

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 21, 2016 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: Department of Airports
Submitted For: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) Adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Airport Rules and Regulations (R-98-220, as amended) as codified in Appendix B of the Palm Beach County Code; amending definitions; providing for regulation of ground transportation services; providing for promulgation of the airport rules and regulations; providing for severability; providing for codification; providing for an effective date.

B) Direct the Clerk of the Board to deliver a copy of the Resolution amending the Airport Rules and Regulations to the Municipal Code Corporation for codification upon receipt of an affidavit that the posting requirements of Section 332.08(2), Florida Statutes, have been satisfied.

Summary: This Resolution amends the Airport Rules and Regulations ("Airport Regulations") related to commercial ground transportation to conform to recent changes to the Vehicle for Hire Ordinance. The Resolution adopts certain definitions established by the Vehicle for Hire Ordinance to resolve potential conflicts and provides for new definitions. The Resolution clarifies the applicability of ground transportation requirements to better distinguish between types of ground transportation services. The Resolution also provides a requirement that transportation network companies (TNCs) establish and maintain a virtual perimeter (Geo-fence) to prevent TNC drivers from accepting ride requests when located within the boundaries of the Geo-fence established by the Department. The purpose of the Geo-fence is to prevent TNC drivers from staging on airport roadways and other public airport facilities designated for passenger usage. Countywide (AH)

Background and Justification: On April 19, 2016, the Board adopted amendments to the Vehicle for Hire Ordinance, which modified the regulations applicable to vehicle for hire companies. The Airport Regulations regulate commercial ground transportation operations on PBI, which includes operations by vehicle for hire companies.

Attachments:

- 1. Resolution (1)

Recommended By: [Signature] 5/24/16
Department Director Date

Approved By: [Signature] 6/8/16
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* <u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes ___ No X
 Budget Account No: Fund _____ Department _____ Unit _____ Rsource _____
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact.

C. Departmental Fiscal Review: CM Swine

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature]
 MP MS OFMB de star
 5/26/16

[Signature]
 Contract Dev. and Control
 6/16/16

B. Legal Sufficiency:

Anne DeFoght 6/7/16
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 9/03
 ADM FORM 01
 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

RESOLUTION NO. R-2016-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE AIRPORT RULES AND REGULATIONS (R-98-220, AS AMENDED) AS CODIFIED IN APPENDIX B OF THE PALM BEACH COUNTY CODE; AMENDING DEFINITIONS; PROVIDING FOR REGULATION OF GROUND TRANSPORTATION SERVICES; PROVIDING FOR PROMULGATION OF THE AIRPORT RULES AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County (“County”), by and through its Department of Airports (“Department”), owns and operates the Palm Beach International Airport (“PBIA”), Palm Beach County Park Airport, Palm Beach County Glades Airport, and the North County General Aviation Airport (hereinafter collectively referred to as the “Airports”); and

WHEREAS, Section 332.08, Florida Statutes, provides that where a County operates one or more airports, its regulation for the government thereof shall be by resolution of the Board of County Commissioners, shall be recorded in the Minutes of the Board and promulgated by posting a copy at the courthouse and at each such airport for four (4) consecutive weeks or by publication once a week in a newspaper published in the county for the same time period; and

WHEREAS, the County is obligated to establish a fee and rental structure to make the Airports as self-sustaining as possible under the circumstances pursuant to federal airport grant assurances; and

WHEREAS, no general tax dollars are used in support of the operation or maintenance of the Airports, and the Airports are funded solely from revenues generated from the operation of the Airports through contracts, licenses, permits, leases and user fees; and

WHEREAS, the County regulates and controls commercial activities at the Airports in order to provide for fiscally sound and safe operations of the Airports; and

WHEREAS, the provision of ground transportation services at PBIA is a commercial activity, which benefits from the development, operation and maintenance of PBIA by the County; and

WHEREAS, PBIA provides a ready commercial marketplace for the services provided by ground transportation service providers, including vehicles for hire; and

WHEREAS, ground transportation regulations are necessary to reduce traffic congestion, to ensure the safe and orderly flow of traffic, and to control commercial activities occurring on the Airports; and

WHEREAS, the County has established user fees for the privilege of engaging in commercial activities at the Airports, including the commercial activities of ground transportation service providers; and

WHEREAS, the Board of County Commissioners has determined that it is necessary to amend the Airport Rules and Regulations, Appendix B to the Palm Beach County Code, to revise the ground transportation rules and regulations applicable to PBIA.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Amendment of Definitions.

Appendix B of the Palm Beach County Code, Article I, Section 1-1, Definitions, is hereby amended as follows:

- (eee) Prearranged shall have the meaning set forth in the Vehicle for Hire Ordinance. For purposes of these rules and regulations "in advance" shall mean prior to entering the Palm Beach International Airport. mean a written, e-mail, facsimile or telephone reservation made in advance by a person requesting ground transportation services and may be in an electronic format. Reservations for vehicle for hire services shall be made at least thirty (30) minutes in advance of picking up a passenger at PBIA. Reservations shall be documented in writing and shall be made available immediately upon the request of authorized representatives of the Department, Palm Beach County Division of Consumer Affairs or law enforcement personnel.
- (fff) Vehicle for hire and/or vehicle for hire company shall have the meaning set forth in the Vehicle for Hire Ordinance. mean any motorized, self-propelled vehicle engaged in the transportation of persons with the intent of receiving compensation for providing such transportation and shall include, without limitation, taxicabs, vans, shuttles, sedans, jitneys, non-medical transport vehicles, vehicles used for shared ride services, sports utility vehicles and limousines. The term shall not be construed to include ambulances.

Section 2. New Definitions.

Appendix B of the Palm Beach County Code, Article I, Section 1-1, Definitions, is hereby amended to add the following:

- (hhh) Vehicle for hire company shall have the meaning set forth in the Vehicle for Hire Ordinance.
- (iii) Geo-fence shall mean a feature in a software program used to define a geographical boundary, or virtual perimeter. The geographical boundary of the Geo-Fence for the Palm Beach International Airport shall be established and updated from time to time by the department.
- (jjj) Manifest shall have the meaning as set forth in the Vehicle for Hire Ordinance.
- (kkk) Palm Beach International Airport or PBIA shall mean the Palm Beach International Airport located in Palm Beach County, Florida, and shall include all properties, terminal buildings, hangars, buildings, airfield and landside facilities, parking areas, sidewalks, internal roadways, and driveways serving the Palm Beach International Airport and any expansions, alterations or modifications thereto.
- (lll) Transportation network company or TNC shall have the meaning as set forth in the Vehicle for Hire Ordinance.

(mmm)Trade dress shall have the meaning set forth in the Vehicle for Hire Ordinance.

Section 3. Commercial Ground Transportation.

Appendix B of the Palm Beach County Code, Article X, Section 10-2, Ground Transportation, is hereby amended as follows:

Sec. 10-2. Ground transportation.

- (a) No person shall engage in ground transportation services on PBIA, including, without limitation, taxicabs, limousines, transportation network companies, courtesy vehicles, shuttles, busses or vehicles for hire, without a ground transportation permit authorizing such ground transportation services.
- (b) The following rules and regulations shall apply to Ppersons engaging in ground transportation services on PBIA-shall:
 - (1) No person engaging in ground transportation services shallNot solicit passengers, customers, employees or any other person on PBIA-property, including, without limitation, the PBIA commercial passenger terminal, for ground transportation services. With the exception of the PBIA's ground transportation concessionaire, ground-transportationvehicle for hire services shall be provided on a pre-arranged basis only.
 - (2) Customers shall only be Lloaded and unloaded its-passengers in its vehicles-onlyin those areas designated by the department for such purposes. Drivers shall remain in their vehicles within such designated areas, except to assist customers with the loading or unloading of their baggage.
 - (3) Except as otherwise provided for in this Article X or as authorized by agreement with the county, persons engaging in ground transportation services at PBIA shall Nnot park, stage or loiter in any area on PBIA,'s roadways or other public airport facilities. Notwithstanding the foregoing, persons engaging in ground transportation services at PBIA Vehicles for hire shall be permitted to park in PBIA's public parking facilities with a valid manifest for the purpose of greeting a customer in such locations within the PBIA terminal building as may be designated by the department for such purposes and such other parking areas as may be designated by the department for use by ground transportation service providersfor use by vehicles for hire, subject to payment of applicable fees and charges and compliance with the requirements of these rules and regulations.
 - (4) Transportation network companies shall be required to establish and maintain a geo-fence and shall demonstrate the proper functioning and operation of the geo-fence to the department upon request. Drivers providing TNC services shall not enter the established geo-fence to pick up passengers without a valid electronic or digital manifest.

- (45) Vehicles for hire shall ~~C~~comply with the requirements of the vehicle for hire ordinance.
- (56) Persons engaging in ground transportation services shall ~~O~~obtain and clearly display all required vehicle decal(s) authorizing access to PBIA issued by the department, or Palm Beach County Division of Consumer Affairs on behalf of the department, or such other business identification as may be required by the department such as trade dress. Vehicle decals shall be displayed on the passenger side of the vehicle on the lower corner inside the windshield and shall be clearly visible from the exterior ~~in the manner required by the vehicle for hire ordinance.~~ Display of a fraudulent vehicle decal shall be a violation of these rules and regulations.
- (67) Persons engaging in ground transportation services shall ~~P~~pay all applicable fees and charges.
- (78) Persons engaging in ground transportation services shall be required to ~~C~~comply with all ground transportation permit requirements.
- (c) Fees and charges for ground transportation permits may be approved and amended from time to time by separate resolution of the board or by agreement with the county.
- (d) Ground transportation permits shall only be issued to vehicle for hire companies ~~those persons engaging in ground transportation services~~ who are in compliance with the requirements of the vehicle for hire ordinance.
- (e) In addition to any other remedies available at law or under a ground transportation permit, the director, or his designee, may suspend or revoke any ground transportation permit issued pursuant to this section for failure to comply with the requirements of this section or any terms or conditions of any ground transportation permit. Failure to comply with the terms and conditions of any ground transportation permit shall be considered a violation of these rules and regulations.
- (f) Notwithstanding any provisions of Article X to the contrary, vehicles ~~for hire operators~~ shall be permitted to drop off customers at PBIA in locations designated by the department and immediately exit PBIA without obtaining a ground transportation permit, but shall remain subject to all other applicable requirements of these rules and regulations. ~~Article X.~~ Vehicle for hire operators dropping off customers at PBIA without a ground transportation permit shall not be permitted to park in locations designated by the department for holders of ground transportation permits.
- (g) ~~Notwithstanding any provision of Resolution No. 2010-1462 to the contrary,~~ vehicle for hire companies shall not be required to obtain an airport decal in order

~~to drop off customers at PBI. Terms set forth in this subsection (g) shall have the meanings ascribed to them in Resolution No. 2010-1462. Compliance with the requirements of this Article X shall in no way relieve any person from compliance with all municipal, county, state and federal laws, including the vehicle for hire ordinance.~~

Section 4. Promulgation of Rules and Regulations.

The Board of County Commissioners hereby directs that a copy of this Resolution be recorded in the Minutes of the Board and promulgated in accordance with the requirements of Section 332.08(2), Florida Statutes.

Section 5. Severability.

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 6. Codification.

The provisions of this Resolution shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The Sections of the resolution may be renumbered or relettered to accomplish such, and the word “resolution” may be changed to “section”, “article”, or other appropriate word.

Section 7. Effective Date.

This Resolution shall be effective after promulgation as required in Section 332.08(2), Florida Statutes.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

COMMISSIONER MARY LOU BERGER , MAYOR	-
COMMISSIONER HAL R. VALECHE, VICE MAYOR	-
COMMISSIONER PAULETTE BURDICK	-
COMMISSIONER SHELLEY VANA	-
COMMISSIONER STEVEN L. ABRAMS	-
COMMISSIONER MELISSA MCKINLAY	-
COMMISSIONER PRISCILLA A. TAYLOR	-

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

**SHARON R. BOCK,
CLERK & COMPTROLLER**

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: Anne Delgent
Assistant County Attorney