 5 which have the force and effect of law and for which a criminal sanction is provided.

(Res. No. 15-24, 9-16-15)

§ 5.10. Commercial Ground Transportation Services – Penalties.

Any person who violates any provisions of Section 5.3, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

§ 5.11 through § 5.20 – RESERVED

PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES

Chapter II – Limousine Service

§ 5.21. Introduction.

The provisions of this Chapter II are in addition to and supplemental to the provisions of Chapter I which also apply to Limousine Service. However, in the case of a conflict between any provisions in this Chapter II and in Chapter I, the provisions of this chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

§ 5.22. Purpose.

The purpose of this Chapter II is to ensure that reliable Limousine Service is available for passengers who are traveling by aircraft to or from the Airports and other individuals on the Airports; that this service is delivered in a safe and reliable manner at the Airports; that the use of Airport facilities by the providers of this service does not produce undue traffic congestion on Airport roadways or at

Airport commercial curbs, drop-offs and pick-ups of passengers at Airport locations that are not intended for such purposes, or excessive use of designated drop-off and pick-up locations; that the providers of such service do not engage in the Solicitation of passengers or other individuals who are on an Airport; that, like other providers of CGT Services, the providers of such service pay fair compensation for the privilege to access the Airports and to use the Airports' facilities in order to conduct their business on the Airports; and that the regulation of the providers of such service is properly integrated with the regulation of other providers of CGT Services.

(Res. No. 15-24, 9-16-15)

§ 5.23. Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter II and other chapters of Part 5, shall have the following meanings.

Limousine Pre-Arranged Drop-Off Trip: The transportation by a provider of Limousine Service of an individual from a location outside Airport to a location on the Airport, where an arrangement for the transportation is made between such provider and the passenger in advance of the provider picking up the passenger.

Limousine Pre-Arranged Pick-Up Trip: The transportation by a provider of Limousine Service of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, where an arrangement for the transportation is made between such person and the passenger in advance of the person picking up the passenger either (i) before the person enters the Airport for the purpose of picking up the passenger or (ii) when the person is located in a Designated Waiting Area identified in a permit issued under this Part 5.

Limousine Service: The provision of a CGT Service consisting of the transportation of individuals to or from, and within, an

Airport in a motor vehicle having a capacity of up to eight (8) individuals (including the driver) which is not a Taxicab (as defined in Section 5.43) or a TNC Vehicle (as defined in Section 5.33), pursuant to a contract or other arrangement which is made between the provider and the passenger or passengers prior to the transportation and which establishes the compensation to be paid for the transportation. The term includes without limitation service provided in a vehicle having a capacity of up to eight (8) individuals by persons which are a “contract passenger carrier,” as defined in the laws of the Commonwealth of Virginia; by persons operating a “limousine” or “sedan” within the category of “public vehicles-for-hire,” as defined in the laws of the District of Columbia; or by persons operating a “limousine” or “sedan” within the category of “passenger-for-hire service,” as defined in the laws of the State of Maryland.

Other Limousine Service: The transportation of individuals to and from locations entirely outside an Airport in a motor vehicle which is not a Taxicab (as defined in Section 5.43) or a TNC Vehicle (as defined in Section 5.33) and which is typically characterized as a “limousine” or “executive sedan,” pursuant to a contract or other arrangement which is made between the provider and the passenger or passengers prior to the transportation and which establishes the compensation to be paid for the transportation.

(Res. No. 15-24, 9-16-15)

§ 5.24. Limousine Service – Prohibited Activities

(1) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service consisting of the transportation of one or more individuals from a location outside the Airport to a location on the Airport, or any part of such transportation, unless (i) such service constitutes a Limousine Pre-Arranged Drop-Off Trip and the person is authorized to provide Limousine Pre-Arranged Drop-Off Trips on the Airport by a permit issued under this Part 5 or (ii) such service is authorized by a contract executed by the Authority; provided, that the provisions of this paragraph (1) shall not

apply to Limousine Pre-Arranged Drop-Off Trips which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(2) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service consisting of the transportation of one or more individuals from a location on the Airport to a location outside the Airport or to another location on the Airport, or any part of such transportation, unless (i) such service constitutes a Limousine Pre-Arranged Pick-Up Trip and the person is authorized to provide Limousine Pre-Arranged Pick-Up Trips on the Airport by a permit issued under this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided, that the provisions of this paragraph (2) shall not apply to Limousine Pre-Arranged Pick-Up Trips which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(3) No person which is licensed, certified or otherwise authorized by a Governmental Authority to provide Other Limousine Service, whether or not such persons holds a permit issued under this Part 5, shall provide or attempt to provide while on an Airport, or shall be present on an Airport for the purpose of providing, the transportation of any individual for compensation other than as part of a Limousine Pre-Arranged Drop-Off Trip or a Limousine Pre-Arranged Pick-Up Trip, except (i) when traveling, immediately after entering the Airport, to a Designated Waiting Area that is described in a permit issued under this Part 5 which authorizes the person to pre-arrange trips while located within the described Designated Waiting Area or (ii) having not pre-arranged a trip while located within such Designated Waiting Area, when traveling between the area and an Airport exit. Any person which is so authorized by a Governmental Authority, which is present on an Airport, including in an Airport terminal, and which is not traveling as described in clauses (i) and (ii) in the prior sentence, and which does not, when requested, provide the written or electronic record of a pre-arranged Limousine Drop-Off Trip or a Limousine Pre-Arranged Pick-Up Trip, as described in and required by paragraph (4)(a) below, shall be presumed to be in violation of

this paragraph (3), and the person's presence on the Airport, under these circumstances, shall constitute prima facie evidence of the person's violation of this paragraph.

(4) Except as otherwise provided pursuant to Section 5.6:

(a) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service without possession of or immediate access to a written or electronic record of a Limousine Pre-Arranged Drop Off Trip or a Limousine Pre-Arranged Pick-Up Trip which shall consist of the following:

(i) the date and time when the trip was pre-arranged;

(ii) the name of the passenger being or to be transported; and

(iii) in the case of a Limousine Pre-Arranged Pick-Up Trip, the date and time when, and the approximate location on the Airport where, the passenger is to be, or was, picked up, and the location to which the passenger is to be transported.

(b) No person which is licensed, certified or otherwise authorized by a Governmental Authority to provide Other Limousine Service, and which is present on an Airport, including any such person which holds a permit issued under this Part 5 and is not traveling to or from a Designated Waiting Area as described in clauses (i) and (ii) in paragraph (3) above, or which is operating under a contract executed by the Authority, and whether such person is located in or outside a motor vehicle, shall refuse or fail to make available, or provide access to, the written or electronic record, as described in subparagraph (a) of this paragraph (4), of a Limousine Pre-Arranged Drop-Off Trip or Limousine Pre-Arranged Pick-Up Trip which the person is, or claims to be, in the process of providing, to an

Authority law enforcement officer, another Authority employee, or a representative of the Authority, upon the officer's, employee's or representative's request.

(Res. No. 15-24, 9-16-15)

§ 5.25. Limousine Service – Eligibility for Permit

(1) No person shall be eligible for a permit under this Part 5 authorizing the person to provide Limousine Service on an Airport unless the person possesses one or more Governmental Authorizations authorizing the person to provide, or conduct the business of providing, Other Limousine Service within the jurisdiction of the Government issuing the authorization.

(2) To be eligible for a permit under this Part 5 authorizing a person to provide Limousine Service on an Airport, the person shall submit a permit application on a form supplied by the Authority, shall pay all applicable fees, and shall meet all eligibility requirements as may be established by the Airport Manager under Section 5.4.

(Res. No. 15-24, 9-16-15)

§ 5.26. Limousine Service – Permits

(1) The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to conduct the business of providing Limousine Service on the Airports, and to place such terms, conditions and requirements in the permits as the managers deem reasonable to achieve the purposes set out in Sections 5.1 and 5.21, to protect the traveling public, and otherwise to be in the interest of the Authority and the traveling public. When determining the terms, conditions, requirements and other provisions to place in such permits, the Airport Managers shall consider the inclusion, among others, of provisions which address the matters that are described in Section 5.5 and, in addition, the inclusion of the provisions below:

(a) a provision that prohibits a permit holder which does not possess a certificate of fitness or other form of operating authority from the Commonwealth of Virginia, but rather one or more Governmental Authorizations from other Government Authorities authorizing the permit holder to provide Other Limousine Service within such Government Authorities' jurisdictions from transporting any passengers (i) from a location within the Commonwealth of Virginia outside of the Airport covered by the permit to a location on the Airport, and (ii) from a location on that Airport to a location outside of the Airport which is within the Commonwealth of Virginia, and that requires the permit holder to prohibit and prevent all individuals operating under its permit from providing any such intra-Virginia transportation; and

(b) a provision limiting the Limousine Service that is authorized by the permit to Limousine Pre-Arranged Drop-Off Trips and Pre-Arranged Limousine Pick-Up Trips at the Airport.

(2) Notwithstanding any provisions of this Chapter II to the contrary, between November 1, 2015, and January 1, 2016, an Airport Manager may issue interim permits under this Chapter II to eligible persons for a duration of up to 12 months, and, following the expiration of such interim permits, may issue permits to eligible persons pursuant to paragraph (1) of this section. All fees applicable to Limousine Service set out in Section 5.7, except the fee for use of a Designated Waiting Area, shall be in effect and assessed holders of such interim permits during the duration of the permits.

(Res. No. 15-24, 9-16-15)

§ 5.27. Limousine Service – Penalties.

Any person who violates any provisions of Section 5.24, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

§ 5.28 - § 5.30 – RESERVED

PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES

Chapter III – Transportation Network Company Service

§ 5.31. Introduction.

The provisions of this Chapter III are in addition to and supplemental to the provisions of Chapter I which also apply to Transportation Network Company Service. However, in the case of a conflict between any provisions in this Chapter III and in Chapter I, the provisions of this chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

§ 5.32. Purpose.

The purpose of this Chapter III is to ensure that the transportation services provided by Transportation Network Companies are available to passengers who are traveling by aircraft to or from the Airports and other individuals present on the Airports; that these services become an integral part of the system of commercial ground transportation services that are provided on the Airports; that these services are delivered in a safe and reliable manner on the Airports; that the use of Airport facilities by the providers of these services does not produce undue traffic congestion on Airport roadways or at Airport curbs, the drop-off or pick-up of passengers at Airport locations that are not intended for such purposes, or the excessive use of designated drop-off and pick-up locations; that the providers of the services do not engage in the Solicitation of passengers or other individuals who are on an Airport; that, like other providers of CGT Services, the providers of these services pay fair compensation for the privilege to access the Airports and use the Airports' facilities in order to conduct their business on the Airports; and that the regulation of the providers of these services is properly

integrated with the regulation of other providers of CGT Services.

(Res. No. 15-24, 9-16-15)

§ 5.33. Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter III and other chapters of Part 5, shall have the following meanings.

Transportation Network Company (TNC): A person operating a business or activity that constitutes a “transportation network company” as defined by the laws of the Commonwealth of Virginia and the laws of the State of Maryland, a “private vehicle-for-hire company” as defined by the laws of the District of Columbia, or the term used by other Governmental Authorities to define a comparable business or activity.

Transportation Network Company Driver (TNC Driver): An individual authorized by a TNC to use the individual’s personal vehicle, or a vehicle owned or leased by the TNC, having a seating capacity of not more than eight (8), including the driver, to provide TNC Pre-Arranged Trips. A TNC Driver is considered to be associated with the TNC which has provided such authorization to the driver.

Transportation Network Company Mobile Application (TNC Mobile Application): An online-enabled application, software, website and/or system provided by a TNC that enables its TNC Drivers to make arrangements for TNC Pre-Arranged Trips with individuals seeking transportation from or through the TNC.

Transportation Network Company Pre-Arranged Drop-Off Trip (TNC Pre-Arranged Drop-Off Trip): The transportation by a TNC and a TNC Driver, for compensation, of an individual from a location outside an Airport to a location on the Airport, which transportation is pre-arranged through a TNC Mobile

Application before the passenger is picked up by the driver and culminates in the passenger's drop-off at the Airport.

Transportation Network Company Pre-Arranged Pick-Up Trip (TNC Pre-Arranged Pick-Up Trip): The transportation by a TNC and a TNC Driver, for compensation, of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, which transportation is arranged in advance of the actual transportation through a TNC Mobile Application either (i) before the TNC Driver enters the Airport for the purpose of picking up the pre-arranged passenger or (ii) when the TNC Driver is located in a Designated Waiting Area identified in a permit issued under this Part 5.

Transportation Network Company Pre-Arranged Trip (TNC Pre-Arranged Trip): A TNC Pre-Arranged Drop-Off Trip or TNC Pre-Arranged Pick-Up Trip.

Transportation Network Company Service (TNC Service): The provision of a CGT Service consisting of the transportation by a TNC and its TNC Drivers of individuals to or from, or within, an Airport consisting of TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Pick-Up Trips.

Transportation Network Company Vehicle (TNC Vehicle): The vehicle used by a TNC Driver in the provision of TNC Service.

Transportation Network Company Permit Holder (TNC Permit Holder): A TNC to which a permit has been issued by an Airport Manager under this Part 5.

(Res. No. 15-24, 9-16-15)

§ 5.34. Transportation Network Service – Prohibited Activities.

(1) No person shall provide or attempt to provide on an Airport, or shall enter or be present on an Airport for the purpose of providing, TNC Service consisting of the transportation of one or more individuals from a location outside the Airport to a location on the Airport, or any part of

such transportation, unless (i) such service constitutes a TNC Pre-Arranged Drop-Off Trip and the person is authorized to provide TNC Pre-Arranged Drop-Off Trips on the Airport by a permit issued under this Part 5 or (ii) such service is authorized by a contract executed by the Authority; provided, that the provisions of this paragraph (1) shall not apply to TNC Pre-Arranged Drop-Off Trips which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(2) No person shall provide or attempt to provide on an Airport, or shall enter or be present on an Airport for the purpose of providing, TNC Service consisting of the transportation of one or more individuals from a location on the Airport to a location outside the Airport or to another location on the Airport, or any part of such transportation, unless (i) such service constitutes a TNC Pre-Arranged Pick-Up Trip and the person is authorized to provide TNC Pre-Arranged Pick-Up Trips on the Airport by a permit issued under this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided, that the provisions of this paragraph (2) shall not apply to TNC Pre-Arranged Pick-Up Trips which have been exempted from the paragraph by the Authority pursuant to Section 5.6.

(3) No TNC or TNC Driver, whether or not holding or operating under a permit issued under this Part 5, shall provide or attempt to provide while on an Airport, or shall be present on an Airport for the purpose of providing, the transportation of any individual for compensation other than as part of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up Trip, except (i) when traveling, immediately after entering the Airport, to a Designated Waiting Area that is described in a permit issued under this Part 5 which authorizes the TNC and its TNC Drivers to pre-arrange trips while located within the described Designated Waiting Area or (ii) having not pre-arranged a trip while located within such Designated Waiting Area, when traveling between the area and an Airport exit. Any TNC Driver who is present on an Airport, including in an Airport terminal, and not traveling as described in clauses (i) and (ii) in the prior sentence, and who does not, when requested, provide the written or electronic record of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up

Trip, as described in and required by paragraph (4)(a) below, shall be presumed to be in violation of this paragraph (3), and the presence of the TNC Driver, and consequently the TNC, on the Airport, under these circumstances, shall constitute prima facie evidence of the person's violation of this paragraph.

(4) Except as otherwise provided pursuant to Section 5.6:

(a) No TNC or TNC Driver shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, TNC Service without possession of or immediate access to an electronic record of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up Trip, which shall consist of the following:

(i) the name of the TNC with which the TNC Driver is associated;

(ii) the identification number assigned to the TNC Driver by the TNC with which the driver is associated;

(iii) the license plate number, along with the state issuing the license plate, of the TNC Vehicle which the TNC Driver is authorized to operate; and

(iv) in the case of a TNC Pre-Arranged Pick-Up Trip, the date and approximate time when, and the location on the Airport at which, the passenger is to be, or was, picked up.

(b) No TNC Driver who is present on an Airport and not traveling to or from a Designated Waiting Area as described in clauses (i) and (ii) in paragraph (3) above, and whether such driver is located in or outside a motor vehicle, shall refuse or fail to make available, or to provide access to, the electronic record, as described in subparagraph (a) of this paragraph (4), of the TNC Pre-Arranged Drop-Off Trip or TNC Pre-

Arranged Pick-Up Trip, which the TNC Driver is, or claims to be, in the course of providing, to an Authority law enforcement officer, another Authority employee, or a representative of the Authority, upon the officer's, employee's or representative's request.

(Res. No. 15-24, 9-16-15)

§ 5.35. Transportation Network Company Service – Eligibility for Permit

(1) No person shall be eligible for a permit under this Part 5 authorizing the person to provide TNC Service on an Airport unless the person possesses one or more Governmental Authorizations authorizing the person to be, and to conduct the business of, a TNC within the jurisdiction of the Government issuing the authorization.

(2) To be eligible for a permit authorizing the person to provide TNC Service on an Airport, a person shall submit a permit application on a form supplied by the Authority, shall pay all applicable fees, and shall meet all eligibility requirements as may be established by the Airport Manager under Section 5.4.

(Res. No. 15-24, 9-16-15)

§ 5.36. Transportation Network Company Service – Permits

(1) The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to conduct their business of providing TNC Service at the Airports, and to place such terms, conditions and requirements in the permits as the managers deem reasonable to achieve the purposes set out in Sections 5.1 and 5.31, to protect the traveling public, and otherwise to be in the interest of the Authority and the traveling public. When determining the terms, conditions, requirements and other provisions to place in such permits, the Airport Managers shall consider the inclusion, among others, of provisions which address the matters that are

described in Section 5.5 and, in addition, the inclusion of the provisions below:

(a) a provision that requires the TNC Permit Holder to cause its mobile application (i) to be inaccessible to its TNC Drivers whenever they are present on an Airport in any location other than the Airport's Designated Waiting Areas, and (ii) to be accessible to its drivers located outside an Airport to arrange a TNC Pre-Arranged Pick-Up Trip only in the event no drivers of the permit holder are located within the Airport's Designated Waiting Area;

(b) a provision that (i) prohibits a TNC Permit Holder which possesses operating authority from both the Commonwealth of Virginia and one or more other Governmental Authorities (including without limitation the District of Columbia or State of Maryland) from utilizing or allowing any of its TNC Drivers who are not authorized to operate under the permit holder's operating authority from the Commonwealth of Virginia to transport passengers from a location within the Commonwealth of Virginia that is outside of an Airport to a location on that Airport and from a location on an Airport to a location outside of that Airport which is within the Commonwealth of Virginia; (ii) that requires the permit holder to prohibit and prevent all such TNC Drivers from providing any such intra-Virginia transportation; and (iii) that requires the permit holder to make its mobile application inaccessible to all such TNC Drivers to pre-arrange any such intra-Virginia trips;

(c) a provision that (i) prohibits a TNC Permit Holder which does not possess a certificate of fitness or other form of operating authority from the Commonwealth of Virginia, but rather one or more Governmental Authorizations from other Government Authorities (including without limitation the District of Columbia or State of Maryland) authorizing the permit holder to operate within such Government Authorities' jurisdiction, from utilizing or allowing any of its TNC

Drivers to transport any passengers from a location within the Commonwealth of Virginia outside of the Airport covered by the permit to a location on the Airport, and from a location on that Airport to a location outside of the Airport which is within the Commonwealth of Virginia; (ii) that requires the permit holder to prohibit and prevent all of its TNC Drivers who are operating under its permit from providing any such intra-Virginia transportation; (iii) and that requires the permit holder to make its mobile application inaccessible to all of its TNC Drivers to pre-arrange any such intra-Virginia trips;

(d) a provision requiring the TNC Permit Holder to defend, hold harmless and indemnify the Authority in connection with any claims arising from any incident occurring in the course of the transportation of one or more passengers to or from an Airport for compensation by any of the permit holder's TNC Drivers, regardless of the location of the incident and whether or not the TNC Driver had arranged for the transportation through the permit holder's mobile application;

(e) a provision requiring the TNC Permit Holder either to:

(i) utilize the Authority's Automatic Vehicle Identification System;

(ii) install and utilize a Geofence, as defined in Section 5.2 and described in Section 5.5(10); or

(iii) comply with requirements set out in the permit that describe a series of actions--

(A) to be taken by the permit holder which will result in specifically defined information relating to the permit holder's on-Airport operations and activities being verified by the permit holder and third parties as accurate and

trustworthy, and being made available to the Authority; such actions might include, without limitation, the following:

(1) the compilation on a regular basis (e.g., monthly) of certain information specified or described in the permit relating to the TNC Pre-Arranged Trips undertaken by the permit holder's TNC Drivers during the period in question, including without limitation the number of such trips and the number of TNC Pre-Arranged Drop-Off and TNC Pre-Arranged Pick-Up Trips;

(2) the preparation and delivery to the Airport Manager on a regular basis (e.g., monthly) of a report which contains all or designated components of the information referenced in subparagraph (e)(iii)(A)(1) for the period in question, including without limitation the number of such trips and the number of TNC Pre-Arranged Drop-Off and TNC Pre-Arranged Pick-Up Trips;

(3) the execution of a certificate, in conjunction with each such regular report, by the permit holder's chief executive officer, chief financial officer or other officer identified in the permit, in which the officer certifies that, to the best of his or her knowledge, the report fairly and accurately presents, in all material respects, the number of TNC Pre-Arranged Trips provided by the permit

holders' TNC Drivers during the period addressed by the report and all other information relating to such trips that is presented in the report; and

(4) the real-time electronic delivery by the permit holder to designated Authority personnel, following its receipt from such personnel of a motor vehicle's license plate number and the plate's issuing state, of information described specified or described in the permit that is designed to assist the Authority in enforcing the permit's requirements, including without limitation the delivery of a statement that the license plate is, or is not, linked to a vehicle associated with a TNC Driver who is authorized to access the permit holder's mobile application and, when the vehicle is so linked, a statement that the vehicle is, or is not, currently engaged in a TNC Pre-Arranged Drop-Off Trip or TNC Pre-Arranged Pick-up Trip;

(B) to be taken by the permit holder to verify the accuracy of the systems, processes and procedures used by the permit holder to produce the information referenced in subparagraphs (e)(iii)(A)(1) and (e)(iii)(A)(4): such actions might include, without limitation, the following:

(1) the permit holder's retention, on a regular basis as defined in the permit, of an accredited accounting firm acceptable to the

Airport Manager to conduct an audit of the permit holder's systems, processes and procedures which the permit holder utilizes to collect, record and transmit the information referenced in subparagraph (e)(iii)(A)(1) and (e)(iii)(A)(4);

(2) the preparation of a report by the retained accounting firm in connection with each such audit in which the firm provides, among other things, an opinion (x) as to whether or not the permit holder's systems, processes and procedures for collecting, recording and transmitting the information referenced in subparagraph (e)(iii)(A)(1) and (e)(iii)(A)(4) fairly and accurately compile, record and transmit, in all material respects, such information, and (y) as to whether or not the information included in each of the reports referenced in subparagraph (e)(iii)(A)(2), which were delivered to the Airport Manager during the period covered by the audit, fairly and accurately presented, in all material respects, the information presented in the reports, including the overall number of the permit holder's TNC Pre-Arranged Trips, as well as the number of TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Trip Pick-Up Trips, occurring during the periods covered by the reports; and

(3) the delivery to the Airport Manager of each audit report

prepared under this subparagraph
(e)(iii)(B);

(C) that may be taken by the Authority itself to verify the accuracy of the information referenced in subparagraph (e)(iii)(A)(1) and (e)(iii)(A)(4);

(f) a provision requiring the TNC Permit Holder to maintain certain displays, trade dress or other physical identifiers on its TNC Vehicles operating under the permit which evidence the Governmental Authorizations under which the vehicles are operating; provided, that the display of a decal or marker evidencing the permit issued by the Airport Manager will not be required; and

(g) a provision requiring the permit holder to provide specified information regarding the TNC Vehicles operating under the permit but not regarding the permit holder's TNC drivers.

(2) Permits authorizing the provision of TNC Service at an Airport will be issued only to a TNC, and such permits will only authorize the TNC Permit Holder, acting solely through its TNC Drivers, to provide TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Pick-Up Trips at the Airport.

(3) Notwithstanding any provisions of this Chapter III to the contrary, between November 1, 2015, and January 1, 2016, an Airport Manager may issue interim permits under this Chapter III to eligible persons, for a duration of up to 12 months, and, following the expiration of such interim permits, may issue permits to eligible persons pursuant to paragraph (1) of this section. All fees applicable to TNC Service set out in Section 5.7, except the fee for use of a Designated Waiting Area, shall be in effect and assessed holders of such interim permits during the duration of the permits.

(Res. No. 15-24, 9-16-15)

§ 5.37. Transportation Network Company Service – Penalties

Any person who violates any provisions of Section 5.34, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

§ 5.38 - § 5.40 – RESERVED

PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES

Chapter IV – Taxicab Service

Subchapter A – General Provisions

§ 5.41. Introduction.

The provisions of this Chapter IV are in addition to and supplemental to the provisions of Chapter I which also apply to Taxicab Service. However, in the case of a conflict between any provisions in this Chapter IV and in Chapter I, the provisions of this chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

§ 5.42. Purpose.

The purpose of this Chapter IV is to ensure that the traveling public obtains safe, convenient, clean, and courteous Taxicab Service on National and Dulles and at a fair price, to avoid congestion of the roadways and curbs at the Airports, and to achieve these ends in harmony with the laws and regulations of the jurisdictions making up the Washington, D.C., metropolitan area. The Authority finds it necessary to manage the hiring of Taxicabs at National by means of a dispatch system, except under narrow circumstances, and to restrict the Taxicabs operating in that dispatch system to

those which conform to Authority Regulations and Airport rules, as well as the laws of the jurisdiction in which the Taxicabs are licensed.

(Res. No. 94-4, 1-5-94; Res. No. 15-24, 9-16-15)

§ 5.43. Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter IV and other chapters of Part 5, shall have the following meanings.

Taxicab: Any motor vehicle that is operated for the purpose of transporting passengers for compensation, which is based on metered rates, between points along the public streets and roadways as the passengers may direct and is not being operated on a regular route or schedule or between fixed terminals. The term includes motor vehicles regulated as “taxicabs” under the laws of the Commonwealth of Virginia and the State of Maryland, their political subdivisions, and the District of Columbia. The term does not include limousines, executive sedans, or other for hire vehicles for which passengers contract on an hourly basis.

Taxicab Dispatch System: The system established and operated by the Authority at National to direct and control the movement and operation of Taxicabs operated by individuals holding a Taxicab Operator’s Permit.

Taxicab Dispatch Trip: The transportation provided by the operator of a Taxicab of one or more passengers from a location on National to a location outside the Airport or to another location on the Airport which is at the direction of the Taxicab Dispatcher.

Taxicab Dispatcher: The individual designated and authorized by the Authority to direct the movement and operation of Taxicabs at National as part of the Taxicab Dispatch System.

Taxicab Drop-Off Trip: The transportation by an operator of a Taxicab of one or more passengers from a location outside an Airport to a location on the Airport.

Taxicab Official: The employee of the Authority charged with administering and supervising the Taxicab Dispatch System.

Taxicab Operator's Permit: The permit issued by the Authority which authorizes an individual to provide Taxicab Dispatch Trips at National.

Taxicab Pre-Arranged Pick-Up Trip: The transportation by an operator of a Taxicab of one or more passengers from a location on an Airport to a location outside the Airport or to another location on the Airport which is arranged in advance of the actual transportation and before the Taxicab operator enters the Airport for the purpose of picking up the pre-arranged passenger.

Taxicab Service: The provision of a CGT Service consisting of the transportation of individuals to and from, and within, an Airport by Taxicab.

(Res. No. 94-4, 1-5-94; Res. No. 15-24, 9-16-15)

Subchapter B – Taxicab Service at National

§ 5.44. Operating Conditions for Providers of Taxicab Service.

(1) Every individual operating a Taxicab at any time on National, including to provide Taxicab Drop-Off Trips, shall comply with each of the following requirements.

(a) The individual must possess a current, valid motor vehicle operator's license.

(b) The individual must possess a current, valid license, registration or other certificate, issued by one or more Governments, which is applicable to the individual's Taxicab.

(c) The individual must possess a current, valid license, issued by at least one Government, to operate a Taxicab within the jurisdiction of that Government.

(d) The individual must not engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another.

(e) When transporting passengers to destinations outside Virginia, the individual must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the individual's Taxicab is licensed, certified or otherwise authorized. When transporting passengers within Virginia, including from one to another location on National, the individual must charge the passenger fares prescribed by the Virginia Governmental Authority which has licensed, certified or otherwise authorized the individual's Taxicab.

(f) The individual must comply with the laws governing Taxicabs in the jurisdiction of each Governmental Authority which has licensed the individual to operate a Taxicab or has licensed, registered or certified the individual's Taxicab. In case of any inconsistency between these Regulations and the laws of such jurisdictions, the more restrictive law shall apply.

(g) The individual must comply with all conditions set out in the Taxicab Operator's Permit, if any, issued to the individual under Section 5.47.

(2) Any individual operating a Taxicab on National while not in compliance with any of the requirements in subparagraphs (a) through (e) of paragraph (1) shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

§ 5.45. Operating Conditions for Taxicabs Picking Up Passengers Outside the Taxicab Dispatch System.

(1) No individual who lacks a Taxicab Operator's Permit shall operate a Taxicab on National to pick up or attempt to pick up one or more passengers at the Airport between the hours of 6:00 a.m. and 2:00 a.m. the following day, except at the express direction of the Taxicab Dispatcher; provided, that the foregoing prohibition does not apply to any individual who is operating a Taxicab under one of the following circumstances:

(a) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers for hire at National; or

(b) the individual comes to National to provide a Taxicab Pre-Arranged Pick-Up Trip and the individual possesses a manifest or trip sheet which shows (i) the date and time the trip was pre-arranged, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time, and location of the pick-up. Such manifests or trip sheets may be maintained in written or electronic format, and must clearly set out the above information.

(2) Any individual who operates a Taxicab on National in violation of any provisions of paragraph (1), which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04; Res. No. 15-24, 9-16-15)

§ 5.46. Operating Conditions for Providers of Taxicab Dispatch Trips.

No individual shall operate a Taxicab in the Taxicab Dispatch System at National unless the individual is in compliance with each of the following conditions.

(1) The individual must possess a current, valid Taxicab Operator's Permit issued under Section 5.47. This Permit must be kept in the individual's possession at all times that the individual is operating a Taxicab at National and must be prominently displayed according to the Airport Manager's directions while the Taxicab is on the Airport.

(2) The individual must display in the Taxicab, in a place conspicuous to passengers, the driver's license from a Government to operate a Taxicab, and a schedule of the fare rates issued by the Washington Metropolitan Area Transit Commission and by the Government that has licensed, certified or otherwise authorized the individual's Taxicab.

(3) The individual must, upon the request of an Authority law enforcement officer, a Taxicab Dispatcher, or the Taxicab Official, surrender for inspection the individual's Taxicab Operator's Permit and must permit any such Authority representative to inspect the individual's Taxicab to determine if the individual is displaying the license and fare rate schedule required by paragraph (2).

(4) The individual must wear a shirt with a collar, long pants or a skirt, shoes (not sandals), and socks or stockings.

(5) The individual must operate a Taxicab that is clean and maintained in good repair including, by way of illustration and not limitation, the tires, headlights, brake lights, turn signals, windshield wipers, brakes, window glass, doors, fenders, paint, passenger compartment, trunk, seat belts, and upholstery.

(6) The individual must operate a Taxicab that is not more than eight years old based on the Taxicab's model year (i.e., the difference between the Taxicab's model year and the current calendar year is not greater than eight).

(7) The individual must operate a Taxicab that is equipped with air conditioning which is in good repair. The individual must turn on the air conditioning when the outside temperature exceeds 80 degrees Fahrenheit and the individual is directed to do so by the Taxicab Dispatcher. Notwithstanding the foregoing, the individual shall comply in all circumstances with the request of a passenger to turn on or turn off the air conditioning.

(8) The individual must not smoke in the Taxicab when passengers are present. If the individual wishes passengers not to smoke, the individual must post a "No Smoking" sign in the Taxicab that is readily visible to passengers.

(9) The individual must obey all directions and signals of the Taxicab Dispatcher regarding the orderly flow of traffic and the accommodation of passengers.

(10) The individual must accept any orderly passenger and convey any passenger where directed upon dispatch by the Taxicab Dispatcher.

(11) The individual may transport only those persons assigned to the individual by the Taxicab Dispatcher.

(12) The individual may not act in a discourteous manner towards passengers or persons seeking transportation.

(13) When requested by a passenger, the individual must give a receipt showing the individual's name, the name of the Taxicab company (if any), the taxicab number, the time and place of the trip's origin and destination, and the amount of the fare.

(14) The individual must not breach the peace on the Airport. The individual must not impede the operation of the Taxicab

Dispatch System, other airport operations, or the flow of traffic to and from the Airport.

(15) The individual must remain within five feet of the individual's Taxicab at all times except while it is in a Taxicab holding structure at National or when it is legally parked on the Airport.

(16) The individual must not give or offer to give any money or anything of monetary value to the Taxicab Dispatcher.

(17) The individual must pay a dispatch fee, set pursuant to Section 5.7, on each occasion the individual picks up one or more passengers through the Taxicab Dispatch System.

(18) The individual must maintain in the individual's Taxicab electronic credit card processing equipment that enables passengers to use credit cards to pay fares.

(19) The individual must accept major credit cards as payment for fares.

(20) The individual must permit Authority law enforcement officers and the Taxicab Official to inspect the individual's Taxicab to determine whether the vehicle meets the standards set forth in this Section 5.46. The individual shall not operate a vehicle in the Taxicab Dispatch System that has failed such an inspection until an Authority law enforcement officer or the Taxicab Official has determined that the conditions causing the vehicle to fail have been corrected.

(Res. No. 94-4, 1-5-94; Res. 99-5, 4-7-99; Res. No. 09-13, 4-1-09; Res. No. 14-12, 5-1-14; Res. No. 15-24, 9-16-15)

§ 5.47. Issuance of Taxicab Operator's Permits.

Except when the Airport Manager at National, based on the number of outstanding Taxicab Operator's Permits, the number of pending applications for such permits, and the projected need for additional Taxicabs at the Airport, has determined to cease accepting applications for a Taxicab Operator's Permit, the Airport Manager shall issue a Taxicab

Operator's Permit to each individual whom the manager finds to be of good, moral character and who:

- (1) completes and submits an application to the Airport Manager on a form provided by the manager;
- (2) possesses a current, valid motor vehicle operator's license;
- (3) possesses a current, valid license, registration or other certificate, issued by one or more Governments, which is applicable to the individual's Taxicab.
- (4) possesses a current, valid license to operate a Taxicab issued by one or more of the following Governments: Montgomery County or Prince George's County, Maryland; the District of Columbia; or the City of Alexandria, the City of Falls Church, Fairfax County or Arlington County, Virginia;
- (5) presents an official copy of the individual's current driving record from the Government by which the individual is licensed to operate a motor vehicle and demonstrates that the criminal history records check required by the Government by which the individual is licensed has been performed;
- (6) is in compliance with all applicable laws, regulations and requirements of the Government which has licensed the individual, including by way of illustration and not limitation, the minimum insurance requirements for the Taxicab that the individual is operating;
- (7) has more than six months driving experience in the Washington, D.C., metropolitan area; provided, that the Airport Manager may require the individual to demonstrate a working knowledge of the metropolitan area by means of an examination;
- (8) is at least twenty-one years of age;

(9) is not currently subject to an order of suspension or revocation of a previously issued Taxicab Operator's Permit;

(10) meets those eligibility requirements set out in Section 5.4 which the Airport Manager has determined to apply to applicants for a Taxicab Operator's Permit; and

(11) pays all applicable fees set pursuant to Section 5.7.

The Airport Manager at National may periodically define a number of Taxicab Operator's Permits that will be issued only to individuals who satisfy the requirements of this Section 5.47 and who will, when operating under the Taxicab Operator's Permit, operate a wheelchair accessible Taxicab meeting the standards, if any, established by the manager; provided, that a permit issued to any such individual will automatically terminate in the event the individual ceases to operate a wheelchair accessible Taxicab.

(Res. No. 94-4, 1-5-94; Res. 99-5, 4-7-99; Res. No. 14-12, 5-21-14; Res. No. 15-24, 9-16-15)

§ 5.48. Denial of Taxicab Operator's Permits.

The Airport Manager may refuse to issue a Taxicab Operator's Permit to any applicant for any of the following reasons:

(1) repeated or serious violations of the motor vehicle laws of any Government or applicable provisions of this Part 5; the accumulation of twelve or more uniform demerit points, calculated according to the Commonwealth of Virginia's demerit system, against the applicant's motor vehicle operator's license within a twenty-four month period shall be prima facie grounds for denial of a permit application;

(2) the conviction, plea of guilty, or plea of nolo contendere to the violation of any law involving the commission of a felony, any sex offense, soliciting for

prostitution, driving while intoxicated or under the influence of alcohol or unlawful drugs, or, in the last five (5) years, any other crime reasonably indicating that the individual may not be fit to provide service to the public;

(3) procuring or attempting to procure a Taxicab Operator's Permit by fraud, misrepresentation, false or misleading statements, evasions, or suppression of material facts;

(4) procuring or attempting to procure more than one Taxicab Operator's Permit; or

(5) failing to meet the eligibility requirements as may be established for individuals seeking Taxicab Operator's Permit by the Airport Manager under Section 5.4.

(Res. No. 94-4, 1-5-94; Res. No. 04-30, 12-1-04; Res. No. 15-24, 9-16-15)

§ 5.49. Terms and Conditions of Taxicab Operator's Permits.

(1) A Taxicab Operator's Permit shall expire every other year on the last day of the month of the permit holder's birthday.

(2) A Taxicab Operator's Permit remains the property of the Authority, and its use by the Taxicab driver is subject to the following requirements:

(a) The permit is issued for the exclusive use of the named driver and shall not be made available by the driver for the use of any other person.

(b) The permit shall not be altered or defaced in any way after it is issued to the named driver.

(c) The permit shall be invalid and may not be used after the expiration date shown on the permit.

(d) The permit shall be returned to the Authority immediately upon an order of suspension or revocation of the permit by the Airport Manager.

(e) The holder of the permit shall notify the Taxicab Official within seventy-two (72) hours of being convicted or pleading guilty to any felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, a moving vehicle violation, or of any other crime reasonably indicating that the individual may not be fit to provide service to the public.

(3) A Taxicab Operator's Permit may contain such other terms, conditions, requirements and other provisions deemed appropriate by the Airport Manager, including without limitation provisions addressing any of the matters described in Section 5.5.

(Res. No. 94-4, 1-5-4; Res. No. 15-24, 9-16-15)

§ 5.50. Complaints Against Holders of Taxicab Operator's Permits.

(1) Any complaint, whether from a Taxicab Dispatcher, Authority employee, passenger or member of the public regarding the conduct of the holder of a Taxicab Operator's Permit while on, or during the transportation of a passenger picked up at, National, including a complaint of fare overcharge, must be made in written or electronic form to the Taxicab Official, and include the name of the complainant and a means of contacting the complainant in order for the Authority to act upon the complaint. All such complaints shall be investigated by the Taxicab Official or other Authority employee designated by the Airport Manager. The Taxicab Official may summarily dismiss the complaint if it is determined that the complaint does not warrant a reprimand or is without merit.

(2) If the complaint is not summarily dismissed, the Taxicab Official shall provide the permit holder with a copy of the complaint. The permit holder may present information orally

or in writing at a designated time and place to refute or explain the complaint. The Taxicab Official, or the designee of the Airport Manager, shall consider the information presented, and may dismiss the complaint, issue a written reprimand to the permit holder, or, in the case of repeated or serious violations, recommend the suspension or revocation of the permit. Any recommendation of suspension or revocation shall be provided to the Airport Manager who may move forward with the recommendation by commencing the process set out in Section 5.8.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

§ 5.50.1. Suspension and Revocation of Taxicab Operator's Permits.

(1) The Airport Manager may, after notice and an opportunity to be heard have been provided under Section 5.8 and pursuant to the process provided in such section, suspend for up to 90 days or revoke the Taxicab Operator's Permit of any permit holder who:

- (a) violates a provision of a term, condition, requirement or other provision of the permit or of this Subchapter B;
- (b) violates the motor vehicle laws of a Government;
- (c) is convicted of or pleads guilty to any felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, or any other crime reasonably indicating that the individual may not be fit to provide service to the public;
- (d) has his or her motor vehicle operator's license suspended or revoked by a Government;
- (e) has his or her license to operate a Taxicab suspended or revoked by a Government: or

(f) could be denied a Taxicab Operator's Permit for any of the reasons listed in Section 5.48.

(2) In determining whether to suspend or revoke a Taxicab Operator's Permit, the Airport Manager may take into account any prior violations of this Part 5 or of the permit by the permit holder which could have been grounds for suspension or revocation of the permit, as well as any mitigating circumstances.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

Subchapter C – Taxicab Service at Dulles

§ 5.50.2. Picking Up Taxicab Passengers.

No individual shall operate a Taxicab on Dulles to pick up or attempt to pick up one or more passengers at the Airport unless:

(1) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers for hire at Dulles; or

(2) the individual comes to Dulles to provide a Taxicab Pre-Arranged Pick-Up Trip and the individual possesses a manifest or trip sheet which shows (i) the date and time the trip was pre-arranged, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time and location of the pickup. Such manifests or trip sheets may be maintained in written or electronic format, and must clearly set out the above information.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04; Res. No. 15- , 9-16-15)

§5.50.3. Operating Conditions for Providers of Taxicab Service.

Every individual operating a Taxicab at any time on Dulles, including to provide Taxicab Drop-Off Trips, shall comply with each of the following conditions.

- (1) The individual must possess a current, valid motor vehicle operator's license.
- (2) The individual must possess a current, valid license, registration or other certificate, issued by one or more Governments, which is applicable to the individual's Taxicab.
- (3) The individual must possess a current, valid license, issued by at least one Government, to operate a Taxicab within the jurisdiction of that Government.
- (4) The individual must not engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another.
- (5) When transporting passengers to destinations outside Virginia, the individual must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the individual's Taxicab is licensed, certified or otherwise authorized. When transporting passengers within Virginia, including from one to another location on Dulles, the individual must charge the passenger fares prescribed by the Virginia Governmental Authority which has licensed, certified or otherwise authorized the individual's Taxicab.
- (6) The individual must comply with the laws governing Taxicabs in the jurisdiction of each Governmental Authority which has licensed the individual to operate a Taxicab or has licensed, registered or certified the individual's Taxicab. In case of any inconsistency between these Regulations and

the laws of such jurisdictions, the more restrictive law shall apply.

(Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-08-01; Res. No. 15-24, 9-16-15)

§ 5.50.4 Penalties

Any individual who violates any provisions of Section 5.50.2, or who operates a Taxicab on Dulles while not in compliance with any of the requirements in paragraphs (1) through (5) of Section 5.50.3, which provisions and requirements shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES

Chapter V – Ground Transportation Provided by Other Vehicles For Hire

§ 5.51. Purpose.

The purpose of this Chapter V is to require that the provision of for-hire ground transportation services at the Airports which are not subject to Chapters I through IV of this Part 5, and which are not being provided under a contract executed by the Authority, meets certain requirements, including that the service is provided by persons which are authorized to provide such services pursuant to licenses, certificates or other authorizations issued by one or more Governmental Authorities.

(Res. No. 15-24 , 9-16-15)

§ 5.52. Operating Conditions for Other Vehicles for Hire at National and Dulles.

(1) No individual who is operating a vehicle for hire with a seating capacity not larger than fifteen (15) (including the driver) at National or Dulles, and is not subject to and governed by Chapters I through IV of this Part 5 shall:

(a) pick up or attempt to pick up one or more passengers at an Airport unless:

(i) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers at the Airport; or

(ii) the individual comes to the Airport to pick up a passenger in response to a request to transport that passenger received prior to the individual's entry onto the Airport, and the individual possesses a manifest or trip sheet which shows (i) the date and time such request was received, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time, and location of the pickup. Such manifests or trip sheets may be maintained in written or electronic format, and must clearly set out the above information;

(b) operate such vehicle to pick up passengers for hire on an Airport unless:

(i) the individual is licensed, certified or otherwise authorized by one or more Governments to operate the vehicle for hire;

(ii) the vehicle is licensed, registered or certified to operate as a vehicle for hire by one or more Governments; and

(iii) the individual and vehicle are in compliance with the applicable laws and regulations governing vehicles for hire in the jurisdiction of each of the Governments referenced in subparagraph (b)(i) and (b)(ii); or

(c) engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another.

(2) Any individual who violates any provisions of paragraph (1), which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04; Res. No. 15-24, 9-16-15)

3. That the Board of Directors determines that it is necessary in the public interest that the provisions within the revised and restated Part 5 of the Metropolitan Washington Airports Authority Regulations, as set out in paragraph 2 of this Resolution, which are expressly stated as having the force and effect of law, shall have the force and effect of law; and

4. That paragraph 1 of this Resolution and the provisions within the revised and restated Part 5 of the Metropolitan Washington Airports Authority Regulation, as set out in paragraph 2, shall be effective on November 1, 2015.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

b. Recommendation to Award a Contract for Development and Operation of the Fuel Retailing and Convenience Concession at Washington Dulles International

Mr. McDermott moved the adoption of the following resolution, which was unanimously approved:

WHEREAS, The current concession contract with Exxon for the operation of the fueling station at Washington Dulles International Airport (Dulles International) will terminate on December 31, 2016;

WHEREAS, In 2008, Exxon exited the fuel retailing business and the Airports Authority concurred with the assignment of the concession contract to an entity that was acquired by MACS Retail, LLC;

WHEREAS, In January 2015, the Business Administration Committee reviewed and concurred with the issuance of a competitive negotiated solicitation using the best value method for the development and operation of a fuel retailing and convenience concession on a larger site at Dulles International;

WHEREAS, a Request for Proposals was issued in March 2015;

WHEREAS, Five proposals were received and evaluated, including one that was deemed non-responsive and another deemed outside the competitive range;

WHEREAS, On September 16, 2015, the Business Administration Committee was presented with the evaluation results and recommended that the Board of Directors approve the award of this contract to develop and operate a fuel retailing and convenience concession at Dulles International to MACS Retail, LLC; now, therefore, be it

RESOLVED, That the award to MACS Retail, LLC, of a 20-year contract to develop and operate a fuel retailing and convenience concession at Dulles International is approved; and

2. That the President and Chief Executive Officer is authorized to execute this contract with MACS Retail, LLC, consistent with the terms and conditions presented to the Business Administration Committee on September 16, 2015.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

- c. Recommendation to Enter into an Agreement with Fairfax County to Support the County in Connection with a Grant it is Receiving from the Northern Virginia Transportation Authority to Fund Certain Costs of the Dulles Corridor Metrorail

Mr. Griffin moved the adoption of the following resolution, which was adopted:

WHEREAS, Fairfax County has successfully applied to the Northern Virginia Transportation Authority (NVTA) for a grant of approximately \$33,000,000 to be used to pay a portion of the costs of constructing Innovation Station, near Route 28, as part of Phase 2 of the Metrorail Project;

WHEREAS, Fairfax County now intends to enter a grant agreement with NVTA relating to this \$33,000,000 grant;

WHEREAS, The Airports Authority has been asked to enter into an agreement with Fairfax County that will parallel and support Fairfax's grant agreement with NVTA;

WHEREAS, Under this agreement with Fairfax County, the Airports Authority will work with the county in developing documentation of the Innovation Station costs which meets the requirements of NVTA and which will allow the county to make periodic draws of grant funds from NVTA;

WHEREAS, Under this agreement, grant funds drawn by Fairfax County will be made available to the Airports Authority to pay, or provide reimbursement of, costs that the Airports Authority has incurred in the construction of Innovation Station;

WHEREAS, An agreement between the Airports Authority and Fairfax County (Airports Authority-Fairfax Agreement) that provides for the Airports Authority to support the county in making draws on its NVTAs grant and for the county to authorize the grant funds it has drawn to be used by the Airports Authority in meeting Innovation Station construction costs was presented to the Dulles Corridor and Finance Committees during a joint meeting on September 16, 2015;

WHEREAS, At this joint meeting, the Committees approved the proposed Airports Authority-Fairfax agreement and recommended that the Board of Directors authorize its execution, subject to the Fairfax County Board of Supervisors' approving the grant agreement between the county and NVTAs; now, therefore, be it

RESOLVED, That the President and Chief Executive Officer is authorized to execute the Airports Authority-Fairfax Agreement, subject to the Board of Supervisors of Fairfax County having approved the grant agreement between the county and NVTAs.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

d. Recommendation to Award the Fixed Base Operator Contract at Washington Dulles International Airport

Mr. McDermott moved the adoption of the following resolution, which was unanimously adopted:

WHEREAS, The current contract for the provision of fixed-base operator (FBO) services to the General Aviation (GA) market at Washington Dulles International Airport (Dulles International) is held by Piedmont Hawthorne Aviation, LLC, dba Landmark Aviation (Landmark Aviation), and it is scheduled to expire on August 31, 2015;

WHEREAS, The Business Administration Committee in October 2014 concurred in the pre-solicitation terms for the procurement of FBO services at Dulles International;

WHEREAS, The contract grants the right to operate as one of two FBOs at Dulles International to provide primary support services, including fuel sales, for GA aircraft and passengers;

WHEREAS, The contract is intended to expire at the same time as that planned for the second existing Dulles International FBO contract with Signature Flight Support, which will allow for concurrent rebidding of both contracts in 2022;

WHEREAS, The Minimum Annual Guarantee offered by Landmark over the contract period totaled \$82,250,000, as well as a capital improvements investment offer of \$2.5 million to renovate the interior and exterior of the FBO facility, \$1 million to improve existing facility conditions, and \$1.4 million for repair and maintenance during the contract period;

WHEREAS, The Business Administration Committee is satisfied with the results of the competitive procurement process, as presented at its July 15, 2015 meeting; now, therefore, be it

RESOLVED, That the President and Chief Executive Officer is authorized and directed to enter into a seven-year and two-month contract, with Landmark, effective September 1, 2015 and running through October 31, 2022, consistent with the terms presented to the Business Administration Committee at its July 15, 2015 meeting.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

- e. Recommendation to Approve the Proposed Resolution Authorizing Direct Purchase of Bonds, Substitution of Letter of Credit and Conversion of Bonds for the Airport System Revenue Variable Rate Bonds, Series 2010C, 2003D-1 and 2011A

Mr. Curto moved the adoption of the following resolution, which was adopted by 16 Directors [one Director recused himself from the vote]:

WHEREAS, The Airports Authority issued its Airport System Revenue Variable Rate Bonds, Series 2003D-1 (the “Series 2003D Bonds”) under the Amended and Restated Master Indenture of Trust, dated as of September 1, 2001, as amended (the “Master Indenture”), as supplemented by a Sixteenth Supplemental Indenture of Trust, which to date has been amended and restated by the Second Amended and Restated Sixteenth Supplemental Indenture of Trust (the “Sixteenth Supplemental”) between the Airports Authority and the Trustee, and the Series 2003D Bonds bear interest at a rate based on the LIBOR Index Rate Mode in the manner described in the Sixteenth Supplemental, for a period that extends to December 16, 2016;

WHEREAS, Banc of America Preferred Funding Corporation (“Banc of America”) directly purchased the Series 2003D Bonds and the Airports Authority desires to convert the Series 2003D Bonds to a new LIBOR Index Rate Mode by having the Series 2003D Bonds tendered for mandatory purchase by Banc of America as a result of such mode change and selling the Series 2003D Bonds to Wells Fargo Municipal Capital Strategies, LLC (“Wells Fargo”), as direct purchaser;

WHEREAS, The Airports Authority issued its Airport System Revenue Variable Rate Refunding Bonds, Series 2010C, consisting of the Subseries 2010C-1 Bonds and the Subseries 2010C-2 Bonds (the “Series 2010C Bonds”) under the Master Indenture, as supplemented by a Thirty-seventh Supplemental Indenture of Trust (the “Thirty-seventh Supplemental”) between the Airports Authority and the Trustee, and the Subseries 2010C-1 Bonds bear interest at the Two Day Rate and the Subseries 2010C-2 Bonds bear interest at the Weekly Rate;

WHEREAS, Payment of the Series 2010C Bonds is secured by a direct-pay letter of credit (the “Barclays LOC”) issued by Barclays Bank PLC (“Barclays”) that expires by its terms on September 23, 2015, and the Airports Authority desires to substitute the Barclays LOC with a direct-pay letter of credit (the “Sumitomo LOC”) provided by Sumitomo Mitsui Banking Corporation, acting through its New York Branch (“Sumitomo”), and, in conjunction therewith the Airports

Authority desires to convert the Subseries 2010C-1 Bonds from the Two Day Mode to the Weekly Mode;

WHEREAS, The Airports Authority issued its Airport System Revenue and Refunding Variable Rate Bonds, Series 2011A, consisting of the Subseries 2011A-1 Bonds, the Subseries 2011A-2 Bonds and the Subseries 2011A-3 Bonds (the "Series 2011A Bonds") under the Master Indenture, as supplemented by a Fortieth Supplemental Indenture of Trust (the "Fortieth Supplemental") between the Airports Authority and the Trustee, and the Series 2011A Bonds bear interest at a rate based on the LIBOR Index Rate Mode in the manner described in the Fortieth Supplemental, for a period that extends to September 21, 2016;

WHEREAS, Wells Fargo Bank, National Association, PNC Bank, National Association, and Union Bank, N.A. (the "Series 2011A Holders") directly purchased the Series 2011A Bonds and the Airports Authority desires to convert the Series 2011A Bonds from the LIBOR Index Rate Mode to the Weekly Mode by having the Series 2011A Bonds tendered for mandatory purchase by the Series 2011A Holders as a result of such mode change;

WHEREAS, Upon conversion to the Weekly Mode, the Series 2011A Bonds will be secured by a direct-pay letter of credit (the "RBC LOC") provided by Royal Bank of Canada ("RBC"), acting through its branch located at 200 Vesey Street, New York, New York; and

WHEREAS, There has been presented to the Board of Directors the form of the documents described below that the Airports Authority proposes to execute in connection with (i) the mandatory tender of the Series 2003D Bonds and direct sale of the Series 2003D Bonds to Wells Fargo, (ii) the mandatory tender of the Series 2010C Bonds, conversion of the Series 2010C-1 Bonds to the Weekly Mode and substitution of the Barclays LOC with the Sumitomo LOC for the Series 2010C Bonds, and (iii) the mandatory tender of the Series 2011A Bonds, and conversion of the Series 2011A Bonds to the Weekly Mode secured by the RBC LOC, copies of

which documents shall be filed in the records of the Airports Authority:

- (a) Amendment No. 1 to the Second Amended and Restated Sixteenth Supplemental Indenture of Trust (the “Amendment to the Sixteenth Supplemental”), between the Airports Authority and the Trustee, relating to the Series 2003D Bonds; and
- (b) the Continuing Covenants Agreement relating to the Series 2003D Bonds between the Airports Authority and Wells Fargo (the “Wells Fargo Continuing Covenants Agreement”); and
- (c) Amendment No. 1 to the Thirty-seventh Supplemental Indenture of Trust (the “Amendment to the Thirty-seventh Supplemental”), between the Airports Authority and the Trustee, relating to the Series 2010C Bonds; and
- (d) the Reimbursement Agreement relating to the Sumitomo LOC between the Airports Authority and Sumitomo (the “Sumitomo Reimbursement Agreement”), including the irrevocable, direct-pay letter of credit attached as Appendix I to the Sumitomo Reimbursement Agreement; and
- (e) the Fee Agreement relating to the Sumitomo LOC between the Airports Authority and Sumitomo (the “Sumitomo Fee Agreement”); and
- (f) the Remarketing Agreement relating to the Series 2010C Bonds between the Airports Authority and Barclays Capital Inc. (the “Barclays Remarketing Agreement”); and
- (g) the Reoffering Circular relating to the Series 2010C Bonds (the “Series 2010C Reoffering Circular”); and
- (h) Amendment No. 1 to the Fortieth Supplemental Indenture of Trust (the “Amendment to the Fortieth

Supplemental”), between the Airports Authority and the Trustee, relating to the Series 2011A Bonds; and

- (i) the Reimbursement Agreement relating to the RBC LOC between the Airports Authority and RBC (the “RBC Reimbursement Agreement”), including the irrevocable, direct-pay letter of credit attached as Appendix I to the RBC Reimbursement Agreement; and
- (j) the Fee Agreement relating to the RBC LOC between the Airports Authority and RBC (the “RBC Fee Agreement”); and
- (k) the Remarketing Agreement relating to the Series 2011A Bonds between the Airports Authority and RBC Capital Markets LLC (the “RBC Remarketing Agreement”); and
- (l) the Reoffering Circular relating to the Series 2011A Bonds (the “Series 2011A Reoffering Circular”); and now, therefore, be it

RESOLVED, That the Amendment to the Sixteenth Supplemental, the Wells Fargo Continuing Covenants Agreement, the Amendment to the Thirty-seventh Supplemental, the Sumitomo Reimbursement Agreement, the Sumitomo Fee Agreement, the Barclays Remarketing Agreement, the Series 2010C Reoffering Circular, the Amendment to the Fortieth Supplemental, the RBC Reimbursement Agreement, the RBC Fee Agreement, the RBC Remarketing Agreement and the Series 2011A Reoffering Circular shall be and hereby are approved in substantially the form submitted to the Board of Directors at this meeting, with such completions, omissions, insertions and changes necessary to reflect the transactions to be accomplished by such documents or as otherwise may be approved by the persons executing them, their execution to constitute conclusive evidence of the Board of Directors’ approval of such completions, omissions, insertions and changes;

2. That the Series 2003D Bonds shall be tendered for mandatory purchase by Banc of America and that Wells Fargo shall become the direct purchaser of the Series 2003D Bonds

pursuant to, and for the term provided in, the Wells Fargo Continuing Covenants Agreement, and such Series 2003D Bonds shall bear interest in the LIBOR Index Rate Mode in the manner provided in the Sixteenth Supplemental as amended by the Amendment to the Sixteenth Supplemental;

3. That the Series 2010C Bonds shall be tendered for mandatory purchase and that Sumitomo shall be the provider of the Sumitomo LOC pursuant to, and for the term provided in, the Sumitomo Reimbursement Agreement, and such Series 2010C Bonds shall bear interest in the Weekly Mode in the manner provided in the Thirty-seventh Supplemental as amended by the Amendment to the Thirty-seventh Supplemental;

4. That the Series 2011A Bonds shall be tendered for mandatory purchase and that RBC shall be the provider of the RBC LOC pursuant to, and for the term provided in, the RBC Reimbursement Agreement, and such Series 2011A Bonds shall bear interest in the Weekly Mode in the manner provided in the Fortieth Supplemental as amended by the Amendment to the Fortieth Supplemental;

5. That the Chairman and the Vice Chairman of the Board of Directors are each authorized to execute the Amendment to the Sixteenth Supplemental, the Wells Fargo Continuing Covenants Agreement, the Amendment to the Thirty-seventh Supplemental, the Sumitomo Reimbursement Agreement, the Sumitomo Fee Agreement, the Barclays Remarketing Agreement, the Series 2010C Reoffering Circular, the Amendment to the Fortieth Supplemental, the RBC Reimbursement Agreement, the RBC Fee Agreement, the RBC Remarketing Agreement and the Series 2011A Reoffering Circular, and any other document, and to take any further action that the Chairman or Vice Chairman determines to be necessary or desirable to complete any of the transactions addressed and authorized by this Resolution;

6. That the Secretary, Interim Secretary or Assistant Secretary is authorized and directed to affix the Seal of the Airports Authority on any document executed pursuant to paragraph 5 of this Resolution, and to attest the same;

7. That the President and Chief Executive Officer and the Vice President for Finance and Chief Financial Officer are each authorized and directed to execute, deliver and file, as applicable, a tax certificate and all other required notices, certificates and instruments with respect to the actions addressed and authorized by this Resolution, including any necessary Internal Revenue Service Form 8038 or 8038-G, on behalf of the Airports Authority and to take any further action as the officers may consider necessary or desirable in connection with such actions;

8. That all other acts of the Chairman and the Vice Chairman of the Board of Directors, the President and Chief Executive Officer and the Vice President for Finance and Chief Financial Officer, whether before or after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution are hereby approved, ratified and confirmed; and

9. That any authorization provided in this Resolution to execute a document shall include authorization to deliver the document to the other parties thereto.

Consistent with Mr. Pozen's action at the day's Finance Committee Meeting, he read a recusal statement indicating that Wells Fargo is one of his firm's clients. He stated that he had executed a recusal agreement with the Ethics Officer and the Secretary.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

f. Recommendation Regarding the Selection of Independent Audit Firms

Ms. Wells moved the adoption of the following resolution, which was adopted unanimously:

WHEREAS, The Airports Authority is seeking independent audit firms to perform financial statement and specialized audit services;

WHEREAS, Under Resolution No. 01-20, the selection of independent auditors is reserved to the Board of Directors;

WHEREAS, The Risk Management Committee Co-Chairs requested the issuance of two solicitations for full and open competition seeking proposals from firms interested in performing financial statement audit services and specialized audit services, including the Authority's A-133 and Passenger Facility Charge audits, as well as other agreed-upon procedures;

WHEREAS, The Risk Management Committee concurred with the solicitation terms and evaluation criteria for both procurements at its May 2015 Meeting and Requests for Proposals were issued in June 2015;

WHEREAS, The Authority received six proposals for financial statement audit services and four proposals for specialized audit services;

WHEREAS, The Technical Evaluation Committee (TEC) has comprehensively reviewed the proposals from all of the offerors and the results of the TEC's review, evaluation and recommendation have been reported to the Risk Management Committee;

WHEREAS, Cherry Bekaert submitted a proposal to perform the financial statement audit services for a firm fixed cost of \$1,199,875 for the three year base term of the contract, and \$862,250 for the two one-year options, and the TEC recommended the selection of Cherry Bekaert to perform the financial statement audit services;

WHEREAS, GKA, P.C. submitted a proposal to perform the specialized audit services for a firm fixed cost of \$405,661 for the three year base term of the contract, and \$291,127 for the two one-year options, and the TEC recommended the selection of GKA, P.C. to perform the specialized audit services;

WHEREAS, The Risk Management Committee approves the TEC's recommendation; now, therefore, be it

RESOLVED, That the Board of Directors hereby selects Cherry Bekaert and authorizes and directs the President and Chief Executive Officer to enter into a contract with Cherry Bekaert, consistent with the terms and conditions presented to the Risk Management Committee at its September 16, 2015 meeting, to provide financial statement audit services ; and

2. That the Board of Directors hereby selects GKA, P.C. and authorizes and directs the President and Chief Executive Officer to enter into a contract with GKA, P.C., consistent with the terms and conditions presented to the Risk Management Committee at its September 16, 2015 meeting, to provide specialized audit services.

The final resolution filed in the Board of Directors Office includes a copy of the staff recommendation paper.

g. Recommendation for the Vice President for Audit

Ms. Wells offered a motion to recommend Lee Wyckoff, CPA as the Vice President for Audit. The Board unanimously approved Mr. Wyckoff as Vice President for Audit.

V. UNFINISHED BUSINESS

There was not any unfinished business.

VI. OTHER BUSINESS & ADJOURNMENT

The Meeting was thereupon adjourned at 11:23 a.m.

Respectfully submitted:

Lisa R. Makle-Brooks
Interim Vice President and Secretary