

THE CITY OF PHILADELPHIA
DEPARTMENT OF COMMERCE
DIVISION OF AVIATION

**AMENDMENTS TO RULES & REGULATIONS FOR
PHILADELPHIA INTERNATIONAL AIRPORT**

Amendment 1

Section 1-Preface, H. Definitions is amended to add the following definitions:

Customer Facility Charge: A fee assessed on each motor vehicle rental under Chapter 59 of Commonwealth of Pennsylvania Title 74, Subchapter C, (ACT 89 of Nov. 25, 2013, P.L. 974 Section 13) for the purposes described in Section 5933 therein.

Vehicle Rental Company: A person engaged in the business of renting a motor vehicle to a customer who utilizes airport property in any aspect of its business, notwithstanding if other aspects of its business are not conducted on airport property, including to do any of the following on an airport property:

- (1) Contact customers or pick up or drop off customers.
(2) Advertise the availability of a vehicle rental service.

Amendment 2

Section 10-Commercial Ground Transportation, K. Payment of Fees-Reports and Records: Automated Vehicle Identification (AVI) System, is amended to add the following:

K. 1A. A Customer Facility Charge is imposed on each customer renting a motor vehicle from a vehicle rental company pursuant to the authority granted in Subchapter C of Chapter 59 of Title 74 (74 Pa. C.S. Section 5933 (a)) as is more particularly set forth in Appendix H, Section XII.

Amendment 3.

Appendix H is amended to add XII. Customer Facility Charge:

XII. Customer Facility Charge: A customer facility charge is imposed in the amount of \$8 per rental day on each customer renting a motor vehicle from a vehicle rental company doing business at Philadelphia International Airport. Customer facility charges shall be collected from the customer by the vehicle rental company and held in a segregated trust fund for the benefit of the Airport. All other provisions in Subchapter C of Chapter 59 of Title 74 (74 Pa. C.S. Sections 5931-5933) are hereby incorporated herein by reference.

SECTION 1 – PREFACE

A. AUTHORITY

The Philadelphia International Airport (the “Airport” or “PHL”) Rules and Regulations Manual (“Rules and Regulations”) is published under the authority contained in Sections 4-500(c) and 8-407 of the Philadelphia Home Rule Charter, which empowers the Department of Commerce to make regulations governing the use and control of the Airport.

The Federal Aviation Administration (“FAA”) has issued Federal Aviation Regulations (“FAR”), which require Airport Management to establish operational procedures to meet FAA requirements for airport certification. In addition, the Department of Homeland Security (“DHS”) has issued Transportation Security Regulations (“TSRs”) that require each Airport operator to institute certain security measures.

B. PURPOSE

The primary purpose of this manual is to provide Airport users with a single document representing a compendium of rules, regulations, procedures and general information governing their activities at the Airport. The objective of this manual is to promote the safe and efficient use of the Airport facilities.

C. COMPLIANCE

Any person who violates the provisions of these Rules and Regulations shall be liable for payment of a civil penalty, fine, and/or other action by the City of Philadelphia (the “City”), Division of Aviation (“DOA”). See Appendix G for additional information on civil penalties and fines.

D. ENFORCEMENT

The Chief Executive Officer (“CEO”) has the overall responsibility for enforcing compliance with Rules and Regulations. On a day-to-day basis, this responsibility and commensurate authority is delegated to his/her authorized representatives in the DOA and the Philadelphia Police Department. Under certain circumstances, assistance from other law enforcement or City Agencies may be requested.

Successful enforcement, however, depends to a great extent on the full and active cooperation of all Tenants and their employees. This requires that each employee have a thorough knowledge and understanding of the Rules and Regulations that is reviewed and emphasized on a continuing basis, through various training programs.

E. DEVIATIONS

The CEO may authorize deviations from the Rules and Regulations when necessary to maintain established standards of operational safety and airport security, or in contingency situations affecting life and/or property in areas under the jurisdiction of the DOA.

F. VALIDITY OF EACH SECTION INDEPENDENT

In case any section or sections or part of any section of these Rules and Regulations shall be found invalid for any reason, the remainder shall not thereby be invalidated, but in accordance with the intention hereby expressed, shall remain in full force and effect, all parts being hereby declared separable and independent of all others.

G. CONFLICT OF REGULATIONS

All existing regulations, as they apply to PHL, shall continue in effect except as expressly modified. All existing regulations, as they apply to Northeast Philadelphia Airport, shall continue in effect except as expressly modified therein.

H. DEFINITIONS

Advertisement: Sign, display or other notice designed to attract public attention or patronage.

Air Carrier: Any person or persons, including corporations that engage, whether directly or indirectly or by lease or any other arrangement, to engage in air commerce.

Aircraft: Any contrivance now known or hereinafter designed, invented, or used for navigation or flight in the air or space, except a parachute or other contrivance used primarily as safety equipment.

Airline/Airport Use and Lease Agreement: Agreement expiring June 30, 2013 between selected Air Carriers and the City of Philadelphia, Department of Commerce, Division of Aviation and any successor agreements thereto.

Airline Operating License Agreement: Annual operating agreement between an Air Carrier and the DOA which sets forth the terms under which Air Carriers are granted certain rights and privileges at the Airport. The agreement commences upon the date of execution and renews annually unless written notice to terminate by either party is given thirty days prior to the annual renewal extension date.

Air Operations Area (AOA): The portion of the Airport designed and used for landing, taking off, or surface maneuvering of Aircraft. The AOA is that area contained within the security boundary established by buildings and chain link fencing along the perimeter of the Airport. It includes all aircraft movement areas i.e. runways, taxiways etc., aircraft parking areas, loading ramps, and safety areas used by commercial aircraft and any adjacent areas that are bounded by the outer service road. The Air Operations Area is a part of the SIDA.

Airport: Philadelphia International Airport ("PHL") including all land, roadways, buildings, and structures located within the now and here after established property boundaries at Philadelphia International Airport.

Airport Personnel: Any employee of the City of Philadelphia, Department of Commerce, Division of Aviation, or other duly authorized law enforcement personnel.

Airport Police: Members of the Philadelphia Police Department performing their duties at the Airport.

Airport Security Program (ASP): A document prepared by the DOA that contains the descriptions of facilities, responsibilities, procedures and actions to be used by the DOA.

Airport Traffic Control Tower (ATCT): A service operated by the Federal Aviation Administration at the Airport to promote the safe, orderly and expeditious flow of air traffic.

Alcoholic Beverages: All "liquor" and "malt or brewed beverages" as defined by the Pennsylvania Liquor Code, 47 P.S. § 1-102.

Apron: The area of the Airport within the Air Operations Area designated by the CEO for the loading, unloading, servicing or parking of Aircraft.

Bus: A large motor vehicle (usually with a passenger carrying capacity in excess of 15) which operates on or to and from the Airport on a fixed route, charter service, a predetermined schedule, or in a designated service area on or off the Airport.

Capacity: As used in Section 10, the maximum number of vehicles which can reasonably be expected to occupy or pass over a roadway during a given period under prevailing roadway and traffic conditions.

Carrier: Shall have the meaning set forth in Section 10.K.3.

Cell Phone Waiting Lot: A designated 150-vehicle parking lot located off the Arriving Flights Roadway on Old Route 291 that is accessible from North and

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South Interstate 95 or from Route 291 and provides a free waiting area on Airport property for individuals picking up incoming passengers.

Charter Bus Staging Area: A designated staging area in the West Hold Lot to be occupied by Buses waiting for passenger or other Buses during layover and authorized operating schedules, or any future area that may be designated from time to time by the CEO for that purpose.

Chief Executive Officer (CEO): The Chief Executive Officer of the Philadelphia International Airport or his/her duly authorized representative(s).

City: The City of Philadelphia.

Commercial Activity: (a) The exchange, trading, buying, hiring or selling of commodities, goods, services or property of any kind in the Airport; (b) engaging in any conduct in the Airport for revenue producing purposes, whether or not revenues ultimately are exchanged, obtained, or transferred in the Airport; (c) the offering or exchange of any service in the Airport as a part of, or condition to, other revenue producing activities or services in or outside of the Airport.

Commercial Ground Transportation: The operation of ground transportation services for persons or property, arriving, or leaving the Airport, whether or not the customer is charged for said services.

Commercial Ground Transportation Vehicle: Any vehicle used or utilized to perform Commercial Ground Transportation services.

Commercial Roadway System: The Airport roadways adjacent to or in proximity to the baggage claim areas of the Terminal Buildings of the Airport and generally used by Commercial Ground Transportation Operators for access to the arrivals and baggage claim areas of the Terminal Buildings including any zones or holding lots as designated by the CEO for use by Commercial Ground Transportation Operators.

Courtesy Vehicle: Any vehicle used for transporting persons and/or property between points in the Airport Terminal Buildings and a business establishment for the convenience of those persons using the services provided by the business establishment at no extra charge to the customer.

Cruise or Cruising: The driving of a vehicle on Airport roadways without passengers or cargo or without a prearrangement to pick up passengers or cargo for the purpose of advertising the availability of a Commercial Ground Transportation service or other Commercial Activity, or for the purpose of soliciting passengers.

Curbside: The curb or other areas adjacent to the Airport roadways, designated by the CEO, by appropriate signage or operational directive, for the loading and unloading of passengers and baggage.

Customer Facility Charge: A fee assessed on each motor vehicle rental under Chapter 59 of Commonwealth of Pennsylvania Title 74, Subchapter C, (ACT 89 of Nov. 25, 2013, P.L. 974 Section 13) for the purposes of described in Section 5933 therein.

Division of Aviation (DOA): The operating division of the City of Philadelphia's Department of Commerce, responsible for operating, maintaining, repairing and improving the Airport.

Driver: An individual permitted by a Commercial Ground Transportation Operator to operate a Commercial Ground Transportation Vehicle.

Driver Training Program: A training program administered by the DOA Operations Department that includes classroom styled training and an examination, which all those whose job duties require them to operate vehicles on the Movement or Non-Movement Areas must pass before receiving a driver designation icon on his/her PHL ID Badge or being allowed to operate a vehicle in those areas.

East Hold Lot: The holding area designated by the CEO to be occupied by Taxicabs, Limousines, and/or Van Services while waiting to report to the applicable staging area or feed line at the West Hold Lot.

Egress Fee: Shall have the meaning set forth in Section 10.K.4.

Environmental Law: All current and future federal, state and local environmental, safety or health laws, statutes, rules, regulations, ordinances, orders or common law, including, but not limited to, reported decisions of any applicable state or federal court, and shall include, but not be limited to the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. § 651 et seq.); the National Environmental Policy Act, as amended (42 U.S.C. § 4321 et seq.); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.); the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 et seq.); the Toxic Substances Control Act, as amended (15 U.S.C. § 2601 et seq.); the Hazardous Materials Transportation Act, as amended (49 U.S.C. § 5151 et seq.); the Clean Air Act, as amended (42 U.S.C. § 7401 et seq.); the Clean Water Act, as amended (33 U.S.C. § 1251 et seq.); the Oil Pollution Act of 1990, as amended (33 U.S.C. § 2701 et seq.); the Safe Drinking Water Act, as amended (42 U.S.C. § 300f et seq.); the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. § 136 et seq.); the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 300.1 et seq.); the Pennsylvania Solid Waste

Management Act, as amended (35 P.S. § 6018.101 et seq.); the Pennsylvania Hazardous Sites Cleanup Act, as amended (35 P.S. § 6020.101 et seq.); the Pennsylvania Clean Streams Law, as amended (35 P.S. § 691.1 et seq.); the Pennsylvania Storage Tank and Spill Prevention Act, as amended (35 P.S. § 6021.101 et seq.); the Pennsylvania Land Recycling and Environmental Remediation Standards Act (35 P.S. § 6026.101 et seq.) and the Pennsylvania Hazardous Material Emergency Planning and Response Act, as amended (35 P.S. § 6022.101 et seq.), as any of the foregoing may hereinafter be amended; any rule or regulation promulgated pursuant thereto, and any other present or future law, ordinance, rule, regulation, permit or permit condition, order or directive addressing environmental, health or safety issues of or by the federal government or any applicable state or other political subdivision thereof, or any agency, court or body of the federal government or any applicable state or other political subdivision thereof, including, but not limited to, the Commonwealth of Pennsylvania or any political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions. In the event of a conflict, the most stringent law shall apply.

Equipment: Mobile units or vehicle, other than those commonly classified as motor vehicles, which are utilized in conjunction with the operation of Aircraft or an Airport facility.

Fee Payment Agreement: Short term airline operating license agreement between the DOA and an Air Carrier which sets forth, among other things, the requirements for paying Airport rates and charges on a self-invoicing basis.

Federal Aviation Administration (FAA): The Federal Aviation Administration created by the Federal Government under the Federal Aviation Act of 1958 as amended, or such other governmental agency which may be successor thereto or vested with the same or similar authority.

Federal Aviation Regulation (FAR): Federal Aviation Regulations as set forth in Title 14 of the Code of Federal Regulations.

FHWA: The Federal Highway Administration.

Fire Code: All requirements of the 2009 International Fire Code, as adopted by the City of Philadelphia as its Fire Code with certain additions, deletions and amendments, and any future amendments thereto.

Flammable Liquids: Any liquid, which emits flammable vapor as, set forth National Fire Protection Association standards, including, but not limited combustible liquids currently used as Aircraft or vehicle fuel.

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Fuel Handling: The transporting, storing, delivering, pumping, loading, unloading, and drainage of any aviation, automotive or other fuel or fuel waste product.

Gross Revenue: As used in Section 10 related to fees that must be paid by Rental Car Operators, shall mean, the gross consideration for all sales, services, and accommodations, including without limitation, all sales, services, and accommodations rendered by any licensee, concessionaire or subtenant of the Rental Car Operator, which are rendered either:

- a) In, on, from, or about the Rental Car Operator's leased premises on the Airport; or,
- b) If the Rental Car Operator does not lease space on the Airport, by the Rental Car Operator to customers using any services available at the Airport;

whether cash or credit, whether collected or uncollected, and whether payment is made at the Airport leased premises, local business site or elsewhere, and including any amounts received for personal accident insurance and collision damage waiver charges less only the following:

1. The amount of any federal, state or municipal sales or similar taxes levied thereon and collected from customers and remitted directly by the Rental Car Operator to the taxing authority;
2. Any discounts or price reductions specifically set forth in the individual rental agreement and actually credited to the customer, no portion of which is reimbursed to the Rental Car Operator in any way;
3. Sums received as reimbursements for refueling a vehicle pursuant to a rental agreement under which the customer is obligated to return the car with the same amount of gas furnished at the inception of the rental or sums received at the inception of the rental as reimbursement for fuel in the vehicle; and
4. Proceeds received by the Rental Car Operator for the sale of its vehicles or other assets other than in the ordinary course of business.

All credit risks, losses, or deductions with regard to Gross Revenue are to be borne solely by the Rental Car Operator and the DOA is to receive payment of the fee based upon Gross Revenue without charge or reduction for credit costs or losses.

Hazardous Material: Any and all materials, which require under Environmental laws, special handling in the use, generation, collection, storage, treatment, or

disposal of said materials, or which require payment of costs associated with responding to the lawful directives of any court or agency of competent jurisdiction. Hazardous Materials shall include, without limitation:

- i. Any flammable substance, explosive, radioactive material, hazardous material, hazardous waste, toxic substance, solid waste, pollutant, contaminant, or any related material, raw material, substance, product, or by-product of any substance specified in a regulated or otherwise affected by any Environmental Laws or at common law;
- ii. Any toxic chemical or other substance from or related to industrial, commercial or institutional activities; and
- iii. Asbestos, gasoline, diesel fuel, motor oil, waste and used oil, heating oil, other petroleum products, or compounds containing polychlorinated biphenyls, radon, urea formaldehyde, and lead containing materials.

International Terminal A: Shall have the meaning set forth in Section 9.A.

Law Enforcement Officer (LEO): Any person vested with the power of arrest on Airport property under Federal, State, City or County authority.

Leaflet Distribution: The repetitive distribution of free literature such as leaflets, handbills, brochures or similar items.

Limousine: Collectively refers to Commercial Ground Transportation Vehicles operating pursuant to 52 Pa. Code § 29.333 or pursuant to an applicable federal statute, code, or regulation, which permits vehicles to carry passengers interstate on an exclusive basis pursuant to an advance reservation.

Limousine Staging Area: A designated staging area in either the East Hold Lot or the West Hold Lot to be occupied by Limousines for lay-over while waiting for passengers or any future areas that may be designated from time to time by the CEO for that purpose.

Limousine Zone: A designated area on the Airport roadway set aside for expeditions loading or unloading of passengers and baggage by Limousines.

Loading Zone: The area(s) designated by the CEO as reserved for picking up or discharging Commercial Ground Transportation passengers by various classes of Commercial Ground Transportation vehicles.

Motor Vehicle: A device in, upon or by which a person or property may be propelled, moved, or drawn upon land or water, except a device moved by human or animal power and except Aircraft devices moved exclusively upon stationary rails or tracks.

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Movement Area: Generally defined as all runways and taxiways.

Non-Commercial Activity: Any act or speech not related to the commercial promotion of a for-profit or other business enterprise, whether by individuals or organizations, and not pursuant to contract with the City of Philadelphia, its advertising contractor, or its master retail concessionaire, nor subject to the payment of regulation fees for the use of Airport space. Non-Commercial Activity shall include, without limitation, the distribution of literature, picketing, seeking signatures for petitions or conducting surveys.

Non-Movement Area: Generally defined as vehicle service roadways, Aircraft parking areas and Apron areas.

Non-Signatory Airline: An Air Carrier being a party to an agreement, license, or lease other than the Airline/Airport Use and Lease Agreement or an itinerant Air Carrier not having an agreement, license or lease.

Notices to Airmen (NOTAM): A notice containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, condition, or change in any component (facility, service, or procedure) of, or hazard in, the National Airspace System, the timely knowledge of which is essential to personnel concerned with flight operations.

Operator: Any person who is in physical control of an Aircraft, Motor Vehicle, or Equipment.

Oversize Vehicle: Any vehicle exceeding the posted height and weight limitations of the service road and underpasses located on the Airport.

Owner: A person in whose name the legal title of an Aircraft or a Motor Vehicle is held or vested. If any Aircraft or Motor Vehicle is the subject of a conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement, and with the immediate right of possession vested in the conditional vendee or lessee or anyone in possession of an Aircraft or Motor Vehicle is entitled to the possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of these Rules and Regulations.

Pa PUC: The Pennsylvania Public Utility Commission.

Parking: Includes the following:

- a. When permitted, the temporary storing of a vehicle, whether occupied or not, on or off the roadway.

- b. When prohibited, the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and only while actually engaged in the loading or unloading of property or passengers.

Passenger Transport Vehicle (PTV): A vehicle with large passenger carrying and vertical lift capabilities that is used to transfer passengers between the Terminal Building and remotely parked Aircraft.

Permit: Written authorization issued by the CEO that authorizes a specific activity or occupancy of space within the Airport.

Person: Any individual, firm, partnership, co-partnership, corporation, company, association, joint stock association, or body politic; and including any trustee, receiver, committee, assignee, or other representative or employee thereof.

Per-trip Fee: Shall have the definition set forth in Section 10.B.

PHL ID Badge: Any identification media issued by the DOA as a means of accessing restricted areas of the Airport.

Picketers: Any person engaged in Picketing Activity and/or Leaflet Distribution.

Picketing Activity: One or more persons marching or stationing themselves in an area in order to communicate their position on an issue or issues by displaying one or more signs, posters, or similar items.

Private Vehicle: A motor vehicle used for the transportation of persons on a non-compensatory and non-commercial basis that is not being used in connection with a Commercial Activity at the Airport.

Public: All people using the Airport for any reason. This includes, but is not limited to, ticketed passengers, meeters, greeters, Airport personnel, as well as airline employees, contract employees, delivery personnel, and sightseers.

Public Areas: (Also referred to as "Landside") Areas normally accessible to the General Public including public portions of all Terminal Buildings, parking lots, and Airport roadways.

Ramp: See "Apron."

Rental Car Operators:

- a) **On Airport** – A business entity providing rental car services at the Airport, which entity has: (i) ready car or turnaround facility located on Airport property, and/or (ii) a direct line telephone service in an Airport Terminal Building or Buildings where such telephone service is permitted by

agreement with the CEO, its agents or concessionaires, including the DOA's advertising concessionaire.

- b) **Off Airport** – Any other business entity, which provides rental car services to persons using the Airport but is not an On-Airport Rental Car Operator.

Restricted Area: Those parts of the Airport not open to the public and include, but not limited to, baggage make up areas, passenger and cargo loading ramps, hangar areas, runways and taxiways. Restricted areas are a part of the SIDA.

Runway(s): A defined rectangular surface on the Airport prepared or suitable for the landing and takeoff of Aircraft.

Secured Area: (Sometimes referred to as "Airside" and including the Restricted, SIDA and AOA areas) is that area of the Airport where access is controlled by a system, method, or procedure to control authorized access and deny access to unauthorized persons. At PHL, the Secured Area is comprised of that portion of the Air Operations Area bordered on the north by the perimeter fence line and Terminal and cargo buildings (as well as associated cargo facility ramps), on the east by the grass area adjacent to the "F" Ramp, on the South by the Outer Service Road, and on the west at the intersection of the Deicing Apron and the Outer Service Road. The Secured Area therefore includes all the baggage tunnels, the east and west aprons, as well as the fuel loading and truck parking apron. The boundary of the Secured Area may be changed, from time to time, either temporarily or permanently.

Security Identification Display Area (SIDA): That portion of the Airport in which each person is required by the Airport Operator to continuously and prominently display Airport issued or Airport approved identification between the neck and waist on the outermost garment unless that person is under an Airport approved escort.

Security Program: The program developed by the CEO relative to the protection and safety of Aircraft operations and users of the Airport.

Solicitation or Soliciting:

- a. As used in section 2.C. and Appendices A and B, any oral request for the immediate exchange of funds, money, gifts or financial assistance in any form on the representation that such assistance will be used for a particular purpose and includes, offers to sell merchandise, subscription, tickets or any other thing or entreaties to encourage the donation of funds at another time and place or the distribution of contribution envelopes in the course of Leaflet Distribution.
- b. As used in Section 10, the unauthorized offering or referral to Commercial Ground Transportation services by voice, gesture, or sign, to any person

who does not have a pre-reservation or pre-arrangement for Commercial Ground Transportation services with the Commercial Ground Transportation Operator offering the service.

Special Activity: Any event not of a normal nature or of a construction, utility, or maintenance nature.

Standing: The halting of a vehicle, whether occupied or not, except momentarily, for the purpose of and while actually engage in receiving or discharging passengers and baggage.

State: Commonwealth of Pennsylvania

Sterile Area: (Sometimes referred to as "Terminal") is the portion of the Airport that provides passengers access to board aircraft and to which access is controlled through the screening of persons and property. It includes the area past Security Screening at Terminals/Concourses A West, A East, B, C, D, E and F.

Stop or Stopping:

- a) When required, complete cessation of movement;
- b) When prohibited, any halting, even momentarily, of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Subtenant Air Carrier: An Air Carrier being a party to a sublease agreement with another Air Carrier, which has been approved by the DOA.

Taxi: As used in Section 3, refers to the movement of an Aircraft on the ground by its own power.

Taxicab: As used in Section 10, means a vehicle for hire equipped with a meter and engaged in the general transportation of persons not on regular schedules, with the routes traveled or the destination determined by the passenger.

Taxicab Feed Line: A designated area in the East Hold Lot to be occupied exclusively by Taxicabs while waiting to advance in turn to the Taxicab Zone or any future area that may be designated from time to time by the CEO for that purpose.

Taxicab Staging Area: A designated area in the West Hold Lot to be occupied exclusively by Taxicabs while waiting to move into the Taxicab Feed Line or any future area that may be designated from time to time by the CEO for that purpose.

Taxicab Zone: An area in the roadway set aside for Taxicabs to stand and wait for passengers.

Taxilane: Any portion of the Airport designated by the CEO for the surface maneuvering of Aircraft, which are used in common, which may or may not be located within the leasehold areas and are not under control of the Air Traffic Control Tower.

Taxiway(s): Any portion(s) of the Airport authorized or designated by the CEO for the surface maneuvering of Aircraft, which are used in common and are not located within leasehold areas.

Tenant: A leaseholder, sublessee, permittee, or other occupant of land or premises within the boundaries of the Airport, including any duly authorized agent of the Tenant.

Tenant Construction: Any new construction, alteration, replacement, renovation, repairs, relocation or demolition by a tenant.

Terminal Area: Includes the Airport passenger terminal buildings, including the areas available for use as baggage make-up, the sidewalk and curb adjacent to the landside or public areas of the terminal buildings, the boarding bridges and all pedestrian bridges connecting the terminal buildings with the landside vehicular parking garages as such areas now exist or may be developed, extended or improved from time to time.

Terminal Buildings: All buildings and structures located within the Airport for services related to passenger flight ticket purchases, public lobby waiting areas, baggage check-in and those other services related to passenger air travel.

Traffic Control Signal or Device: Signs, signals, markings and devices whether manually, electrically or mechanically operated by which traffic or specific recognizable categories of traffic are directed to stop and permitted to proceed.

Traffic Restriction: A restriction designated by a traffic control device to regulate the speed, direction, movement, placement or kind of traffic using any roadway.

Transportation Security Administration (TSA): The United States Department of Homeland Security, Transportation Security Administration that was established by the Transportation Security Act passed on November 19, 2001 and is responsible for security for all modes of transportation.

Transportation Security Regulations (TSRs): Transportation Security Regulations, which are codified in Title 49 of the Code of Federal Regulations (CFR), Chapter XII, parts 1500 through 1699.

Traveling Public: Persons using the Airport for the purpose of air travel. This included ticketed airline passengers along with their meeters and greeters.

Van Service: Commercial Ground Transportation Vehicles operating pursuant to 52 Pa. Code § 29.342 related to "Airport Transfer Service" or pursuant to an applicable federal statute, code or regulation, which permits vehicles to carry passengers interstate on a non-exclusive, shared ride basis.

Van Service Staging Area: A designated staging area either in the East Hold Lot or the West Hold Lot to be occupied by Van Service for layover in authorized operating schedules or waiting for passengers or any future area that may be designated from time to time by the CEO for that purpose.

Van Service Zone: A designated area on the Airport roadway set aside for expeditious loading or unloading of passengers and baggage by Van Service vehicles.

Vehicle Rental Company: A person engaged in the business of renting a motor vehicle to a customer who utilizes airport property in any aspect of its business, notwithstanding if other aspects of its business are not conducted on airport property, including to do any of the following on an airport property:

- (1) Contact customers or pick up or drop off customers.
- (2) Advertise the availability of a vehicle rental service.

Weapon: Gun, knife, blackjack, slingshot, metal knuckles, mace, pepper gas or any explosive device, or any other instrument or object capable of being utilized to coerce, intimidate or injure an individual.

West Hold Lot: A holding area designated by the CEO to be occupied by Taxicabs, Limousines, Van Services, and Buses while waiting to move in turn into the commercial roadway for passenger pick up.

SECTION 10 – COMMERCIAL GROUND TRANSPORTATION

A. APPLICABILITY

The following rules and regulations govern the operation of all Commercial Ground Transportation business upon Airport premises, including its Terminal Buildings, roadways, parking facilities and all other surface areas of the Airport. These rules and regulations apply to all Commercial Ground Transportation Operators including, but not limited to, the following:

Rental Car Operators (On- & Off-Airport), Off-Airport Parking Operators (including valet service), Taxicabs, Limousines, Courtesy Vehicles, Van Service, Couriers, shuttle buses, mass transit, and delivery vehicles of all types.

No person shall operate any Commercial Ground Transportation Vehicle or valet service on, to or from the Airport except in accordance with these rules and regulations. Nothing contained in Section 10 shall be construed as imposing a fee on (1) City shuttle buses, or (2) Southeastern Pennsylvania Transportation Authority (SEPTA) or its agents.

B. ADDITIONAL DEFINITIONS

In addition to the definitions set forth in Section 1.H. of these rules and regulations, the following definitions are applicable to these rules and regulations:

Courier – Commercial enterprise which provides “for-hire” service to and contracts with any Airport Operator(s) to transport cargo, luggage, or other items.

Dwell Time – Varying time period during which certain Commercial Ground Transportation Operators may operate or idle within the Airport’s Commercial Roadway System without incurring an additional fee.

Dwell Time Fee – Varying fee equivalent to the amount of one Per-Trip Fee per each thirty (30) minute interval (or portion thereof) in a Commercial Ground Transportation Operator’s vehicle is within the Commercial Roadway System beyond the applicable Dwell Time allowance.

Fleet – any group of two (2) or more vehicles owned and operated by a single Commercial Ground Transportation Operator.

Off-Airport Operator – any entity which is engaged in a commercial business and provides Airport passengers with transportation to and from its business location outside of the Airport premises using the Commercial Roadway System.

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Off-Airport Parking Operator – any entity which is engaged in the commercial business of operating one or more parking facilities located outside of the Airport premises and providing Airport passengers with transportation to and from its facilities using the Commercial Roadway System.

Per-Trip Fee – Fee (calculated based on the type of Commercial Ground Transportation Operator and type of Commercial Ground Transportation Vehicle) assessed against certain commercial operators (as set forth in Sections 10.K.2. and 10.K.3. herein) each time such operators' vehicle(s) enter(s) the Commercial Roadway System (or other areas designated by the CEO) for the purpose of transporting Airport passengers.

Privilege Fee – Fee assessed against certain commercial operators and calculated based on a percentage of such entity's gross revenues.

Wait Time – A sixty (60) minute allowance period during which a Commercial Ground Transportation Operator may idle in the Airport's East Hold lot (or any other area designated by the CEO or his/her agent) for such purposes before either departing the Airport premises or entering the Airport's Commercial Roadway System for the purpose of retrieving any Airport passenger(s).

Wait Time Fee – Varying fee assessed against certain Commercial Ground Transportation Operators for exceeding the Wait Time.

C. **PERMITTED USE OF AIRPORT**

1. The CEO shall determine the capacity and use of the Airport roadways and shall regulate the manner, speed, direction, movement, placement and kind of vehicle traffic that shall be permitted to operate on the various Airport roadways. When, due to special activities, emergencies or other conditions, all as determined in the Philadelphia Police Department's, U.S. Department of Homeland Security's or the CEO's sole discretions, certain uses of a particular roadway or part of a roadway would create an undesirable impact upon Airport operations, any of the immediately aforementioned parties may limit or restrict the use of any roadway or part of a roadway.
2. The use and occupancy of any Airport space or roadway, or the conduct of any business, including, but not limited to, courtesy vehicles, any commercial enterprise or other form of revenue-producing activity involving Commercial Ground Transportation is prohibited unless such conduct is in compliance with these Airport rules and regulations or any other rules established by the CEO.
3. By operating any Commercial Ground Transportation Vehicles on the Airport, all Commercial Ground Transportation Operators are bound by all

Airport rules and regulations warrant that their Commercial Ground Transportation Vehicles meet all requirements set forth in these rules and regulations, and further meet all applicable local, state and federal statutes, regulations, codes, ordinances, standards and directives.

4. Commercial Ground Transportation Operators shall not park any vehicle at the curb of the Terminal Buildings at any time except to pick up passengers in the designated Loading Zone, and further, only for the period of time so indicated by any traffic control signal, sign and/or device or schedules approved in advance by the CEO or the Philadelphia Police Department. Commercial Ground Transportation Vehicles and all other vehicles shall only park in the areas designated by the CEO.

D. GENERAL TERMS AND CONDITIONS

1. Fees and Charges; Automated Vehicle Identification (AVI) System
 - a. All fees and charges fixed by the CEO for each class of Commercial Ground Transportation Vehicle or Commercial Ground Transportation Operator, as set forth in these rules and regulations, shall be paid when due.
 - b. So that the Division of Aviation may monitor ground transportation traffic and vehicles and collect any applicable fees and charges, all Commercial Ground Transportation Operators shall be required, on the dates determined by the CEO, to comply with all rules and regulations relating to AVI pursuant to Section 10.K.5. herein. The AVI procedures developed pursuant to these rules and regulations shall be prominently displayed at the Airport, and a copy can be obtained through the Airport Operations Department at 215.937.6914. Failure of any Commercial Ground Transportation Operator and/or Driver to comply with AVI procedures may, in addition to any other remedy available or penalty imposed by law, result in the suspension of the privilege of picking up passengers at the Airport.
2. Vehicle Standards
 - a. All vehicles used by Commercial Ground Transportation Operators and/or Drivers at the Airport shall be safe and in good condition without the need for major maintenance or repair, and shall comply with the Airport, local, state and federal motor vehicle codes ordinances, regulations, statutes, standards and/or directives with respect to inspection, safety and operation of vehicles.

- i. The exterior of all Commercial Ground Transportation Vehicles shall be maintained in a clean, undamaged and otherwise intact manner, and further present a favorable appearance.
 - ii. The interior of all Commercial Ground Transportation Vehicles, including the trunk, shall be maintained in a clean condition so as to be free of trash, odors, dirt and grease. Interior seat fabric must not be ripped.
 - b. The CEO may prohibit from entering the Commercial Roadway any Commercial Ground Transportation Operator or Driver with a vehicle which: (i) is substantially damaged or in deteriorated condition such that the vehicle could cause harm or injury to a passenger; (ii) fails to display or immediately produce proof of valid and current state or governing authority inspection or registration; or (iii) fails to meet or comply with any applicable federal, state or local government rule, regulation, statute, code, ordinance, standard or directive, all of which shall be determined in the CEO's sole discretion.
3. Certification and Insurance
- a. All Commercial Ground Transportation Operators shall have all required authorizations for the operation of its Commercial Ground Transportation service from the appropriate regulatory agency(ies). This may include, but not be limited to, the Philadelphia Parking Authority (PPA), the Pennsylvania Public Utility Commission (Pa PUC) or such other state regulatory agency, the Philadelphia Parking Authority (PPA), the Federal Highway Administration (FHWA), the Surface Transportation Board and/or the Division of Aviation, and such other authorizations or exemptions as may apply.
 - b. All Commercial Ground Transportation Operators shall carry insurance in the amount specified by the appropriate regulatory agency having jurisdiction over the operations of the Commercial Ground Transportation Operator, or as required by the Division of Aviation.
 - c. All Drivers shall be properly licensed as required by any or all applicable local, state or federal code, regulation, statute or ordinance.
 - d. All Commercial Ground Transportation Operators and/or their Drivers shall, upon the Division of Aviation's (or its agent's) request,

present evidence satisfactory to the Division of Aviation (or its agent) of its authorization to operate and proof of automobile insurance. All Ground Transportation Operators and/or their Drivers shall further submit any changes in insurance coverage, replacement insurance policies or insurance policy renewals (as appropriate) to the Division of Aviation (or its agent) upon the occurrence of such changes, and at any time at the Division of Aviation's (or its agent's) request.

4. Compliance with Ordinances – Commercial Ground Transportation Operators shall comply with any and all requirements of the constituted public authorities, and with all federal, state and local statutes, codes, ordinances, regulations, standards or directives applicable to the Commercial Ground Transportation Operator and its use of the Airport, and with all rules and regulations pertaining to the conduct of operations at the Airport as may be promulgated by the City from time to time. Commercial Ground Transportation Operators shall furnish, at their own expense, all licenses, permits and authorizations necessary for its operations.
5. Title VI Nondiscrimination – Commercial Ground Transportation Operators shall comply with all provisions of Title VI of the Civil Rights Act of 1964, Executive Order No. 12250 of the President of the United States, and all regulations promulgated thereunder, as amended, which are applicable to the Commercial Ground Transportation Operator and its use of the Airport.
6. Third Party Agreements – No Commercial Ground Transportation Operator shall enter into an agreement with any third party whereby said third party will engage in any activities at the Airport to sell, provide, or collect money for the Commercial Ground Transportation Operator's services without receiving prior written approval from the CEO, which may be withheld at the CEO's sole discretion.
7. Diversion of Trade – Commercial Ground Transportation Operators shall not willfully divert or attempt to divert any business away from the Airport for which the Division of Aviation would be entitled to a fee as provided herein.
8. Indemnification – Commercial Ground Transportation Operators shall indemnify, defend and hold harmless the City, its officers, agents and employees from any and all claims, liabilities, losses, suits, damages and causes of action against the City, its officers, agents and employees, which may arise out of the performance or non-performance by the Commercial Ground Transportation Operator of the rights and privileges granted by these rules and regulations, and such defense, indemnity and hold harmless shall extend to any and all claims, liabilities, losses, suits,

damages or causes of action of every kind or nature and shall include reasonable attorneys' fees and costs incurred in administrative, trial, appellate, review or collateral proceedings.

9. Prohibition of Solicitation – No Commercial Ground Transportation Operator or Driver shall (i) permit any of its vehicles to "Cruise" the Airport roadways for the purpose of advertising its services or Soliciting fares or passengers; (ii) approach or permit any employee or agent to approach any person or persons, whether inside or outside of the Airport's Terminal Buildings, for the purpose of Soliciting fares or passengers; or (iii) occupy any loading zone or curbside space for the purpose of Soliciting fares or passengers. Solicitation of passengers or fares on any portion of the Airport shall be prohibited, except that:
 - a. Taxicab Drivers holding lawful medallions issued by the PPA (or any other applicable state or local regulatory body) may engage in call and demand services, as defined by Pa PUC regulations, in the designated Taxicab Zones in accordance with the procedures set forth in Section 10.G.3. of these rules and regulations;
 - b. Commercial Ground Transportation Operators may purchase display space from the Division of Aviation or its agent to advertise on Division of Aviation authorized, general use commercial billboards, sign boards, or advertising displays provided, however, that nothing herein shall prohibit or restrict the Division of Aviation's ability to disallow or reject any such proposed advertising;
 - c. Commercial Ground Transportation Operators/Drivers which are retrieving pre-reserved passengers from the Airport may display a sign no larger than 8 ½ x 11 inches and bearing the name of the passenger only. No sign shall be permitted which states the name of the Commercial Ground Transportation Operator or the name of a specific destination being served; and
 - d. Commercial Ground Transportation Operators may provide service to persons who, free of Solicitation, initiate communication with the Commercial Ground Transportation Operator/Driver.

Any Commercial Ground Transportation Operator, Commercial Ground Transportation Driver, or any other person who violates this Section 10.D.9. anywhere on Airport grounds shall be subject to a penalty or fine (in accordance with Appendix G) and/or suspension of its privilege of operating at the Airport in accordance with Section 10.L. herein.

10. Signage – No Commercial Ground Transportation Operator shall erect, maintain or display any signs at any locations on the Airport without prior approval from the CEO.
11. Conduct of Commercial Transportation Operators and Drivers
 - a. Commercial Ground Transportation Operators shall employ competent, courteous and efficient staff in such numbers as to properly conduct its operations at the Airport. Such operations shall be conducted in an orderly, quiet and law-abiding fashion. While on Airport property, Commercial Ground Transportation Operators and Drivers shall neither be intoxicated nor drunk, nor shall such persons possess, use, consume or distribute any type of liquor, alcohol, narcotics or other controlled substance. Commercial Ground Transportation Operators and Drivers shall not bring firearms onto Airport property. Neither Commercial Ground Transportation Operators, Drivers nor employees shall be permitted to solicit fares, to loiter, to play cards or to engage in gambling of any kind on the Airport. Drivers who are discourteous, disorderly or whose appearance is slovenly will not be permitted to operate at the Airport. Additionally, Commercial Ground Transportation Operators and their Drivers may be required to comply with any dress code which is established by the PPA or the Division of Aviation.
 - b. Each of any of a Commercial Ground Transportation Operator's employees who is required to be licensed to operate any vehicle or to perform any service at the Airport shall be duly licensed and authorized in accordance with all applicable local, state or federal laws, codes, regulations, statutes and/or ordinances. Drivers who do not possess a valid driver's license or any other applicable operating requirements will not be permitted to operate at the Airport.
 - c. Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers shall not place, throw or drop waste, rubbish or refuse anywhere on Airport property except in waste receptacles. No automotive parts or fluids are to be deposited, abandoned, leaked or otherwise left on Airport property. See Section 2.F., Litter and Refuse.
 - d. Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers shall not perform any maintenance or repairs to their vehicles on Airport property, except in an emergency to make the vehicle immediately operable. Commercial Ground Transportation Operators and/or Drivers shall pay or

- reimburse the Division of Aviation upon demand for any clean up costs incurred by the Division of Aviation, caused by or relating to the Commercial Ground Transportation Operator's or Driver's conduct or omission.
- e. Commercial Ground Transportation Operators and Drivers shall not offer or give tips, gratuities or payments of any kind to employees or agents of the Division of Aviation, airlines or any other business entity operating at the Airport.
 - f. Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers shall not interfere with Airport operations or activities, nor shall Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers interfere with Division of Aviation or airline employees or agents in the performance of their duties.
 - g. Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers shall only pick up passengers in Loading Zones or any other locations specifically designated for such purposes by the CEO.
 - h. Unattended Vehicles – Except as otherwise authorized by the CEO, Commercial Ground Transportation Drivers shall not leave Commercial Ground Transportation Vehicles unattended.
12. Subordination – There rules and regulations are subject and subordinate to any and all applicable City, State and Federal laws, regulations and ordinances. In the event that any of these rules and regulations either conflict with, or are rendered void or unenforceable by, any applicable laws, regulations or ordinances, or by any existing or future agreements between the City and any agency or instrumentality of the U.S. Government relative to the operation of the Airport (the terms and execution of which have been or may be a condition precedent to the receipt or reimbursement to the City of federal funds), then the relevant provision of such applicable law, regulation, ordinance or agreement shall govern.

E. RENTAL CAR OPERATIONS

1. On-Airport Rental Car Operators
 - a. All On-Airport Rental Car Operators who maintain a ready car or turn around facility on the Airport shall construct, install, maintain and operate, at a location designated by the CEO and, at the On-Airport Rental Car Operator's sole cost and expense, not less than

one telephone information station in the baggage claim area of each Terminal Building. These telephone information stations shall be constructed and installed in accordance with any Terminal Building design standards prescribed by the Division of Aviation. Rental Car Operators which do not own or operate a ready car or turn around facility on the Airport may request permission from the CEO to construct, install, maintain and operate a telephone information station in the baggage claim area of each Terminal Building under the same terms and conditions as those Rental Car Operators who do own or operate a facility on the Airport including, but not limited to, payment of all On-Airport Rental Car Operators fees set forth in Section 10.K.1. below. The Division of Aviation shall only permit Rental Car Operators to install, maintain and operate telephone information stations as space permits, which decision shall be in the sole discretion of the Division of Aviation. The CEO may, at his/her option, require Rental Car Operators to contract with the appropriate concessionaire (as designated by the Division of Aviation) for the provision of direct line telephone service.

- b. On-Airport Rental Car Operators shall pick-up and discharge rental car patrons only at such areas designated for that purpose by the Division of Aviation.
- c. On-Airport Rental Car Operators shall be required to provide a surety bond payable to the "City of Philadelphia" in the amount based upon one of the following calculations:
 - i. For those On-Airport Rental Car Operators having operated on the Airport for one year or longer, the amount of the surety bond shall be one-quarter (1/4) of the prior year's total annual concession payments due the City.
 - ii. For On-Airport Rental Car Operators having operated from the Airport for less than one year the amount of the surety bond shall be one-quarter (1/4) of the estimated total annual concession payments due the City.
- d. All On-Airport Rental Car Operations are subject and subordinate to the provisions of any applicable act, law or regulation affecting the operation or the maintenance of the Airport, and any agreement, instrument or document heretofore or hereafter made between the City and the U.S. Government or Commonwealth of Pennsylvania relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the transfer of rights or property to the 7011-11-2014 DEPARTMENT OF REVENUE 80084

purposes, or the receipt of federal or state funds for the improvements or development of the Airport, including, without limitation, the expenditure of federal or state funds for the maintenance and/or development of the Airport under the provisions of the Federal Aviation Act of 1958 or under the provisions of Title 49 of the Code of Federal Register, as they may be amended from time to time. In the event that the U.S. Government or Commonwealth of Pennsylvania requires, as a condition precedent to the continued receipt or granting of funds for the improvement of the Airport, any actions, filings or reports by the Airport, or any modifications to these rules and regulations, then On-Airport Rental Car Operators shall undertake such action and/or provide such documentation which may be required as it relates to On-Airport Car Rental Companies, in the City's sole discretion, to enable the City to comply with such a requirement and to obtain or continue to receive said funds.

2. Off-Airport Rental Car Operations

- a. Off-Airport Rental Car Operators shall not construct, install, maintain or operate any telephone information stations or direct line telephone service on any part of the Airport. Off-Airport Rental Car Operators further shall not contract for the use or provisions of direct line telephone service unless prior written approval is received from the CEO.
- b. Off-Airport Rental Car Operators shall pick-up and discharge rental car patrons only at such areas designated for that purpose by the Division of Aviation.

F. HOTEL/MOTEL OPERATIONS

Off-Airport Hotel/Motel Operators shall pick-up and discharge hotel/motel patrons only at such areas designated for that purpose by the Division of Aviation.

G. TAXICAB OPERATIONS

1. Marking of Vehicles – All Taxicabs at the Airport shall mark their vehicles in accordance with the following standards, as promulgated and set forth by the PPA:
 - a. Painted color(s) of the Taxicab's dispatch provider (or certificate holder if a partial rights cab under PPA regulations) and standardized name /insignia and phone number of dispatch provider as approved by the PPA;

- b. Taxicab ID numbers shall be posted on the front fenders of the Taxicab and on the rear of the Taxicab in lettering at least 5 inches in height. ID numbers shall appear as follows:
 - “P-____” or “Pa. P.U.C. No. A_____”, as applicable;
 - c. Current PPA and Pennsylvania inspection stickers;
 - d. Pennsylvania “TX-____” license plate; and
 - e. Any other markings or requirements as the PPA (or other applicable state or local regulatory body) may require.
 - f. Only Taxicabs with valid PPA-issued medallions which are permanently affixed to the vehicle are authorized to pick up passengers at the Airport, except those Taxicabs operating by prearrangement or reservation.
- 2. Unattended Vehicles – Except as otherwise authorized by the CEO, Drivers shall not leave Commercial Ground Transportation Vehicles unattended.
- 3. Taxicab Operations – Taxicab operations at the Airport shall be in accordance with the following:
 - a. All Taxicabs and Taxicab Drivers shall (i) comply with all applicable AVI policies and procedures as set forth in Section 10.K.5. herein, and (ii) pay all required fees as set forth in Section 10.K.4. herein in order to operate on the Airport roadways for the purpose of picking up and discharging passengers. Such Airport passenger pick-up and discharge shall occur only at areas designated by the Division of Aviation.
 - b. No Taxicab driver shall solicit, neither by word nor gesture, a passenger for transportation nor accept a passenger on the Airport other than in an area specifically authorized by these rules and regulations.
 - i. Taxicab Zones - Taxicabs shall only be permitted to accept passengers on the Airport within the areas designated as Taxicab Zones. Taxicabs shall first enter the Taxicab Staging Area and shall advance and be dispatched on a “first-in/first-out” basis to the Taxicab Feed Lines and then to Taxicab Zones. Taxicabs shall not enter or occupy a Taxicab Zone unless or until authorized to do so by the CEO. Prior to each entry onto the Airport’s Commercial Roadway System,

all Taxicab Drivers shall enter the Commercial Roadway System through the AVI reader and pay the Egress Fee as required in Section 10.K.4.

- ii. Reservations - Any Taxicab may accept passengers by prearrangement and reservation and in such case, the Taxicab shall not occupy the Taxicab Staging Area, Taxicab Feed Line, or Taxicab Zone, but rather use the Limousine Staging Area and/or Limousine Zone and shall pay the Per-Trip Fee set forth in Section 10.K.3.b. herein rather than pay the Egress Fee. Taxicabs operating under this paragraph must display on the dashboard, so as to be visible from outside the Taxicab, a manifest containing the airline, flight number and name of the passenger being met. In addition, any posted curbside parking time limits must be observed.
- c. Taxicabs are not permitted to park on any Airport roadways, Taxicab Staging Areas, Taxicab Feed Lines or Taxicab Zones, unless actively engaged in Commercial Ground Transportation at the Airport.

H. LIMOUSINE OPERATIONS

- 1. Unattended Vehicles – Except as otherwise authorized by the CEO, Drivers shall not leave Commercial Ground Transportation Vehicles unattended. Limousine Drivers who wish to leave their vehicles and meet their passengers in the Terminal Building must park their vehicles in a public parking lot or garage.
- 2. Limousine Drivers shall only use the Limousine Staging Areas while waiting for passengers.
- 3. Limousine Operations – No Limousine shall park, stop, stand or operate upon Airport roadways except according to the following procedures:
 - a. Limousine Operators and Limousines shall (i) comply with all applicable AVI policies and procedures as set forth in Section 10.K.5. herein, and (ii) pay all required fees as set forth in Section 10.K.3. in order to operate on the Airport roadways for the purpose of picking up and discharging passengers. Such Airport passenger pick-up and discharge shall occur only at areas designated by the Division of Aviation.
 - b. No Limousine Driver shall solicit, neither by word nor gesture, a passenger for transportation nor accept a passenger on the Airport

- other than in an area specifically authorized by these rules and regulations.
- c. Limousines shall load passengers and baggage only within designated Limousine Zones. Notwithstanding the immediately foregoing, if the Limousine Driver has parked his/her vehicle in a public parking garage or lot to meet his/her passenger in the Terminal Building, then the Limousine Driver may load passengers and baggage in that parking lot or garage.
 - d. A Limousine shall only accept passengers on an advance reservation basis and whose destinations are within the Limousine's authorized operating area as set forth in the terms of the certificate, permit or license under which said Limousine is operating.
4. Limousines are not permitted to park on any Airport roadways, Limousine Staging Areas or Limousine Zones unless actively engaged in Commercial Ground Transportation at the Airport.

I. VAN SERVICE OPERATIONS

- 1. Marking of Vehicles – All Van Service vehicles shall display:
 - a. Current PPA and Pennsylvania inspection stickers;
 - b. Pennsylvania "BA____" license plate; and
 - c. Any other markings or follow any and all requirements as the PPA (or other applicable state or local regulatory body) may require.
 - d. The foregoing Sections 10.I.1.a. – c. shall not apply to Van Service vehicles engaged solely in interstate commerce; such vehicles shall instead bear markings required by any other applicable federal or state code, regulation, statutes, or ordinance.
- 2. Unattended Vehicles – Except as otherwise authorized by the CEO, Drivers shall not leave Commercial Ground Transportation Vehicles unattended.
- 3. Van Service Drivers shall only use the Van Service Staging Area for layovers in authorized operating schedules or while waiting for passengers.

4. Van Service Operations – No Van Service Driver shall park, stop, stand or operate upon Airport roadways except according to the following procedures:
 - a. Van Service Vehicles shall (i) comply with all applicable AVI policies and procedures as set forth in Section 10.K.5. herein, and (ii) pay all required fees as set forth in Section 10.K.3. in order to operate on the Airport roadways for the purpose of picking up and discharging passengers. Such Airport passenger pick-up and discharge shall occur only at areas designated by the Division of Aviation.
 - b. No Van Service Driver shall solicit, neither by word nor gesture, a passenger for transportation nor accept a passenger on the Airport other than in an area specifically authorized by these rules and regulations.
 - c. Van Services Drivers shall load passengers and baggage only within a designated Van Services Zone.
 - d. The CEO reserves the right to permit or require owners of Van Service vehicles to submit, for approval, operating schedules. Under this condition, owners of Van Service vehicles shall operate on time according to the appropriate operating schedule and shall park only within designated Van Service Zone at approved times.
5. Van Service Drivers are not permitted to park on any Airport roadways, Van Services Staging Areas or Van Service Zones unless actively engaged in Commercial Ground Transportation at the Airport.

J. COURIER OPERATIONS

1. Marking of Vehicles – All Courier vehicles shall bear all applicable current state inspection and registration stickers.
2. Couriers shall only park Courier Vehicles in designated Courier Staging Areas while making goods deliveries and/or pick-ups at the Airport.
3. Courier Operations – No Van Service Driver shall park, stop, stand or operate upon Airport roadways except according to the following procedures:
 - a. Couriers shall (i) comply with all applicable AVI policies and procedures as set forth in Section 10.K.5. herein, and (ii) pay all required fees as set forth in Section 10.K.3. in order to operate on the Airport roadways for the purpose of retrieving and delivering

packages. Such business shall occur only at areas designated by the Division of Aviation.

- b. Couriers are not permitted to park Courier Vehicles on any Airport roadways, Van Services Staging Areas or Van Service Zones unless actively engaged in Commercial Ground Transportation at the Airport.

K. PAYMENT OF FEES-REPORTS AND RECORDS; AUTOMATED VEHICLE IDENTIFICATION (AVI) SYSTEM

1. On-Airport Rental Car Operators – All On-Airport Rental Car Operators shall:

- a. A Customer Facility Charge is imposed on each customer renting a motor vehicle from a Vehicle Rental Company pursuant to the authority granted in Subchapter C of Chapter 59 of Title 74 (74 Pa. C.S. Section 5933 (a)) as is more particularly set forth in Appendix H, Section XII.
- b. Pay a Privilege Fee in the amount of ten percent (10%) of the Gross Revenue derived from the operation of its car rental business at the Airport. This Privilege Fee shall be due and payable on the twentieth (20th) day of the calendar month following the month in which the chargeable Gross Revenues were derived, along with the report described in Section 10.K.1.d below;
- c. Pay a fee of One Hundred Dollars (\$100.00) per month as a rental for each telephone information station in the baggage claim area of each Terminal Building. This rental fee shall be due and payable on the first day of each month. However, an On-Airport Rental Car Operator under contract with the Airport's authorized agent for the provisions and use of the direct line telephone service shall instead pay the agent in accordance with the terms and conditions or charges imposed by the agent;
- d. Submit to the Division of Aviation a "Concessionaire's Monthly Report of Commission Accrued" (Form 72-89) indicating Gross Revenue by type (e.g. Time & Mileage, Fuel, Additional Driver, Baby Seat, Cellular Phone, etc.). This report and the monthly percentage fee payment are due within twenty (20) days of the end of each calendar month. This report shall be submitted for each month of operation regardless of whether there is any activity to report. The On-Airport Rental Car Operator's monthly payment of the fee based upon its Gross Revenue shall be based on this report and in the event the On-Airport Rental Car Operator fails to transmit

this report and any corresponding payment due, the Division of Aviation shall compute the then-due monthly percentage fee based upon data available as though the fee due were the same as the fee during the highest reported month of operations plus One Hundred Dollars (\$100.00). After receipt of the required but delinquent payment and report from the Rental Car Operator, the Division of Aviation shall recalculate the fee for the month in question based upon the report received plus interest as calculated in Section 10.K.1.g.i. If the actual fee plus interest is higher than that fee invoiced to the Rental Car Operator, the deficiency shall be paid by the Rental Car Operator along with the next monthly payment. If the actual fee is less than that fee invoiced to Rental Car Operator, the excess shall be credited to the Rental Car Operator's account;

- e. Keep full and complete books of accounts relating to the requirements of these rules and regulations and in so doing shall comply with the minimal procedural requirements prescribed by the City. The City, through its duly authorized representative, shall have the right to inspect and audit an On-Airport Rental Car Operator's books of accounts and other records at all reasonable times during normal business hours. If, as a result of such audit, it is established that On-Airport Rental Car Operator has understated the gross revenues received by it by five percent (5%) or more, the entire expense of said audit shall be borne by the On-Airport Rental Car Operator. On-Airport Rental Car Operators shall retain said records for a period of three (3) years and upon the City's request shall make such records available to the City for audit at the Airport or at some other mutually agreed upon location within twenty-five (25) miles of the Airport. Should adequate records not be made available by an On-Airport Rental Car Operator at the appointed locations, the additional cost of said audit including all reasonable travel, food and lodging expenses incurred by the City shall at the City's discretion be borne by On-Airport Rental Car Operator;
- f. Provide a certified written statement to the City, prepared by a certified public accountant within ninety (90) days of the end of each calendar year, showing the total percentage fee due for the said year. In the event that the sum of the actual amounts paid to the City by On-Airport Rental Car Operator exceeds the total percentage fees due for the year, such excess shall be credited to the On-Airport Rental Car Operator in the months following receipt of certified public accountant's statement. Such statement shall also contain a list of the Gross Revenue, by month, as shown on the books and records of On-Airport Rental Car Operator which were used to compute the monthly fee payments made to the City

during the period covered by the statement, and the accountant's opinion that the percentage fees paid by the On-Airport Rental Car Operator to the City during the preceding year were made in accordance with the terms of these rules and regulations; and

- g. Pay all monthly payments on the due date as established herein.
 - i. If the On-Airport Rental Car Operator fails to make payments due within ten (10) days of the due date interest shall automatically accrue on the late payment, without notice or opportunity to cure. The interest shall accrue as of the first (1st) day after the due date at the pro-rated rate of one and one-half percentage (1.5%) per month until fully paid.
 - ii. If an On-Airport Rental Car Operator fails to make payments due within ten (10) days of the due date or fails to comply with any of these rules and regulations, the City may give the On-Airport Rental Car Operator notice of default. Failure to cure the aforementioned default within fifteen (15) days after the issuance of written notice may result in termination of the privilege granted under these rules and regulations without further notice and the exercise of all other remedies set forth in these rules and regulations or at law or equity.
 - iii. All payments are due by 4:00 p.m. Eastern Standard Time on the due date. Any payment that is submitted by the On-Airport Rental Car Operator to cure a financial default must be received no later than 4:00 p.m. Eastern Standard Time on the final day of the cure period or such payment will not be accepted by the City as cure of the default.
 - iv. The City's acceptance of any report, including but not limited to the "Concessionaire's Monthly Report of Commission Accrued," or acceptance of any payment shall not preclude the City from challenging the accuracy of the report or the payment amount and shall not be construed as a waiver of any of the City's rights. No right or remedy of the City set forth herein is intended to be exclusive of any other right or remedy herein or provided by law, but each shall be cumulative and concurrent and in addition to every other right or remedy herein or now or hereafter existing at law or in equity or by statute or ordinance.

2. Off-Airport Parking Operators

- a. This Section 10.K.2 shall apply to all Off-Airport Parking Operators not otherwise governed by written leases, licenses or other written agreements with the DOA.
- b. Per-Trip Fee – Each Off-Airport Parking Operator shall pay a Per-Trip Fee each time the Off-Airport Parking Operator enters the Airport's Commercial Roadway System or other area designated by the DOA for the transportation of passengers or property. The Per-Trip Fee assessed against each Off-Airport Parking Operator shall be determined by the number of seating positions specified by the vehicle manufacturer's designated seating capacity for that vehicle, including the driver. Off-Airport Parking Operators shall pay a Per-Trip Fee according to the following schedule:

| Seating Capacity | Per-Trip Fee |
|------------------|--------------|
| 1-5 | \$1.50 |
| 6-12 | \$3.00 |
| 13-24 | \$8.00 |
| 25 and over | \$22.00 |

- c. Dwell Time Fees – Upon entering the Commercial Roadway System, Off-Airport Parking Operators are afforded fifteen (15) minutes of Dwell Time on the Commercial Roadway System. Any Off-Airport Parking Operator which remains in the Commercial Roadway System beyond the applicable Dwell Time of period fifteen (15) minutes shall be assessed a Dwell Time Fee equivalent to one Per-Trip Fee for each thirty (30) minute interval (or portion thereof) thereafter.
- d. All fees as set forth in this Section 10.K.2 shall be determined and paid via the AVI system in accordance with the terms and conditions set forth in Section 10.K.5 herein.
- e. The rules and regulations requiring that all Off-Airport Parking Operators enter the Airport through the Commercial Roadway System and participate in the AVI system will be strictly enforced by the Philadelphia Police and DOA (or its agent's) personnel.
- f. Audit
 - i. Each Off-Airport Parking Operator shall keep full and complete books of accounts relating to the requirements of these rules and regulations and in so doing shall comply with

the minimal procedural requirements prescribed by the City. The City, through its duly authorized representative, shall have the right to inspect and audit an Off-Airport Parking Operator's books of accounts and other records at all reasonable times during normal business hours. Off-Airport Parking Operators shall retain said records for a period of three (3) years and upon the City's request shall make such records available to the City for audit at the Airport or at some other mutually agreed upon location within twenty-five (25) miles of the Airport. Should adequate records not be made available by an Off-Airport Parking Operator at the appointed locations, the additional cost of said audit including all reasonable travel, food and lodging expenses incurred by the City shall at the City's discretion be borne by Off-Airport Parking Operator.

- ii. The City's acceptance of any payment shall not preclude the City from challenging the accuracy of the payment amount and shall not be construed as a waiver of any of the City's rights. No right or remedy of the City set forth herein is intended to be exclusive of any other right or remedy herein or provided by law, but each shall be cumulative and concurrent and in addition to every other right or remedy herein or now or hereafter existing at law or in equity or by statute or ordinance.
 - g. Accessibility for Individuals with Disabilities – Off-Airport Parking Operators shall have accessibility arrangements in place that comply with Section 9-1106 of the Philadelphia Code and Title III of the Americans With Disabilities Act, and shall submit such arrangements to the City and the DOA on a yearly basis.
 - h. This Section 10.K.2 shall cease to have effect on June 30, 2018.
3. Motor Carriers of Passengers and/or Property for Compensation
- a. Applicability - This Section 10.K.3. applies to any person, entity, Commercial Ground Transportation Operator or Driver, except as set forth below, who or which holds out, offers or undertakes service for compensation for the transportation of passengers or property, or both (each of the foregoing mentioned in this paragraph, a "Carrier"). This Section 10.K.3. does not apply to:
 - i. Vehicles operated by the Southeastern Pennsylvania Transportation Authority (SEPTA) or its agents;

- ii. Motor Carriers operating call and demand service pursuant to the 53 Pa C.S. § 5701 *et seq.*;
- iii. Courtesy Vehicles; or
- iv. Vehicles actually operated by persons, non-commercial entities or non-profit associations, such as schools, who or which are not primarily engaged in the transportation, rental car, parking or hospitality industries.

b. Payment of Fees

- i. Per-Trip Fees - Each Carrier (as defined in Section 10.K.3.a. herein) shall pay a Per-Trip Fee each time the Carrier enters the Airport's Commercial Roadway System or other area designated by the Division of Aviation for picking up passengers or property (the "Carrier Per-Trip Fee"). The Carrier Per-Trip Fee assessed against each Carrier shall be determined by the number of seating positions specified by the vehicle manufacturer's designated seating capacity for that vehicle, including the driver. Carriers shall pay a Carrier Per-Trip Fee according to the following schedule:

| Seating Capacity | Per-Trip Fee |
|-------------------------|---------------------|
| 1-5 | \$1.50 |
| 6-12 | \$3.00 |
| 13-24 | \$8.00 |
| 25 and over | \$22.00 |

- ii. Wait Time Fees – Carriers are afforded a Wait Time of sixty (60) minutes. Any Carrier which remains in the "hold lot" beyond the initial sixty (60) minute grace period shall be assessed an amount equivalent to one Per-Trip Fee for each sixty (60) minute interval (or portion thereof) thereafter. Notwithstanding the immediately foregoing, Taxis are exempt from all Wait Time Fees.
- iii. Dwell Time Fees – Upon entering the Commercial Roadway System, Carriers are afforded a certain amount of Dwell Time on the Commercial Roadway System according to the following schedule:

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| Type of Operator | Dwell Time Allowance |
|------------------|----------------------|
| Taxicab | Not Applicable |
| Courier | 60 minutes |
| Limousine | 20 minutes |
| Van/Shuttle | 30 minutes |
| Bus | 60 minutes |

Any Carrier which remains in the Commercial Roadway System beyond the applicable Dwell Time period set forth above shall be assessed a Dwell Time Fee equivalent to one Per-Trip Fee for each thirty (30) minute interval (or portion thereof) thereafter.

- iv. All fees as set forth in this Section 10.K.3 shall be determined and paid via the AVI system in accordance with the terms and conditions set forth in Section 10.K.5 herein.
- v. The rules and regulations requiring that all Commercial Ground Transportation Operators enter the Airport through the Commercial Roadway System and participate in the AVI System will be strictly enforced by the Philadelphia Police and Division of Aviation (or its agent's) personnel.

4. Taxicabs

- a. Egress Fee – Each Taxicab shall pay a charge of one and 50/100 dollars (\$1.50) each time a Taxicab enters the Commercial Roadway System or other area designated by the CEO for picking up passengers.
- b. Whenever there is an increase in the flag drop rate and/or mileage charge for taxicabs in cities of the First Class pursuant to an order of the PPA, or other agency having jurisdiction over taxicabs in the City of Philadelphia, the Egress Fee may, at the discretion of the CEO, increase by a percent equal to the percent of increase in the flag drop rate or mileage charge, whichever is greater.
- c. Reservations – Taxicabs picking up by reservation and prearrangement shall pay Per-Trip Fees in accordance with the schedule of charges assessed by the Airport on Carriers as set forth in Section 10.K.3.b. in lieu of the Egress Fee set forth in this Section.
- d. In the event that any provision(s) of these rules and regulations conflicts with any authorization or regulation of the PPA, then that

authorization(s) and/or regulation(s) of the PPA (as applicable) shall govern.

5. Automated Vehicle Identification (AVI) System

All Commercial Ground Transportation Operators and Drivers shall comply with any and all procedures established by the CEO (at the CEO's sole discretion) with respect to the AVI system. Such policies and procedures shall be posted prominently at the Airport and shall be available by calling the Airport Operations Department at 215.937.6914. Notwithstanding the immediately foregoing and the remainder of this Section 10.K.5, Courtesy Vehicle Operators are exempt from the AVI requirements set forth herein.

- a. When so determined by the CEO, a Division of Aviation issued and installed AVI transponder will be required on each Commercial Ground Transportation Vehicle in order that the Division of Aviation may (1) monitor ground transportation activities, and (2) collect Per-Trip Fees and Egress Fees. Commercial Ground Transportation Operators and Drivers shall further establish AVI deposit accounts from which ground transportation fees shall be debited.
- b. AVI Transponders Required - Commercial Ground Transportation Operators shall obtain a Division of Aviation-issued AVI transponder for each of its vehicles which transports its customers to/from the Airport.
 - i. Infrequent Users - Notwithstanding 10.K.5.c. herein, in the event that a Commercial Ground Transportation Operator or Courtesy Vehicle Operator operates its vehicle(s) less than two (2) times per month per twelve (12) month period, then that Operator shall not be required to obtain an AVI transponder for that (those) vehicle(s), and instead shall have the option to either:
 - (a) Establish an AVI account and pay the applicable Per-Trip Fee; or
 - (b) Pay a one-time "infrequent user fee" which will allow the vehicle to retrieve Airport passengers during that trip according to the below fee schedule:

| | |
|---------------------|------|
| Limousines/Shuttles | \$20 |
| Vans | \$30 |
| Buses | \$50 |

- c. Commercial Ground Transportation Operators
 - i. Commercial Ground Transportation Operators shall file a signed application for each AVI transponder with the Division of Aviation, and must follow the terms and conditions of the counterpart "Ground Transportation AVI Agreement" pursuant to all approved applications. (If the Commercial Ground Transportation Operator has been authorized by the Division of Aviation to use a non-Division of Aviation-issued transponder, then such operators shall separately register each AVI transponder with the Division of Aviation and shall follow the terms and conditions of the Ground Transportation AVI Agreement). Applicants shall be bound by all terms and conditions of the application and its counterpart agreement, including, but not limited to, late payment penalties (where applicable).
 - ii. Commercial Ground Transportation Operators shall keep the Division of Aviation advised of any and all changes in its or any of its employees' ability or authorization(s) to operate, and of any changes in Commercial Vehicles serving the Airport.
 - iii. Commercial Ground Transportation Operators shall maintain their respective AVI accounts in good financial standing.
- d. Taxicab Drivers & Couriers; Driver ID Tags Required
 - i. Recognizing that Taxicabs and Couriers often are operated by independent contractors rather than employees of the Operator, each Taxicab Driver and each Courier Driver must file with the Division of Aviation an application to obtain a Driver ID Tag, thereby establishing an AVI account, and shall be bound to all terms and conditions of the counterpart "Ground Transportation AVI Agreement" pursuant to an approved application.
 - ii. Driver ID Tags will be issued to Taxicab Drivers and Courier Drivers individually, and the Driver ID Tags must be scanned and registered by the AVI reader each time such Drivers enter the Airport's Commercial Roadway System (in addition to having the vehicle's AVI transponder scanned and registered).
 - iii. AVI accounts shall be maintained in good financial standing by the Taxicab Drivers and Courier Drivers individually, and

shall be debited and credited according to the Driver ID Tag being registered by the machine-reader each time the Driver enters the Commercial Roadway System.

- e. Transponder & Driver ID Tag Acquisition; Replacement Fees; AVI Account Maintenance Fees.
 - i. There is a non-refundable application fee of twenty dollars (\$20.00) for each AVI transponder ("AVI Transponder Acquisition Fee").
 - ii. There is a non-refundable application fee of twenty dollars (\$20.00) for each Driver ID Tag ("Driver ID Tag Acquisition Fee").
 - iii. The Division of Aviation will replace malfunctioning AVI transponders and Driver ID Tags at no charge to the Commercial Ground Transportation Operator. Notwithstanding the foregoing, if the Division of Aviation determines, in its sole discretion, that an AVI transponder or Driver ID Tag is malfunctioning due to abuse or neglect of the Commercial Ground Transportation Operator and/or Driver, whether intentional or unintentional, then such Commercial Ground Transportation Operator and/or Driver shall be responsible for replacement of the AVI transponder and/or Driver ID tag per 10.K.5.e.iv. below, and may be further subject to sanctions per Section 10.L. herein.
 - iv. There is a non-refundable fee of ten dollars (\$10.00) to replace (i) a lost or stolen AVI transponder and/or (ii) a lost or stolen Driver ID Tag. All Commercial Ground Transportation Operators and Courtesy Vehicle Operators are solely responsible for the safety and security of any AVI transponder(s) assigned to its vehicle(s) and any Driver ID Tag assigned to a Driver.
 - v. All AVI Account holders must pay an annual administrative fee ("Account Opening & Renewal Fee") of twenty five dollars (\$25) per vehicle and/or Driver ID tag registered. The Account Opening & Renewal Fee is due at such time that the AVI account is established, and shall cover a period of one (1) year. The Account Opening & Renewal Fee shall not be prorated. Thereafter, the Account Opening & Renewal Fee is due annually on date of the anniversary of the AVI Account opening. In the event of an AVI Account termination

or closure, the Account Opening & Renewal Fee shall neither be prorated nor refunded.

f. AVI Account Opening Balance & Maintenance

- i. Opening Balance - All Commercial Ground Transportation Operators must, prior to being issued an AVI transponder and/or Driver ID Tag, establish an AVI deposit account through which the Commercial Ground Transportation Operator and/or Driver will pay Ground Transportation Fees. Minimum Opening Balances will be required according to the following schedule:

| Type of Vehicle | Minimum Balance | Opening |
|---------------------------|-----------------|--|
| Taxicab, Courier or Sedan | \$150 | |
| Limousine | | |
| Luxury Limousine, Shared- | \$300 | |
| Ride Van or Mini-Bus | | |
| Bus | \$200 | |
| Fleet | | shall be calculated by the Division of Aviation or its agent as the average of the Operator's aggregate daily trips on the Commercial Roadway System over a thirty (30)-day period |

- ii. Minimum Balance Required – Each AVI account requires a minimum balance equivalent to the amount of two Per-Trip Fees (or Egress Fees, where applicable) (“Minimum Balance”). All Commercial Ground Transportation Operators and Commercial Ground Transportation Drivers whose AVI accounts have a balance of zero dollars (\$0) or less will be denied access to the Airport’s Commercial Roadway System.
- iii. Account Replenishment – When a Commercial Ground Transportation Operator’s (or Driver’s, where applicable) AVI account reaches the Minimum Balance, the AVI account holder must replenish its AVI account in the amount equal to the applicable Minimum Opening Balance as set forth in the schedule in Section 10.K.5.f.i. herein. Notwithstanding the foregoing, Commercial Ground Transportation Operators and Drivers may replenish their respective AVI accounts

more often than and in greater amounts than is required under these Rules & Regulations.

- g. Before any Commercial Ground Transportation Operator enters the Commercial Roadway System, the AVI transponder and, if applicable, the Driver ID Tag, must be scanned and registered by the AVI system reader. The AVI reader will log the entry for tracking and billing purposes, and will display confirmation on the monitor display.
- h. Commercial Ground Transportation Operators, Taxicab Drivers and Couriers are liable for all Per-Trip Fees logged to any AVI transponder or Driver ID Tag (whichever is applicable) issued to it. The Division of Aviation must be notified immediately in the event of a lost, stolen or malfunctioning AVI transponder or Driver ID Tag. Commercial Ground Transportation Operators, Taxicab Drivers and Couriers will be liable for all Per-Trip Fees (if any) logged to their AVI Accounts prior to notification to the Division of Aviation of a lost, stolen or malfunctioning AVI transponder or Driver ID Tag.
- i. Commercial Ground Transportation Operators, Taxicab Drivers and Courier Drivers will have their respective AVI accounts charged and debited each time a Per-Trip fee is logged to an AVI transponder or Driver ID Tag (whichever is applicable) issued to it registers in the Airport's Commercial Roadway System. Failure to maintain an AVI account in good financial standing will result in the Division of Aviation invalidating any and all AVI transponder(s) and/or Driver ID Tag issued to that Commercial Ground Transportation Operator/Driver and suspending the privilege of operating on the Commercial Roadway System at the Airport until all past due amounts and penalties are paid in full.
- j. AVI Account Termination – An AVI account holder may terminate its/his/her AVI account by filling out an “Account Closure” form, which is available by calling the Airport Operations Department at 215.937.6914. A refund will be made to the AVI account holder of any remaining balance in the AVI account at the time of closure, and will be returned to the AVI account holder in the same manner as which it was received.

L. ENFORCEMENT/SUSPENSIONS

- 1. The privilege of picking up passengers at the Airport shall be automatically suspended and the Commercial Ground Transportation Operator or Driver shall immediately cease operations and leave Airport property under the

following conditions and events and such suspension shall be for the period during which such condition or event continues:

- a. Cancellation or lapse of Commercial Ground Transportation Vehicle insurance coverage;
 - b. Expiration, for any reason, of Commercial Ground Transportation Vehicle tag or registration or state safety inspection;
 - c. Suspension, revocation, cancellation or expiration of driver's or chauffeur's license;
 - d. Loss of authority to do business in Pennsylvania or in the City of Philadelphia or loss of any other authority to engage in Commercial Ground Transportation services;
 - e. Any breach of the terms of the Ground Transportation AVI Agreement.
2. In addition to the bases for suspension listed in 10.L.1. above, a suspension of the privilege of picking up passengers at the Airport may be imposed upon a Commercial Ground Transportation Operator or Driver after a hearing before the CEO or his designee and upon a finding of "continued failure" by the Commercial Ground Transportation Operator, or its Drivers or employees to comply with any of these rules and regulations (the "Suspension Hearing"). A "continued failure" to comply with these rules and regulations shall have occurred if the Commercial Ground Transportation Operator or Driver has received three (3) or more written notices from the City of his or her violation of these rules and regulations within any twelve (12) month period. Such written notice from the City may include, without limitation, a letter, parking tickets, money violations, tickets, notices of violation issued pursuant to Appendix G or other written documentation issued by the Division of Aviation or the Philadelphia Police Department that is personally handed to the Commercial Ground Transportation Operator or Driver or delivered to the Commercial Ground Transportation Operator's or Driver's place of business or residence by certified mail, return receipt requested; overnight mail carrier; or hand delivery. Payment of parking tickets, moving violation tickets or notices of violations shall not prevent the Division of Aviation from commencing a Suspension Hearing in accordance with this paragraph.
 3. Notice of a Suspension Hearing shall be sent by certified mail return receipt requested. The notice shall specify the date, time and place of the Suspension Hearing and shall provide a brief description of the regulation violations which are the basis for the Suspension Hearing. Failure to receive such notice will not invalidate a suspension if the notice is mailed

to the address where the vehicle is registered. Any party may be represented by counsel, present witnesses, exhibits or other evidence at the Suspension Hearing.

4. Suspension periods for violations of regulations shall be as follows:
 - a. First suspension – not more than thirty (30) days.
 - b. Second suspension – not more than sixty (60) days.
 - c. Third suspension – not more than one (1) year.
5. The CEO reserves the right to establish the specific dates of suspension or to waive any condition or event, which would otherwise result in a suspension.

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THE CITY OF PHILADELPHIA
DEPARTMENT OF COMMERCE
DIVISION OF AVIATION

AIRPORT RATES AND CHARGES REGULATION

(Revised as of February 28, 2014, Effective as of promulgation)

(Intended to Supersede All Previous Rates and Charges Regulations)

DEPARTMENT OF RECORDS

2014 MAR 17 PM 2:55

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RATES AND CHARGES FOR THE USE OF FACILITIES AT
PHILADELPHIA INTERNATIONAL AIRPORT AND NORTHEAST PHILADELPHIA AIRPORT

I. Pursuant to Section 4-501 and Section 8-407 of the Philadelphia Home Rule Charter and Section 18-201 of the Philadelphia Code, the Department of Commerce, Division of Aviation fixes the following rates and charges for the use of Philadelphia International Airport and Northeast Philadelphia Airport facilities and services not otherwise governed by written leases, licenses or operating agreements (specifically excluding any contract titled "Fee Payment Agreement") with the Department of Commerce-Division of Aviation.

a. **Rates and Charges related to the Philadelphia International Airport Terminal Area and Ramp Area**

The Terminal Area shall mean the Airport passenger terminal buildings, including the un-air conditioned areas available for use as baggage make-up, the sidewalk and curb adjacent to the landside of the terminal buildings, the loading bridges and all pedestrian bridges connecting the terminal buildings with the landside vehicular parking garages, as such areas now exist or may be developed, extended or improved from time to time. The Ramp Area shall mean those un-air conditioned airport operations areas of the Airport designated for the Terminal Area consisting of the aircraft parking positions, ramp space and canopy space (and including any

other equipment located on the Ramp Area that are owned by City and provided for the use by Air Carriers.)

i. **Leased Premises Terminal Area, Joint Use Areas, and Ramp Area**

Leased Premises Terminal Areas shall mean those areas of the Terminal Area that are occupied by an Air Carrier. Joint Use Areas shall mean those areas of the Terminal Area that are used by an Air Carrier on a shared or joint use basis with other Air Carriers at the Airport. Rentals for use of the Leased Premises Terminal Area, Joint Use Areas and Ramp Areas shall be:

1. Type 1: Ticket Counter and Ticket Counter Office space - \$211.92 per square foot per annum.
2. Type 2: Holdrooms, Baggage Claim Area, Baggage Claim Offices, Airline Lounge, and Airline Space - \$158.94 per square foot per annum.
3. Type 3: Airline Operations Space, Baggage Makeup Area, Inbound Baggage - \$105.96 per square foot per annum.
4. Type 4: FIS Area, Cart Tunnel/Baggage Recheck - \$52.98 per square foot per annum.
5. Ramp Area: Ramp space adjacent to preferentially-used Aircraft gates - \$94.06 per linear foot per annum.

ii. **International Common Use Area Fees**

The following rates and charges are applicable for the use of the International Common Use Areas. International Common Use Areas shall mean the International Common Use Ticket Counter Areas, the International Common Use Enplaning Areas, the International Common

Use Deplaning Areas and the Federal Inspections Services (FIS) Areas. International Common Use Enplaning and Deplaning Areas include the baggage make-up, holdroom, aircraft parking ramp area, loading bridges, and associated fixtures and equipment located thereon (that are not the property of an Air Carrier). Written authorization may be granted for permission to process international and charter operations at locations other than the International Common Use Areas on the condition that the rates and charges paid to the City as set forth below will apply to these operations.

1. **International Common Use Enplaning Area Fee.** For the use of International Common Use Enplaning Areas: \$4.82 per enplaned passenger.
2. **International Common Use Deplaning Area Fee.** For the use of International Common Use Deplaning Areas in common with other Air Carriers: \$4.72 per deplaned passenger.
3. **FIS Area Fee.** For the use of FIS Areas, those areas where Deplaned Passengers are processed and collect their checked baggage and the baggage cart movement areas associated therewith: \$3.80 per deplaned passenger processed thru Federal Inspection Service facilities.
4. **Ramp Use Charge.** For use, in common with other Air Carriers, of the Ramp space adjacent to the International Common Use Area: \$150.00 per use for each two hour period or fraction thereof. This charge shall apply only to flights which incur no other International Common Use Enplaning or Deplaning Area Fees and FIS Area Fees as set forth above.
5. **International Common Use Ticket Counter Area Fee.** For the use

of International Common Use Ticket Counter Areas in common with other Air Carriers: \$1.87 per enplaned passenger.

iii. Domestic Common Use Area Fees

Domestic Common Use Terminal Areas shall mean those portions of the Terminal Area that could be leased to an individual airline on a preferential basis, but are available for use for individual flights or other limited use upon agreement by City. Domestic Common Use Areas are available for use for individual flights or other limited use upon agreement by the City, including but not limited to, Domestic Common Use Gates, Ticket Counters and Bag Claim for operations by Air Carriers.

1. **Domestic Common Use Gate Fee**, including the associated ramp area and equipment necessary to operate from the gates - \$302 per aircraft turn (an aircraft arrival and departure).
2. **Domestic Common Use Ticket Counter Fee**, including associated back office, baggage makeup areas and baggage conveyors - \$117 per aircraft departure.
3. **Domestic Common Use Bag Claim Fee**, including associated cart circulation and recheck area, bag claim and operations space - \$1.00 per deplaned passenger from aircraft operations utilizing such space in the terminal complex.

iv. Aircraft Parking

The following charges apply for the parking of Aircraft by Air Carriers not paying rentals under Section I (a)(i) above at all designated parking areas within the Airport:

1. Aircraft parking charge (beyond the first two hour period) \$150.00

per day.

2. In addition to the above aircraft parking charge, any aircraft engaged in a cargo processing operation at a designated parking area shall be subject to the following charges: Cargo off-loading operation - \$150.00 per operation; Cargo on-loading operation: \$150.00 per operation.

b. Rates and Charges related to the Airfield Area at Philadelphia International Airport

- i. **Landing Fees** at Philadelphia International Airport by Large Certificated Air Carriers, Commuter Air Carriers and Small Certificated Air Carriers, Foreign Flag Air Carriers and Air Taxi/Commercial Operators - \$3.76 per thousand pounds of maximum allowable gross landing weight.

- ii. **General Aviation Aircraft Landing Fees** at Philadelphia International Airport for all non-based, general aviation aircraft and those based general aviation aircraft engaged in commercial activities approved in writing by the City will be based on a sliding weight scale as follows:

| <u>Maximum Allowable Gross Landed Weight</u> | <u>Landing Fee per Landing</u> |
|--|------------------------------------|
| 0 - 5,000 lbs. | \$10.00 |
| 5,001 - 10,000 lbs. | \$28.00 |
| 10,001 - 25,000 lbs. | \$66.00 |
| 25,001 - 50,000 lbs. | \$141.00 |
| 50,001 - 100,000 lbs. | \$282.00 |
| 100,001 - 200,000 lbs. | \$564.00 |
| over 200,000 lbs. | \$752.00 |

c. Rates and Charges Related to Northeast Philadelphia Airport

- i. Terminal Building - Ticket counter space: \$22.19 per square foot per

annum.

- ii. Terminal Building - All other space: \$20.40 per square foot per annum.
 - 1. Mooring Fee for airships, blimps and similar aircraft types that are less than 210 ft. in length: \$75.00 per day or fraction thereof for the first four days; \$35.00 per day thereafter.
 - 2. Mooring Fee for airships, blimps and similar aircraft types that are more than 210 ft. in length: \$100.00 per day or fraction thereof for the first four days; \$50.00 per day thereafter.
- iii. Landings at Northeast Philadelphia Airport by Commuter Air Carriers: \$1.65 per thousand pounds of maximum allowable gross landing weight.
- iv. Landings at Northeast Philadelphia Airport by all non-based general aviation aircraft and those based general aviation aircraft engaged in commercial activities approved in writing by the City will be based on a following sliding weight scale:

| <u>Maximum Allowable Gross Landed Weight</u> | <u>Landing Fee per Landing</u> |
|--|------------------------------------|
| 0 - 5,000 lbs. | \$5.00 |
| 5,001 - 10,000 lbs. | \$10.00 |
| 10,001 - 25,000 lbs. | \$15.00 |
| 25,001 - 50,000 lbs. | \$35.00 |
| 50,001 - 75,000 lbs. | \$60.00 |
| over 75,000 lbs. | \$95.00 |

d. **Demurrage**

The Director of Aviation will allow the use of the designated non-leased and/or common use area for such time as may be reasonably required for Aircraft loading and unloading; provided, however, that if such area is needed for another Aircraft, the Director of Aviation may require the operator to relocate the Aircraft. If the Aircraft is not moved within ten minutes of such request, a demurrage charge of

\$150.00 will be assessed for each additional ten minute period or part thereof the Aircraft remains at the designated area.

e. Armed Guard Security Charge

Each Air Carrier shall be charged a proportionate amount of the costs incurred by the Airport in complying with the security requirements of Federal Aviation Regulation Part 107 or any other federally-mandated security requirements.

f. Utility Charges

All utilities, including but not limited to electricity, water and sewer service and natural gas, shall be billed at rates which shall not be in excess of rates charged for such service to users of the class and volume level using the service at the airports by utility suppliers authorized to provide such service in the vicinity of the airports.

g. Ground Handling Fees

All Air Carriers shall be subject to a fee equal to 10% of ground handling fees charged by a provider of ground handling services to the Air Carrier. Ground handling services provided to Signatory Airlines, their Affiliates, and other Air Carriers that are party to Airline Operating License Agreements with the Department of Commerce-Division of Aviation are exempt from ground handling fees. Affiliates shall mean any Air Carrier that is either a wholly-owned subsidiary of the Air Carrier or operates under essentially the same trade name as the Air Carrier at the Airport and uses essentially the same livery as the Air Carrier.

h. Fuel Flowage Fees

Fuel dispensed on-airport to Aircraft operating at Philadelphia International Airport

and Northeast Philadelphia Airport: \$0.083 per gallon. Fuel dispensed to Signatory Airlines and other Air Carriers that are party to Airline Operating License Agreements with the Department of Commerce-Division of Aviation are exempt from the fuel flowage fee.

i. Aviation Lubricants Fees

Aviation lubricants sold at Philadelphia International Airport and Northeast Philadelphia Airport: \$0.15 per gallon. Aviation lubricants sold to Signatory Airlines and other Air Carriers that are party to Airline Operating License Agreements with the Department of Commerce - Division of Aviation are exempt from the aviation lubricants fee.

II. Passenger Facility Charge (“PFC”)

In accordance with regulations of the U.S. Department of Transportation, Federal Aviation Administration (“FAA”), found at 14 Code of Federal Regulations (“CFR”) Part 158, the City of Philadelphia has been given approval by notice from the FAA dated January 30, 2001 to impose a \$4.50 Passenger Facility Charge (“PFC”) on the fares charged to passengers departing from Philadelphia International Airport. Additional information concerning the PFC and the obligations of Air Carriers with respect thereto is on file with the City of Philadelphia's Division of Aviation and is found in 14 CFR Part 158.

III. Airport I.D. Badge Fees

Airport I.D. Badges are issued to provide positive identification, authorization and access to controlled airport areas. The following fees apply to new badge issues, replacement of expired badges and replacement of damaged badges:

a. Philadelphia International Airport

- i. PHL-based employees of Air Carriers: \$18.00 per badge.

- ii. All others: \$33.00 per badge.
 - iii. Replacement of all lost or stolen badges: fines will escalate as follows
 - 1. 1st incident of a lost or stolen badge – \$100.00
 - 2. 2nd incident of a lost or stolen badge – \$150.00
 - 3. 3rd incident of a lost or stolen badge – \$200.00
 - 4. 4th incident of a lost or stolen badge – possible loss of badge
- b. Northeast Philadelphia Airport
- i. Initial badge issuance - No charge.
 - ii. Replacement of all lost or stolen badges - \$35.00 per badge.

Airport I.D. Badge fees will be invoiced to the company of the employee who is being badged, unless a prior arrangement has been made between a company and the Division of Aviation. Payment may be accepted from an individual by the City for replacement of lost or stolen Airport I.D. Badges and for badges issued to non-based crew members. The City reserves the right to make reasonable exceptions in the assessment of I.D. Badge fees.

IV. Fingerprinting Fee

Pursuant to 14 CFR Parts 107 and 108, Criminal History Record Checks, the U. S. Transportation Security Administration (TSA) requires that all airports within the United States submit fingerprints for all personnel working in airport Sterile and Security Identification Display Areas (SIDA).

The Division of Aviation processes fingerprints through the Aviation Security Clearinghouse (ASC). A fee for fingerprint processing is mandated by the TSA. The current fee is \$32.00 per applicant, including employees of governmental agencies. The fee must be paid to the City at the time of fingerprinting by the employee or the company

of the employee being fingerprinted unless a prior pre-payment arrangement has been made between the company and the Division of Aviation.

The fingerprint process must be satisfactorily completed prior to the issuance of Airport I.D. Badges for access to SIDA.

V. Payments

- a. Leased Premises Terminal Area, Joint Use Areas, Ramp Areas, and Northeast Philadelphia Airport Terminal Building rentals shall be due to City without invoice, in advance, on the first day of each calendar month, pertaining to that calendar month without notice, demand, set-off or counterclaim.
- b. The City reserves the right to invoice certain non-scheduled Air Carriers not paying rentals under Section I (a)(i). All invoiced charges shall be due 20 days after invoice date unless otherwise stated on invoice.
- c. All other charges and activity reports proscribed by City shall be due to City without invoice on or before the tenth (10th) day of each subsequent calendar month during the term of the Agreement.
- d. Non-tenant Air Carriers and Operators not providing adequate surety or security in form and amount satisfactory to the Department of Commerce, to ensure payment of fees and charges, shall be required to pay all incurred fees and charges prior to aircraft departure.
- e. Penalties and Interest for Late Payments
 - i. Interest charges on unpaid amounts shall be charged effective on the first day after the due date.
 - ii. Air Carriers, Operators and other tenants shall pay interest at the default rate of five percent (5%) plus the Prime Rate (as hereinafter defined) on all payments which are unpaid as of the first day after the day on which such

payment is due to City. City's failure to impose such an interest charge in any particular case shall not be deemed a waiver of City's right to do so in any future case. As used in this Regulation, the "Prime Rate" shall be the prime rate as published in the Wall Street Journal as being the base rate on corporate loans posted by at least seventy five percent (75%) of the nations' thirty largest banks.

- iii. If any charges remain unpaid for a period of (20) days after the due date, the City may:
 1. Bar operator from the Airport and the use thereof; and/or
 2. Deny operator the use of Airport facilities; and/or
 3. Commence such actions at law or in equity as are deemed in the best interests of the City.

- VI. This Regulation shall not apply to space occupied by any governmental agencies or to services rendered to governmental agencies, except as specifically provided herein.
- VII. This Regulation shall be effective on the earliest date possible after filing with the Department of Records in accordance with Section 8-407 of the Philadelphia Home Rule Charter, and shall apply on and after that date, and shall supersede all prior Airport Rates and Charges Regulations.
- VIII. In the event that any portion of this Regulation shall be determined to be illegal, for any reason whatsoever, such determination shall not affect any other portion of the Regulation, it being the intent of the Department of Commerce that each charge set forth in the Regulation shall be absolutely independent of every other charge.

IX. Payment Method

a. Rates and Charges

Unless and until City notifies Air Carriers, Operators or other tenants in writing designating an alternative payment method, all payments pursuant to this Regulation (save and except PFC) shall be submitted due hereunder shall be made by either:

- i. Separate wire transfer as follows:

Wells Fargo Bank, N.A.
Phone: 1-800-869-3557
E-Mail: www.wellsfargo.com
City of Philadelphia Aviation Division
Aviation Operating Account
Account #200-003-388-8734
ABA # 121000248 (Routing Number)

or

- ii. Submitted to the following mailing address:

City of Philadelphia
241758
PO Box 8500
Philadelphia, PA 19178-1758

b. Passenger Facility Charges

Unless and until City notifies Air Carriers, Operators or other tenants in writing designating an alternative payment method, all PFCs due hereunder shall be paid by either:

- i. Separate wire transfer as follows:

Wells Fargo Bank, N.A.
Phone: 1-800-869-3557
E-Mail: www.wellsfargo.com
City of Philadelphia Aviation Division
Aviation Capital Account
Account #200-003-388-8653
ABA #121000248 (Routing Number)

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or

- ii. Submitted to the following mailing address:

City of Philadelphia
213966
PO Box 8500
Philadelphia, PA 19178-3966

- X.** All operations from Philadelphia International and Northeast Philadelphia Airports are governed by this Regulation except for those operations governed by valid, written contracts executed by the Director of Commerce or duly authorized designee and approved by the City Solicitor.
- XI.** The Division of Aviation may adopt occupancy and operating procedures if it determines, in its sole discretion, that such procedures are appropriate.

XII. Customer Facility Charge

A Customer Facility Charge is imposed in the amount of \$8 per rental day on each customer renting a motor vehicle from a Vehicle Rental Company doing business at Philadelphia International Airport. Customer facility charges shall be collected from the customer by the vehicle rental company and held in a segregated trust fund for the benefit of the Airport. All other provisions in Subchapter C of Chapter 59 of Title 74 (74 Pa. C.S. Sections 5931-5933) are hereby incorporated herein by reference.