

ORDINANCE NO. 450-R

AN ORDINANCE AMENDING AND RESTATING PORT OF PORTLAND ORDINANCE NO. 351 (AS AMENDED AND RESTATED BY PORT OF PORTLAND ORDINANCE NO. 386-R, AS AMENDED AND RESTATED BY PORT OF PORTLAND ORDINANCE NO. 397-R, AS AMENDED AND RESTATED BY PORT OF PORTLAND ORDINANCE NO. 418-R, AS AMENDED AND RESTATED BY PORT OF PORTLAND ORDINANCE NO. 432-R) TO REGULATE USE OF THE COMMERCIAL ROADWAY TO BEST SERVE THE NEEDS OF THE TRAVELING PUBLIC AT PORTLAND INTERNATIONAL AIRPORT.

BE IT ENACTED BY THE PORT OF PORTLAND:

Port of Portland Ordinance No. 450-R, amending and restating Port of Portland Ordinance No. 351 (as amended and restated by Port of Portland Ordinance No. 386-R, as amended and restated by Port of Portland Ordinance No. 397-R, and as amended and restated by Port of Portland Ordinance No. 418-R, as amended and restated by Port of Portland Ordinance No. 432-R) reads as follows.

Section 1. Findings and Purpose

1.1 The Port of Portland, a port district of the State of Oregon, created pursuant to Oregon Revised Statutes, Chapter 778, as amended, finds as follows:

- 1.1.1 That the Port owns and controls a system of airports including that certain airport and air navigation facility located in Multnomah County, State of Oregon, known as the Portland International Airport, which includes the Commercial Roadway, an area used by Commercial Ground Transportation Vehicles for ingress and egress to the Airport terminal loading and unloading area; and
- 1.1.2 ORS 778.025(5) authorizes the Port to operate and maintain airports and collect charges for the use of such facilities; and
- 1.1.3 That the Airport, including the Commercial Roadway, contributes to a strong economic base for the community, assists and encourages world trade opportunities, and is of vital importance to the health, safety, and welfare of the public; and
- 1.1.4 That the Port has required, and will continue to require, substantial expenditure for capital investment, operation, maintenance, and development of the Commercial Roadway to meet the future demand for air travel; and
- 1.1.5 That the unregulated use of the Commercial Roadway poses a threat to the peace, health, economic vitality, and safety of persons utilizing the Airport; and
- 1.1.6 That the unregulated use of the Commercial Roadway results in overcrowding, which has a negative impact on the enforcement of the Commercial Roadway regulations and the quality of services provided to, and the safety of, the traveling public and users of the Commercial Roadway or other designated Airport property; and
- 1.1.7 That the revenues received from users of the Commercial Roadway are vital to the economic well-being of the Airport; and

- 1.1.8 That users of the Commercial Roadway receive economic benefit from the use thereof; and
- 1.1.9 That it is essential that the Airport remain financially healthy to perform its economic role in the community and to provide the community with cost-effective aviation facilities which include the Commercial Roadway; and
- 1.1.10 That, in order to generate revenue for purposes of maintaining, operating, and developing the Commercial Roadway for the convenience of the traveling public; preserving existing revenues; protecting the public; preserving order; providing for the public health, safety and welfare; enhancing the welfare of the Port; and governing use of the Airport property, it is necessary to adopt and implement a revised system of fees to be paid by Permitted Businesses and to add certain types of Commercial Ground Transportation Vehicles utilizing the Commercial Roadway or other designated Airport property; and
- 1.1.11 That the emergence of Transportation Network Companies and other categories of Commercial Transportation Vehicles requires additional regulations in order to allow such use to occur safely on the Airport; and
- 1.1.12 That Permitted Businesses using the Commercial Roadway should contribute toward the operation, maintenance, and continued development thereof; and
- 1.1.13 That the fees and regulations adopted herein are reasonable for the affected Permitted Businesses; and
- 1.1.14 That larger Vehicles make greater demands on available space and, therefore, require capital expenditures for additional space; and
- 1.1.15 That parking and stopping for other than short durations on the Commercial Roadway causes congestion and deprives others of the ability to use the Commercial Roadway, reducing the benefit to the traveling public; and
- 1.1.16 That, in order to protect the public, to provide for public safety, to preserve the good order and peace of the Port, and to generate revenue for purposes of maintaining and expanding Airport facilities and preserving existing revenues, it is necessary to designate certain portions of the Airport roadway system for the use of Commercial Ground Transportation Vehicles, and to enact and provide for implementation of reasonable fees, standards, controls, rules, regulations, and procedures for use of the Commercial Roadway.

1.2 The purpose of this Ordinance is to enact regulations consistent with the above findings and this Ordinance and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed herein.

Section 2. Definitions

As used in this Ordinance:

- 2.1 "Access Fee" shall mean the fee charged to a Permitted Business each time a Permitted Business' Commercial Ground Transportation Vehicle drives onto the Commercial Roadway or other area on the Airport as designated in the applicable Permit.

- 2.2 "Airport" shall mean Portland International Airport, including, but not necessarily limited to, all facilities and roads located within the geographical boundaries of Portland designated as Portland International Airport, which, for purposes of this Ordinance, shall include, but is not limited to, the Airport terminal building, the Airport parking garages, the Commercial Roadway, all Airport parking lots, all waiting and Airport Hold Lots for Commercial Ground Transportation Vehicles, the airfield, all of Airport Way running from Interstate 205 on the East end and extending West to the Airport terminal building, Cascade Station shopping center and related facilities, Portland International Center and related facilities, and all of the frontage roads and adjacent facilities running parallel to Airport Way.
- 2.3 "Airport Customer" shall mean any person who arrives at, or departs from, the Airport.
- 2.4 "Airport Hold Lot" shall mean that area or areas designated by the Port as the area where a Permittee shall stage its Vehicles while awaiting the arrival of Airport Customers, call-up, or established service time, prior to entering the Commercial Roadway.
- 2.5 "Business" or "Permitted Business" shall mean a person, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization, who desires to transport Airport Customers in a Commercial Ground Transportation Vehicle. A Business that has obtained a Permit to operate on the Commercial Roadway is also referred to in this Ordinance as a "Permitted Business."
- 2.6 "Charter Service" shall mean a Commercial Ground Transportation Vehicle hired for a specific, event-generated occasion and for a specific group of travelers.
- 2.7 "Chauffeured Limousine" shall mean any custom luxury vehicle transporting passengers for hire, as a common carrier, where the driver is uniformed, a partition separates the driver from the passengers, and arrangements for the hire of the Vehicle have been made prior to the Vehicle arriving at the Airport. Chauffeured Limousines are a type of Reservation Only Vehicle.
- 2.8 "City" shall mean the City of Portland, a municipality of the State of Oregon.
- 2.9 "Commercial Ground Transportation Vehicle" or "Vehicle" shall mean any form of transportation vehicle traveling on streets, roads, or highways that is owned by, leased by, used by or at the request of, or procured by or at the request of, a Business, its agents, employees, officers, contractors, or subcontractors for the purpose of transporting Airport Customers and/or luggage to or from the Commercial Roadway or to and from the commuter airline security area or other designated Airport property, whether said transportation is for hire or is provided without charge, provided that a vehicle used solely for the transportation of luggage or other cargo shall not be deemed a Commercial Ground Transportation Vehicle. Commercial Ground Transportation Vehicles shall include Executive Cars, Taxicabs, Reservation Only Vehicles, Scheduled Service Vehicles, Courtesy Vehicles, Charter Services, TNC Vehicle, and any other type of Commercial Ground Transportation Vehicle that picks up and/or drops off Airport Customers on the Commercial Roadway or any other area on the Airport designated by the Port.

- 2.10 "Commercial Roadway" or "Roadway" shall mean that portion of the roadway system or other areas at the Airport designated by the Director, from time to time, as the roadway to be used by those Permitted Businesses operating Commercial Ground Transportation Vehicles.
- 2.11 "Commercial Roadway Fees" shall mean the fees authorized by this Ordinance, or any applicable Port ordinance, to be imposed on Businesses using, or required to make use of, the Commercial Roadway at the Airport.
- 2.12 "Concession Fee" shall mean the fee as described in Ordinance 451-R, as may be amended from time to time, and imposed on Off-Airport Rental Car Businesses, Parking Lot Operators, and Park and Fly Hotels, for the privilege granted to said businesses and operators of accessing Airport Customers.
- 2.13 "Controlled Substance" shall have the meaning given to that term in Oregon Revised Statutes 167.203 and 475.005.
- 2.14 "Courtesy Vehicle" shall mean any vehicle utilized by a hotel, motel, car rental company, parking facility, or other business used to transport Airport Customers to and from the Airport, without direct or indirect charge to the Airport Customer.
- 2.15 "Day Pass Fee" shall mean the fee charged to non-permitted businesses or Permitted Businesses that desire to use an unpermitted Vehicle, that desire access to the Commercial Roadway.
- 2.16 "Director" shall mean the Executive Director of the Port, or the Executive Director's designee, including, without limitation, the Deputy Executive Director, Chief Operating Officer, and/or the General Manager of Airport Operations or any other designee.
- 2.17 "Driver" shall mean any person driving a Commercial Ground Transportation Vehicle or in attendance of a parked Commercial Ground Transportation Vehicle at the Airport, including a "TNC Driver".
- 2.18 "Driver Transfer Fee" shall mean the fee charged to Drivers that obtain a Roadway Access Device from one Permitted Business and transfer to another Permitted Business within a six (6) month period and obtain a new Roadway Access Device.
- 2.19 "Dwell-Time Fee" shall mean the additional fee charged to the account of a Permitted Business when any of its Commercial Ground Transportation Vehicles are parked on the Commercial Roadway for a period of time longer than the time allowed under the Permit.
- 2.20 "Executive Car" shall mean a Vehicle which is at least a full size, luxury sedan featuring amenities which include, but are not limited to, air conditioning, leather or a high quality fabric upholstery, a stereo system, and is not more than five (5) years old, which transports passengers for hire as a common carrier.
- 2.21 "General Manager of Airports Operations" shall mean the manager responsible for the airside, terminal, and landside operations at the Airport for the Port, or his/her designee.
- 2.22 "Grandfathered Hotels" shall mean any person, association, corporation, partnership, joint venture, or any other business arrangement or organization or brand, which prior to

the adoption of this Ordinance 450-R was in a direct lease agreement with the Port or had a lease that had been assigned to the Port prior to January 1, 2015, that allowed for parking of Airport Customers and provided for the Port to share in the revenue from its parking operations.

- 2.23 "Ground Transportation Office" shall mean an office or offices located at the Airport where, including but not limited to, Permits and Roadway Access Devices may be obtained.
- 2.24 "Hearings Officer" shall mean the person designated by the Port to whom an appeal for the revocation or suspension of a Permit is to be addressed or the person authorized to hold a tow appeal hearing and render a decision as described in the Code and Charter of the City 16.30.450E (as amended), Hearing Administration and pursuant to any intergovernmental agreements between the City and the Port with respect to Permits or tow hearings.
- 2.25 "Immediate Suspension Order" shall mean an order issued by the General Manager of Airports Operations which immediately and indefinitely suspends a Permit for certain serious violations of this Ordinance before notice and opportunity to be heard need be given.
- 2.26 "Notice of Suspension or Revocation" shall mean a written notice sent to a Permitted Business by the Director informing the Permitted Business that its Permit will be suspended or revoked due to violations of this Ordinance or Ordinance No. 451-R, as may be amended from time to time.
- 2.27 "Off-Airport Rental Car Business" shall mean such business which is conducted with an Airport Customer through or from a facility which is not directly leased from the Port and does not have a Rental Car Concession Lease and Operating Agreement, a Rental Car Limited Service Kiosk Lease, with the Port, is not considered an On-Airport Rental Car Business, and shall be subject to the Concession Fee on Gross Receipts as provided in this Ordinance.
- 2.28 "On Demand Vehicle" means a Commercial Ground Transportation Vehicle that comes to the Airport to pick up waiting Airport Customers, on demand, and without a prior reservation. This includes, but is not limited to Taxicabs, which are the most common On-Demand Vehicles.
- 2.29 "Oregon Vehicle Code" means the Oregon Revised Statutes Chapters 801 to 826, as it may be amended from time to time.
- 2.30 "Park and Fly Hotel" shall mean any person, association, corporation, partnership, joint venture, or any other business arrangement or organization or brand which operates as a hotel, motel, or other business that offers lodging, whether or not such business is located on or off the Airport, and provides parking to Airport Customers without a requirement that such Airport Customer stay at least one overnight at the hotel, motel, or place of lodging, in order to park its vehicle, whether or not a separate fee is charged for such parking.
- 2.31 "Parking Access Fee" shall mean that fee set by the Director that is charged to Stay, Park, and Fly Hotel operators each time its Commercial Ground Transportation Vehicle enters the Commercial Roadway. The Parking Access Fee may be adjusted by the

Director at any time with thirty (30) calendar days' written notice to all then current affected Ordinance No. 451-R Permit Holders. This fee is in addition to the Commercial Roadway Access Fee and other applicable fees set forth in this Ordinance and Ordinance 451-R that may be amended from time to time.

- 2.32 "Parking Lot Operator" shall mean a person, association, corporation, partnership, joint venture, or any other business arrangement or organization, including a Park and Fly Hotel, also referred to in this Ordinance as "Permittee," that provides parking for vehicles, which utilizes the Airport for the purpose of picking up or delivering Airport Customers and transporting Airport Customers to or from parking lot facilities located off the Airport. Off-Airport Rental Car Businesses that offer parking to Airport Customers are also considered Parking Lot Operators and the Concession Fee shall apply to that portion of its business that offers parking.
- 2.33 "Permit" shall mean the Permit to be issued in accordance with the requirements of this Ordinance, as it may be amended from time to time, which Permit is required to operate a Commercial Ground Transportation Vehicle on the Commercial Roadway.
- 2.34 "Permit Fee" shall mean the fee charged by the Port to process a Permit and to maintain a file for a Permitted Business.
- 2.35 "Permitted Business" or "Permittee" shall mean a person, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization, who desires to transport Airport Customers in a Commercial Ground Transportation Vehicle. A Business that has obtained a Permit to operate on the Airport's Commercial Roadway is also referred to in this Ordinance as a "Permitted Business."
- 2.36 "Portland International Airport Rules" or "Rules" shall mean those rules issued and published by the Director pertaining to, among other things, the use of the Commercial Roadway.
- 2.37 "The Port of Portland" or "Port" shall mean the port district of the State of Oregon that owns and operates the Airport pursuant to Oregon Revised Statutes, Chapter 778.005 through Chapter 778.990, as amended.
- 2.38 "Request for Proposal" shall mean a formal written solicitation by the Port for written proposals to provide certain goods or services.
- 2.39 "Reservation Only Vehicle" shall mean any Commercial Ground Transportation Vehicle transporting Airport Customers for hire, as a common carrier, where the arrangements for the hire of the Reservation Only Vehicle have been made prior to the Reservation Only Vehicle arriving at the Airport. Reservation Only Vehicles include Chauffeured Limousines, but do not include TNC Vehicles.
- 2.40 "Roadway Access Device" shall mean the automated vehicle identification mechanism used to admit Commercial Ground Transportation Vehicles on to the Commercial Roadway.
- 2.41 "Scheduled Service Vehicle" shall mean any Commercial Ground Transportation Vehicle transporting Airport Customers for hire, as a common carrier, that has an

approved and regular published time schedule established for picking up Airport Customers at the Airport.

- 2.42 "Stay, Park, and Fly Hotel" shall mean any person, association, corporation, partnership, joint venture, or any other business arrangement or organization or brand which operates as a hotel, motel, or other business that offers lodging, whether or not such business is located on or off the Airport, that provides parking to Airport Customers, that reside at and/or pay for at least one overnight at the hotel, motel, or place of lodging, whether or not a separate fee is charged for such parking.
- 2.43 "Taxicab" shall mean any motor vehicle which carries passenger for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly permitted by the City under the terms of the City Code, Section 16.40, as may be amended from time to time. Taxicabs do not include TNC Vehicles.
- 2.44 "Transportation Network Company" or "TNC" shall mean a person, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any business arrangement or organization that provides or arranges transportation services for compensation using an online enabled application or platform to connect passengers with drivers using his or her personal Vehicle or other Vehicle assigned to the Driver for use as a TNC Vehicle. A Vehicle that is permitted or operates under another category of Commercial Ground Transportation Vehicle may not be considered operating under a TNC. At no time may a Taxicab that is permitted with the City be operated under a TNC.
- 2.45 "TNC Driver" shall mean an individual who has been approved by a TNC to use a TNC Vehicle to transport passengers whose rides are arranged through the TNC's online-enabled application, at any time the driver is on the Airport by reason of the TNC Driver's relationship with the TNC, regardless of whether the Vehicle is carrying an Airport Customer.
- 2.46 "TNC Vehicle" shall mean any Vehicle, whether or not it is carrying an Airport Customer, that it is operating at the time by reason of its relationship with the TNC
- 2.47 "Vehicle Inspection Document" shall mean a document that is used to record Permittee's Vehicle information and the inspection requirements that must be met for the Vehicle's exterior and interior prior to operating on the Roadway.

Section 3. Permit

- 3.1 No Business shall operate a Commercial Ground Transportation Vehicle at the Airport without having a valid Permit issued by the Director and without agreeing to the terms and conditions of such Permit. The Permit shall contain, at a minimum, the terms and conditions contained in this Ordinance. All Permits are valid in accordance with the Effective Date of the said Permit and will continue thereafter on a month-to-month basis, subject to termination by either party upon thirty (30) days advanced written notice or at the Port's sole discretion. Permittee must maintain a list of permitted Vehicles with the Commercial Ground Transportation Office during the term of the Permit. If Permittee desires to add or delete vehicles from its fleet Permittee will notify the Port and no Vehicle shall operate on the Airport prior to such notification. New Vehicles must meet

the requirements set forth in the Permit and the Portland International Airport Rules. In the event the party seeking the Permit is in violation of any Port Ordinance, Rule or other regulation, or any applicable statute or City code or ordinance or other applicable law or regulation, the Port in its sole discretion may refuse to issue a Permit.

3.2 The Port, at its sole discretion, shall determine which, if any, category a Permitted Business and/or Vehicle shall be permitted under.

3.3 All Permittees must comply with the insurance, specific Vehicle requirements, and any other specific requirements set forth in the Permit and/or the Rules.

3.4 If applicable, Permittee must obtain and present the following to obtain a Permit:

3.4.1 The City Private For Hire Transportation Vehicle Listing, which will include, but not be limited to: the vehicle permit number, vehicle identification number, license number or state temporary permit, service type, year, and Vehicle make and model for each Commercial Ground Transportation Vehicle that the Business intends to operate on the Commercial Roadway;

3.4.2 A copy of the title or vehicle registration for each Commercial Ground Transportation Vehicle that the Business intends to operate on the Commercial Roadway demonstrating that it is owned by the Business or, if the Commercial Ground Transportation Vehicle is being leased, upon request of the Port a copy of the lease and a notarized affidavit from the title holder confirming that the Commercial Ground Transportation Vehicle is being leased by the Business and is in the lawful custody and control of the Business;

3.4.3 Unless exempt, proof of a valid City business license and Driver's Permit. Upon request of the Port, the Business shall provide proof of any other business or motor vehicle permits or licenses, as the Business may be required by law to possess;

3.4.4 Proof of form of business entity: For corporations, a copy of the current Articles of Incorporation and a Certificate of Existence issued by the State of Oregon within thirty (30) days of the date the Permit application is submitted; for a limited liability company, a copy of the Articles of Organization and a copy of the Certificate of Existence, as above described; for a partnership, a copy of the fully executed partnership agreement; for a sole proprietorship, a signed and notarized statement by the owner of the Business stating that the Business is a sole proprietorship; and,

3.4.5 If applicable, a statement by the Business disclosing any contractual arrangements, whether written or verbal, to provide ground transportation for Ordinance No. 451-R operators who provide rental cars and/or parking space to Airport Customers.

3.5 3.3 A Permit will not be issued unless the Non-Refundable Permit Fee and Non-Refundable Per Vehicle Fee and associated forms are submitted to the Ground Transportation Office and all information required under the Permit of the Portland International Airport Rules has been submitted and meets the requirements of this Ordinance. If applicable, upon addition of the new Vehicle(s) or Permit, the Permitted Business shall also be issued one or more Roadway Access Devices, subject to the

requirements of Section 4. Any Business obtaining a Permit must keep the Business street address, mailing address (if different than the street address), telephone number and e-mail address current with the Ground Transportation Office at all times the Permit is in effect.

Section 4. Roadway Access Devices

4.1 In addition to the Permit, the Port at its sole discretion, will issue each Permitted Business a non-transferable Roadway Access Device for each Commercial Ground Transportation Vehicle that the Permitted Business intends to operate on the Commercial Roadway, depending upon the assigned operating area. When a new Commercial Ground Transportation Vehicle is obtained and is to be substituted for a Commercial Ground Transportation Vehicle that has already been issued a Roadway Access Device, a new Roadway Access Device must be obtained for the new Commercial Ground Transportation Vehicle, and the Roadway Access Device for the retiring Commercial Ground Transportation Vehicle must be returned immediately to the Ground Transportation Office. Unless otherwise permitted by the Port in its sole discretion, no Commercial Ground Transportation Vehicle may be admitted on to the Commercial Roadway without a valid Roadway Access Device issued specifically for that Commercial Ground Transportation Vehicle.

4.2 Before a Roadway Access Device will be issued to a Commercial Ground Transportation Vehicle, that Commercial Ground Transportation Vehicle must be inspected, either by the Port or another party approved by the Port in its sole discretion, for cleanliness and body condition, meeting the requirements as set forth in Section 5.

Section 5. Vehicle Condition/Identification

5.1 All Commercial Ground Transportation Vehicles shall be neat and clean, free of body damage, and well painted.

5.2 Commercial Ground Transportation Vehicles, except for Chauffeured Limousines and Executive Cars which must comply with City marking requirements, shall be clearly marked to depict the name and telephone number of the Permitted Business operating the Commercial Ground Transportation Vehicle. All marking required herein shall be installed as per the Port's requirements. At the Port's discretion the Commercial Ground Transportation Vehicle must affix the Port decal as directed by the Port. If a Permitted Business does not comply with this provision, access to the Commercial Roadway may be terminated immediately at the Port's sole discretion.

Section 6. Use of Commercial Roadway and Compliance With Laws

All Permitted Businesses operating a Commercial Ground Transportation Vehicle or Vehicles, at the Airport shall load or unload Airport Customers in an area on the Airport designated by the Director. Use of the Commercial Roadway or any of the facilities by an operator of a Commercial Ground Transportation Vehicle shall be deemed acceptance of the Permit for purposes of this Ordinance. All who use the Commercial Roadway must do so in compliance with all laws applicable to use of the Commercial Roadway, including all provisions of this Ordinance.

Section 7. Prohibited Activities and the Portland International Airport Rules

In providing ground transportation services at the Airport all Permittees and Drivers shall abide by all rules and requirements set forth in the Permit and the Portland International Airport Rules that may be amended from time to time.

Section 8. Commercial Roadway Fees and Deposits

8.1 A Permitted Business shall timely pay all "Commercial Roadway Fees," as established by the Director, which fees consist of a Non-Refundable Permit Application Fee, an Access Fee, Per Vehicle Fee, Roadway Access Device Replacement Fee, , Day Pass Fee, Driver Transfer Fee, Dwell-Time Fee, Non-Permitted Vehicle Fee, Parking Access Fee (if applicable), and all other reasonable fees that may be implemented by the Port from time to time, and Security Deposit (all defined below) (collectively "Fees"):

- 8.1.1 Non-Refundable Permit Fee: Any Business applying for a Permit shall tender to the Port a Non-Refundable Permit Fee in an amount established by the Director. If the Permit is issued this fee is nonrefundable. The amount of the Permit Fee may be adjusted by the Director on or before July 1 of each year. The current Permit Application Fee schedule is available in the Ground Transportation Office.
- 8.1.2 Access Fee: All Permitted Businesses shall pay an Access Fee as established or adjusted by the Director from time to time, said fee to be for each entry of a Commercial Ground Transportation Vehicle to and from the Commercial Roadway or other designated Airport ground transportation infrastructure. Said Access Fee shall be based on category, as determined by the Port. The Taxicab fee shall be a flat rate fee per entry and/or exit of the Commercial Roadway. The TNC fee shall be a flat fee per entry and exit of the Airport. The Access Fee amount may be adjusted by the Director from time to time, provided the fee for Commercial Ground Transportation Vehicles operating under a contract with the Port (other than by Permit) may be adjusted by the Director only to the extent adjustment is allowed by the terms of the contract. The current Access Fee schedule is available in the Ground Transportation Office.
- 8.1.3 Non Refundable Per Vehicle Fee: All Permitted Businesses must pay a Non Refundable Per Vehicle Fee, as established by the Director, for each Vehicle permitted for use on the Commercial Roadway. All Vehicles, including replacement Vehicles, are subject to such fee.
- 8.1.4 Roadway Access Device Replacement Fee: When a Roadway Access Device is lost, stolen or damaged, all Permitted Businesses requesting a replacement must pay a Roadway Access Device Replacement Fee, as established by the Director.
- 8.1.5 Day Pass Fee: Non-permitted businesses that desire to access the Commercial Roadway with their vehicles, or a Permitted Business that desires to use an unpermitted vehicle to access the Commercial Roadway will pay to the Port a Day Pass Fee, which amount is established by the Director.

- 8.1.6 Driver Transfer Fee: Drivers shall pay a Driver Transfer Fee when transferring from one Permitted Business to another and obtaining a new Roadway Access Device within a six (6) month period.
- 8.1.7 Dwell-Time Fee: A Permitted Business shall pay a Dwell-Time Fee at the rate or rates established from time to time by the Director, as needed, in order to ensure that the Commercial Roadway operates free of congestion. The current Dwell-Time Fee schedule is available in the Ground Transportation Office.
- 8.1.8 Parking Access Fee: Permitted Business' operating as Stay, Park and Fly Hotels shall pay to the Port a Parking Access Fee in addition to its Access Fee.
- 8.1.9 Non-Permitted Vehicle Fee: A Permitted Business that accesses the Commercial Roadway with a vehicle that has not been inspected or issued a Roadway Access Device from the Port shall pay a Non-Permitted Vehicle Fee set by the Director. This fee will be included in the Permitted Business' monthly billing. No change shall occur to the fee without at least thirty (30) calendar days' prior written notice to Permitted Business.
- 8.2 A Permitted Business must also pay the Port a refundable cash security deposit at the time the Permit is issued, in order to help ensure compliance with the Permit. The amount of the security deposit will be set by the Director based on the type of use and anticipated amount of use of the Commercial Roadway.
- 8.3 Any Permitted Business having a direct real property lease with the Port that is a Stay, Park, and Fly Hotel or Park and Fly Hotel, and such lease allows parking and provides the Port with a revenue share of the parking revenue, and such lease was directly with the Port or had been assigned to the Port prior to January 1, 2015, shall be exempt from the payment of the Access Fee and the Dwell-Time Fee only for Courtesy Vehicles operated directly in conjunction with the operations being conducted on the leased property. Said Permitted Businesses will be required to pay the Non-Refundable Permit Fee, Non-Refundable Per Vehicle Fee and the Delinquency Charge due to deactivations due to a violation of the Permit.

Section 9. Port Reservation Of Rights

- 9.1 The Director is authorized to designate any portion of the roadway system at the Airport as being part of the Commercial Roadway, to relocate the Commercial Roadway, or to establish additional Commercial Roadways as may be necessary for the efficient management of ground transportation at the Airport.
- 9.2 The Director is authorized to issue and publish additional rules to implement this Ordinance, and to include additional terms and conditions in the Permit to implement this Ordinance, as is deemed necessary by the Director. This authorization includes the Director's ability to create new categories of Commercial Ground Transportation Vehicles and Permitted Businesses and establish rules and regulations applicable to those Vehicles and Businesses without limiting the effect of this Ordinance. Should this Ordinance conflict with the Portland International Airport Rules, this Ordinance shall prevail, but the Portland International Airport Rules must be applied to the fullest extent that they do not conflict.

- 9.3 The Director is authorized, at any time and from time to time, as the Director deems necessary, to limit the number of Permits and/or Roadway Access Devices issued in order to manage and prevent overcrowding on the Commercial Roadway.
- 9.4 The Director is authorized, in lieu of issuing Permits to all applicants who would otherwise qualify for a Permit, to instead establish a Request for Proposal ("RFP") process for any category of Commercial Ground Transportation Vehicles and to award an exclusive contract, or a limited number of contracts, for that category of Commercial Ground Transportation Vehicle service provider. In the event a contract, or contracts, for a particular category of Commercial Ground Transportation Vehicle service is awarded through an RFP process, the Port reserves the right to terminate any existing Permits in that category, upon giving at least ninety (90) days written notice to the affected Permitted Businesses in that category, in accordance with the notice requirements set forth in the Permits being terminated. Until such time and only in the event of an exclusive contract being awarded for a specific category of Commercial Ground Transportation Vehicle, no Permittee shall have an exclusive right to conduct business described herein.
- 9.5 The Director is authorized to revoke or suspend any Permit and or immediately turn off access to the Commercial Roadway or Airport, for violation of this Ordinance or Ordinance 451-R, as amended, the Permit, Portland International Airport Rules pertaining to the Commercial Roadway, or violations of any law pertaining to operations on the Commercial Roadway.

Section 10. Tri-Met and Medical Exemption

Vehicles owned and operated by Tri County Metropolitan Transportation District of Oregon ("Tri-Met") and those vehicles designated for, and in the process of, transferring patients to and from a local hospital or medical facility for treatment that do not otherwise operate as Commercial Ground Transportation Vehicle ("Medical Transport") shall be exempt from the requirements for payment of roadway fees set forth in this Ordinance. Tri-Met shall not be required to obtain any Permit for operating on the Commercial Roadway and shall be fully exempt from the provisions of this Ordinance.

Section 11. Suspensions and Revocation of Permit

- 11.1 In the event that a Permitted Business or Driver violates any provision of this Ordinance or Ordinance 451-R, as amended, the Permit, Portland International Airport Rules pertaining to the Commercial Roadway, or any law pertaining to operations on the Commercial Roadway, the Port may, in addition to any other rights or remedies allowed by this Ordinance, at law or in equity, suspend or revoke the rights granted pursuant to the Permit as follows:
- 11.1.1 Except as set forth in Section 11.1.2, Section 11.1.3 and Section 11.1.4, suspensions and revocations of a Permit shall be subject to reasonable prior notice and hearing, if requested, in accordance with the procedures set forth in Section 12 and Section 13. Suspensions may be for a specific period of time or the Director may elect to revoke the Permit. The decision whether to suspend or revoke a Permit and the duration of any suspension will depend on the severity of the violation(s) and/or the number of prior violation(s) and/or suspensions. The

Director shall have the authority to issue a Notice of Suspension or a Notice of Revocation. Except for those events allowing immediate suspension, if the Director determines that a Permit should be suspended or revoked, the Permitted Business will receive seven (7) days' notice of the suspension or revocation and within that period may request a hearing, in accordance with the requirements set forth in Section 13. If no hearing is requested within the time frame allowed and in accordance with the requirements for requesting a hearing, as set forth in Section 13, the Permitted Business will be deemed to have waived the hearing right and the suspension or revocation shall immediately take effect. If a hearing is requested, the hearing will be scheduled as soon as practical and the Director shall notify the Permitted Business of the time and place of the hearing not less than seven (7) days before hearing date.

11.1.2 Notwithstanding any other provision herein , the Port may immediately suspend a Permit and/or its related Roadway Access Devices without prior notice or hearing for failure to maintain insurance coverage as required by this Ordinance, or for any violations where the failure to immediately suspend would jeopardize the health, safety or welfare of the public, other Drivers, or Port representatives or employees, or for failure to pay any fee associated with this Ordinance or Ordinance 451-R. after five (5) days' notice, or operating under a certain Permitted Business category that it is not permitted to operate under. Upon finding cause for immediate suspension, the General Manager of Airports Operations shall issue a written Immediate Suspension Order. This Immediate Suspension Order may be via email to the email address of record of the Permitted Business. The Immediate Suspension Order shall state the grounds for the Immediate Suspension Order and inform the Permitted Business that it may contest the Immediate Suspension Order by presenting additional information to the Director and requesting the Director to vacate the Immediate Suspension Order. If such a request is presented to the Director, the Director shall promptly consider the information and either affirm, vacate, or modify the Immediate Suspension Order accordingly and shall issue a confirming Notice of Suspension, a modified Notice of Suspension, or the Director may elect to vacate the Notice of Suspension. If the Immediate Suspension Order is upheld, in whole or in part, the Permitted Business shall be entitled to a hearing, and may request one as provided in Section 13.

11.1.3 Any disciplinary action taken against any Driver or Permitted Business shall be consistent with the Portland International Airport Rules and the Permit.

11.2 Section 11 shall not apply to any Permitted Business operating on the Commercial Roadway who was selected through an RFP process and has entered into a contract with the Port. In that case, unless otherwise stated in the contract, the specific provisions contained in the contract pertaining to breach of the contract, remedies for breach of contract and termination of the contract shall instead apply.

Section 12. Notice of Suspension or Revocation

12.1 The Director shall have the authority to issue a Notice of Suspension. The Notice of Suspension shall set forth:

- 12.1.1 The nature of the violation(s) which is the reason for the suspension or revocation;
 - 12.1.2 The date of the violation(s);
 - 12.1.3 The length of the suspension or notice that the Permit is being revoked;
 - 12.1.4 The date on which the suspension or revocation shall commence;
 - 12.1.5 The date of the Notice of Suspension or Revocation; and
 - 12.1.6 The right to request a hearing.
- 12.2 The Director shall review any report brought to the Director's attention and may conduct additional investigation into such facts as deemed necessary, in order to determine whether there are grounds for issuance of a Notice of Suspension or a Notice of Revocation. Except for and Immediate Suspension Order described above, a suspension or revocation shall commence not earlier than seven (7) days from the issuance of a Notice of Suspension or Revocation or, where a hearing is requested, the day immediately following the date of the decision of the Hearings Officer sustaining the suspension or revocation.
- 12.3 Notice as required by Section 12, or any other notice required by this Ordinance to be given to a Permitted Business or Driver, is sufficient if delivered in person or sent by certified U.S. mail, return receipt requested, to the last address on file in the Ground Transportation Office. Notice shall be deemed issued when the notice is hand-delivered or deposited in the U.S. mail.
- 12.4 Section 12 shall not apply to any Permitted Business operating on the Commercial Roadway who was selected through an RFP process and has entered into a contract with the Port. In that case, unless otherwise stated in the contract, the specific provisions contained in the contract pertaining to notice of suspension or revocation shall instead apply.

Section 13. Hearing Procedure

- 13.1 These hearing procedures shall apply to a Permitted Business receiving a Notice of Suspension or Notice of Revocation. A Permitted Business receiving an Order of Immediate Suspension may also follow this procedure after following the procedure set forth in Section 11.1.2, but such Permit shall remain suspended throughout the hearings procedure.
- 13.2 Any Permitted Business receiving a Notice of Suspension or Revocation may request a hearing before a Hearings Officer in accordance with the Portland International Airport Rules.
- 13.3 If the Permitted Business requests a hearing, a Hearings Officers shall be appointed in accordance with the Portland International Airport Rules to conduct the hearing.
- 13.4 The hearing shall be conducted by the Hearings Officer, shall be recorded by electrical or mechanical recorder or by a qualified reporter, and shall proceed as follows:
- 13.4.1 The Director may appear in person or may be represented by counsel, shall present any relevant evidence which supports the facts constituting grounds for

the suspension or revocation, and may cross examine any witnesses presented by the Permitted Business;

13.4.2 The Permitted Business requesting the hearing may appear in person or may be represented by counsel, may present any relevant evidence which the Permitted Business has relating to the facts constituting grounds for the requested suspension or revocation, and may cross examine any witness presented by the Director;

13.4.3 The evidence at the hearing shall be limited to that which is relevant to the facts constituting grounds for the requested suspension or revocation;

13.4.4 All testimony shall be taken under oath, but both the Director and the Permitted Business requesting the hearing may introduce testimony under oath in the form of sworn statements, if witnesses are unavailable or refuse to appear in person;

13.4.5 The Hearings Officer shall hear the evidence and shall issue findings concerning the facts and shall determine whether to uphold, modify, or vacate the penalty imposed by the Director, relevant to the violation(s) set forth in the Notice of Suspension or Notice of Revocation. The Hearings Officer shall make no findings concerning any substantive issue other than the facts underlying the Notice of Suspension or Notice of Revocation; and

13.4.6 The Hearings Officer shall issue a decision, in writing, stating the Hearings Officer's findings as soon as practical following the hearing.

13.5 The Hearings Officer's decision shall be the final action of the Port. Any appeal of the Hearings Officer's decision by the Director or the Permitted Business shall be by Writ of Review, pursuant to ORS. 34.010 to 34.102.

13.6 Section 13 shall not apply to any Permitted Business operating on the Commercial Roadway who was selected through an RFP process and has entered into a contract with the Port. In that case, unless otherwise stated in the contract, the specific provisions contained in the contract pertaining to breach of the contract, remedies for breach of contract and termination of the contract shall instead apply.

Section 14. Civil Penalties

In addition to other remedies and fees set forth in this Ordinance, Pursuant to ORS 836.210(2), the Port shall be entitled to impose civil penalties for the violations of this Ordinance pertaining to charges and fees imposed by this Ordinance for use of the Commercial Roadway. Such penalty shall be equal to twenty five percent (25%) of the charge or fee involved. Where the Permitted Business is required to pay a fee, charge, or toll to the Port, each calendar day the fee, charge, or toll is past due shall be considered a separate violation.

Section 15. Criminal Sanctions

Any person violating this Ordinance shall, upon conviction, be punished by a fine not to exceed the maximum penalty set forth in ORS 778.990. Where the violation is continuing, each calendar day the violation continues shall be considered a separate violation.

Section 16. Remedies Non-exclusive

All of the rights and remedies set forth herein, as well as all other rights and remedies available at law or in equity for violations of this Ordinance shall be non-exclusive and the Port shall be entitled to pursue one or more of them simultaneously for each violation of this Ordinance.

Section 17. Time Periods

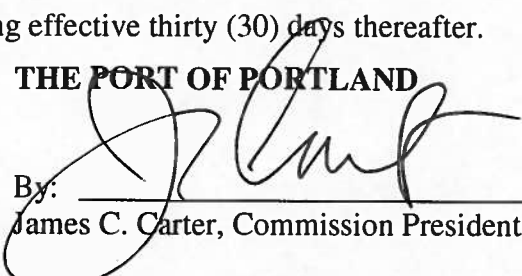
Time periods set forth in this Ordinance shall be based on calendar days, unless otherwise specified. In the event the final day for action falls on a Saturday, Sunday, or legal holiday observed by the Port, then the period shall extend to the next day that the Port is open for business.


Section 18. Savings Clause

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of the sentence, paragraph, or paragraphs of this Ordinance shall not be thereby invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others. In the event that a judgment is entered, and all appeals exhausted, which judgment finds, concludes or declares that this Ordinance is unconstitutional or is otherwise invalid, the Permitted Business shall pay Commercial Roadway Fees established by regulations issued by the Executive Director of the Port of Portland pursuant to this Ordinance.

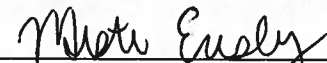
ADOPTED THIS 8 TH day of APRIL, 2015, being effective thirty (30) days thereafter.

THE PORT OF PORTLAND

By: 
James C. Carter, Commission President

By: 
Pam Thompson, Assistant Secretary

APPROVED FOR LEGAL SUFFICIENCY
FOR THE PORT OF PORTLAND:

By: 
Counsel for The Port of Portland