

**Summary**

**Board Bill Number 138**

**Primary Sponsor: Alderwoman Marlene E. Davis**

**October 9, 2020**

This Ordinance authorizes the City to amend **Ordinance 69382** Ground Transportation Policy which was approved February 6, 2013, by deleting Section 6.A.4 and substituting a new Section 6.A.4 increasing the monthly permit fees for Off-Airport Rental Car operators.

**BOARD BILL NUMBER 138 INTRODUCED BY: ALDERWOMAN MARLENE E. DAVIS**

1 An Ordinance, recommended and approved by the Airport Commission and the Board of  
2 Estimate and Apportionment, authorizing a First Amendment to the Ground Transportation  
3 Policy **Ordinance 69382** approved February 6, 2013, deleting Section 6.A.4 of **Ordinance**  
4 **69382** and substituting a new Section 6.A.4 increasing the monthly permit fees for Off-Airport  
5 Rental Car operators beginning April 1, 2021, containing a severability clause; and containing an  
6 emergency clause.

7 **WHEREAS**, Ground Transportation Policy **Ordinance 69382** approved February 6,  
8 2013 established certain ground transportation policies for St. Louis Lambert International  
9 Airport® (the “Airport”); and

10 **WHEREAS**, the City of St. Louis (the “City”), the owner and operator of the Airport,  
11 has determined that it is in the best interest of the City, Airport, and the traveling public to  
12 increase the monthly permit fees for Off-Airport Rental Car Operators beginning April 1, 2021.

13 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

14 **SECTION 1.** Section Six entitled “Fees and Charges” of the Ground Transportation  
15 Policy **Ordinance 69382** approved February 6, 2013, is hereby amended by deleting Section  
16 6A.4 as follows:

17 “4. For Off-Airport Rental Car Operators:

- 18 a. Through December 31, 2013, the monthly permit fee shall be the greater of: i)  
19 \$150.00 per month or \$30.00 per vehicle operated at or to or from the Airport  
20 whichever is greater or ii) 8% of the monthly Adjusted Gross Receipts.

1           b. Beginning January 1, 2014 and thereafter the greater of \$200.00 per month or 9%  
2           of the Adjusted Gross Receipts for the preceding month.”

3 and replacing in lieu thereof a new Section 6.A.4 as follows:

4           “4. For Off-Airport Rental Car Operators:

5           a. Through March 31, 2021, the monthly permit fee will be the greater of \$200.00  
6           per month or 9% of the monthly Adjusted Gross Receipts for the preceding month.

7           b. Beginning April 1, 2021 and thereafter the monthly permit fee will be the greater  
8           of \$200.00 per month or 10% of the Adjusted Gross Receipts for the preceding  
9           month.”

10           **SECTION 2.** The sections or provisions of this Ordinance or portions thereof are  
11 severable. In the event that any section or provision of this Ordinance or portion thereof is held  
12 invalid by a court of competent jurisdiction, such holding will not invalidate the remaining sections  
13 or provisions of this Ordinance unless the court finds the valid sections or provisions of this  
14 Ordinance are so essentially and inseparably connected with, and so dependent upon, the illegal,  
15 unconstitutional or ineffective section or provision that it cannot be presumed that the Board of  
16 Aldermen would have enacted the valid sections or provisions without the illegal, unconstitutional  
17 or ineffective sections or provisions or unless the court finds that the valid sections or provisions,  
18 standing alone, are incomplete and incapable of being executed in accordance with the legislative  
19 intent.

20           **SECTION 3.** This Ordinance being deemed necessary for the immediate preservation of  
21 the public peace, health or safety, it is hereby declared to be an emergency measure pursuant to

- 1 Article IV, Section 20 of the City of St. Louis' Charter and will become effective immediately
- 2 upon passage and approval by the City of St. Louis' Mayor.

# BOARD BILL NUMBER 138

## ORDINANCE #69382

### Board Bill No. 261

An Ordinance recommended by the Airport Commission and the Board of Estimate and Apportionment repealing certain ordinances pertaining to the regulation of and schedule of fees and charges for ground transportation operators at Lambert-St. Louis International Airport (the "Airport"), to wit: Ordinance 64406, approved July 1, 1998, Ordinance 65492, approved July 15, 2003 and Ordinance 66855, approved October 3, 2005; and enacting a new ordinance having the same subject matter: (i) containing a definitions section; (ii) authorizing the Airport Director to issue regulations governing the conduct of ground transportation operators at the Airport, to enter into, execute, issue and amend Airport ground transportation use agreements ("Permits") and renew Permits to ground transportation operators, and to establish procedures for determining adjusted gross receipts; (iii) requiring any ground transportation operator to secure a Permit to use designated areas at the Airport to conduct its business; (iv) establishing a schedule of fees and charges which must be paid by ground transportation operators to conduct business at the Airport; (v) establishing a schedule of fees and charges which must be paid by ground transportation operators at the Airport as a condition precedent to the rights granted to the operator under the Permit; (vi) prohibiting solicitation by ground transportation operators, off-Airport rental car operators and off-Airport parking operators; (vii) providing for the filing by ground transportation operators of certain reports with the Airport Director and for the auditing of the reports; and (viii) providing for denial, suspension or revocation of a Permit for cause and a procedure for appealing the denial, suspension or revocation; containing a severability clause; and containing an emergency clause.

**WHEREAS**, The City of St. Louis, Missouri (the "City") has constructed airport facilities and adjoining airport roadways and curbsides at Lambert-St. Louis International Airport (the "Airport") for the purpose of moving airline passengers and others to and from the Airport terminals; and

**WHEREAS**, by enactment of this ordinance the City and the Airport Authority seek to: improve the safety and efficiency of the operation of Airport roadways and curbsides; preserve Airport revenues by recovering the costs of providing, maintaining and operating Airport roadways and curbsides; and generate additional revenues to offset the general costs of providing and maintaining Airport facilities, all of which the Airport Commission, the Board of Estimate and Apportionment and this Board of Aldermen find are in the best interests of the City, the operation of the Airport and the traveling public; and

**WHEREAS**, those who operate commercial ground transportation services and those who provide off-Airport parking and off-Airport rental cars benefit from the privilege of access to and use of the Airport and access to air travelers, and it is usual and customary for airports to charge fees for this privilege and access.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen for The City of St. Louis, Missouri (the "City") hereby adopts and incorporates the foregoing recitals as findings.

**SECTION TWO.** Ordinance 64406, approved July 1, 1998, Ordinance 65492, approved July 15, 2003 and Ordinance 66855, approved October 2, 2005 pertaining to the regulation of, and schedule of fees and charges for, ground transportation operators at Lambert-St. Louis International Airport are hereby repealed and the following is enacted in lieu thereof.

**SECTION THREE.** Definitions: The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section:

- A. "Adjusted Gross Receipts" means Gross Receipts less the "fixed dollar amount" established in Section 4C of this Ordinance.
- B. "Airport" means Lambert-St. Louis International Airport, which is owned and operated by the City of St. Louis.
- C. "Airport Authority" means the City of St. Louis department responsible for managing and operating the Airport.
- D. "Airport Director" means the Director of Airports for Lambert-St. Louis International Airport or her/his designee.
- E. "Airport Taxicab" means a taxicab licensed by the authorized governmental agency for the jurisdiction where the Airport is situated to provide taxicab service only from the Airport, unless other service is authorized by said governmental agency.
- F. "Charter Bus" means transportation pre-arranged by a group or organization to take individuals to a single

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determined destination.

G. "City" means the City of St. Louis, a municipal corporation of the State of Missouri.

H. "Designated Area" means those areas of the Airport roadways and parking areas designated by St. Louis County Ordinance, by the governmental agency authorized to issue taxicab licenses for the jurisdiction where the Airport is situated, by the City, by the Airport Authority, or by the Airport Director, for specified uses by specified Ground Transportation Operators or classes of Ground Transportation Operators.

I. "Gross Receipts" means the total amount charged to customers, except as otherwise provided below:

1. Gross Receipts shall include, but are not limited to, the following: charges for all rental car services including all time and mileage charges, net of any discounts, on vehicles rented at an Off-Airport Facility or on vehicles taken by customers from an Off-Airport Facility regardless of what station or establishment may receive the vehicles or the rent from them, including vehicles taken by customers in exchange for vehicles originally rented or taken by customers at an Off-Airport Facility; drop charges charged to customers renting vehicles at an Off-Airport Facility but delivering them to another location; all monies paid or payable for personal accident insurance coverage; surcharges or other miscellaneous fees (e.g. recovery of automobile property taxes, vehicle title and registration fees or sales tax on purchase of rental vehicle); all other monies charged to or collected from customers for associated service and equipment (e.g., child restraint devices and telecommunications devices); and shall include all monies or charges separately stated and collected to recover the Airport permit fee, Airport rent, or any other Airport fee or charge, except those specifically excluded below.

2. Gross Receipts shall not include the following: monies recovered from insurance or otherwise for damage to or for loss, conversion or abandonment of vehicles or other property; taxes or payments in lieu of taxes levied by an Off-Airport Rental Car Operator on behalf of competent governmental authority which taxes or payments are required by law to be separately stated and collected from customers; monies separately stated and collected from customers for collision damage waivers and loss damage waivers; monies separately stated on customers' rental agreements and collected from customers for refueling of vehicles; proceeds from the disposal of an Off-Airport Rental Car Operator's owned equipment or vehicles sold wholesale; payments by customers for vehicles dropped off at an Off-Airport Facility and originally rented at another Airport facility to which the Off-Airport Rental Car Operator pays a fee; and credits for refunds to customers for sales made at an Off-Airport Facility; all monies paid for non-Airport rentals, supported by certification on the rental agreement that the customer was not transported, either by the Off-Airport Rental Car Operator or by others, from the Airport to the Off-Airport Rental Car Operator's Off-Airport Facility and that the customer had not arrived by passenger aircraft at the Airport within the 24 hours preceding the rental.

J. "Ground Transportation Operator" means any individual, partnership, corporation or other business entity (except any public, tax-supported transit agency or authority) that provides ground transportation services at, to or from the Airport, or that uses Airport roadways or parking areas in providing ground transportation services. Ground Transportation Operators include, but are not limited to, all of the following which operate at, to or from the Airport or use Airport roadways or parking areas: Airport Taxicabs, Reserved Taxicabs, scheduled and non-scheduled vans, custom limousines, scheduled buses, Off-Airport Parking Operators, Off-Airport Rental Car Operators, courtesy vehicles (including commercial and/or non-commercial vehicles, including hotel/motel, off-Airport parking, and Off-Airport Rental Car Operator shuttles), and Charter Buses.

K. "Non-Airport Related Business" means Gross Receipts from business transacted with customers that have not arrived at, and will not depart from, the Airport within 24 hours of any aspect of the business transaction.

L. "Off-Airport Facility" means any business establishment or facility that is owned, operated or used by an Off-Airport Rental Car Operator or an Off-Airport Parking Operator in conducting its business.

M. "Off-Airport Parking Operator" means any individual, partnership, corporation or other business entity (except any public, tax-supported transit agency or authority) that provides vehicle parking and related services, e.g., vehicle washing, at a facility located off the Airport's property and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise. This includes hotels, Off-Airport Rental Car Operators or other ground transportation operators, which provide parking services to the public.

N. "Off-Airport Rental Car Operator" means any individual, partnership, corporation or other business entity (except any public, tax-supported transit agency or authority) that provides rental car services and does not have an Airport concession agreement with the City and that draws customers from the Airport, whether it picks up and drops off passengers with its own

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employees and equipment or otherwise.

- O. "Operator" means a Ground Transportation Operator.
- P. "Permit" means the ground transportation use agreement provided for in Section 4 of this Ordinance.
- Q. "Public Parking Space" means a parking stall or space used by an Off-Airport Parking Operator to park customer vehicles.
- R. "Reserved Taxicab" means a taxicab other than those licensed as Airport Taxicabs.
- S. "Solicit" or "Soliciting" means any action taken at the Airport by an individual or business entity to sell or promote goods or services except as otherwise provided by contract or Permit with the City.
- T. "Trip Fee" means the fee assessed for each exit from the Designated Area by a Ground Transportation Operator picking up a fare at the Airport.
- U. Words and phrases not defined in this Ordinance shall have their customary meanings. Singular terms shall be construed to include the plural, and vice versa.

#### SECTION FOUR. Airport Director's Authority:

A. Authorization to Issue Regulations: The Airport Director is hereby authorized to issue regulations in the best interest of the City, the Airport, and the traveling public, governing the conduct of Ground Transportation Operators at the Airport. Such regulations, which may be amended from time to time by the Airport Director, shall: (1) provide uniform operating requirements consistent with this Ordinance for all Ground Transportation Operators providing similar transportation services; (2) set out a procedure for the collection of payments to the City in accordance with the schedule of rates, fees, and charges provided for in Section 6. below, including, but not limited to billing methods, due dates, interest and penalty charges for late payments, and auditing and reporting requirements; and (3) contain provisions which: (a) regulate ingress and egress to and from the entrances to the Airport's property and buildings; (b) preserve good order and peace at the Airport; (c) provide for the public health, safety or welfare; or (d) otherwise facilitate the Airport's governance, financial integrity and operation as a service to the public. In the event that an interpretation of any provision of these regulations or rules is required, the Airport Director shall render such interpretation, and her/his determination shall be considered as final authority on the matter.

B. Authorization to Issue Permits: The Airport Director is hereby authorized to enter into, execute, issue, amend, and renew Permits to Ground Transportation Operators. The Permits shall incorporate the requirements to be established by regulation as provided in Section 4.A. of this Ordinance and shall contain such other terms, covenants, and conditions that are in the best interest of the City, the Airport, and the traveling public in order to: (1) regulate ingress and egress to and from the entrances to the Airport's property and buildings; (2) preserve good order and peace at the Airport; (3) provide for the public health, safety or welfare; or (4) otherwise facilitate the Airport's governance, financial integrity and operation as a service to the public. At the time of issuance or renewal of a Permit, the Airport Director shall specify the time period for validity of the Permit, such period shall not exceed two (2) years.

C. Authorization to Determine Adjusted Gross Receipts: The Airport Director is hereby authorized to establish and specify and later amend, modify or cancel a "fixed dollar amount", based upon an amount customary in the Airport industry or otherwise to facilitate the Airport's governance, financial integrity and operation as a service to the public, to be deducted from Gross Receipts by all Off-Airport Rental Car Operators, in order to determine Adjusted Gross Receipts. The initial monthly "fixed dollar amount" to be deducted from Gross Receipts shall be ten thousand dollars (\$10,000) per month.

**SECTION FIVE.** Ground Transportation Use Agreement ("Permit"): No Ground Transportation Operator will be allowed to use Designated Areas at the Airport to conduct its business unless the Ground Transportation Operator has secured a current Permit. Any Ground Transportation Operator that provides multiple services, e.g., a hotel shuttle and an off-Airport parking operation will be required to secure multiple Permits. The Ground Transportation Operator's Permit is separate from and does not replace any City, County, State, or Federal licenses, registrations or permits.

#### SECTION SIX. Fees and Charges.

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A. The fees and charges for the various Ground Transportation Operators at the Airport shall be:

1. For Ground Transportation Operators other than Charter Buses, Off-Airport Parking Operators, Off-Airport Rental Car Operators, Airport Taxicabs, and Reserved Taxicabs the monthly permit fee for vehicles operated at or to or from the Airport by the Ground Transportation Operator during each month:

- a. Through March 31, 2013, the greater of \$150.00 per month or \$30.00 per vehicle;
- b. From April 1, 2013 through March 31, 2014, the greater of \$175.00 per month or \$35.00 per vehicle;
- c. From April 1, 2014 through March 31, 2018, the greater of \$200.00 per month or \$40.00 per vehicle;
- d. From April 1, 2018 through March 31, 2020, the greater of \$225.00 per month or \$45.00 per vehicle;
- e. From April 1, 2020 through March 31, 2022, the greater of \$275.00 per month or \$55.00 per vehicle; and
- f. From April 1, 2022 thereafter, the greater of \$300.00 per month or \$60.00 per vehicle.

2. For Charter Bus Operators with or without an executed Charter Bus Operator Ground Transportation Permit, the fee per bus per entry to the Airport:

- a. Through March 31, 2013, \$25.00; and
- b. From April 1, 2013 and thereafter, \$35.00.

3. For Off-Airport Parking Operators, the fee per Public Parking Space per year, one-twelfth of which is to be paid each month:

- a. Through March 31, 2013, \$40.00;
- b. From April 1, 2013 through March 31, 2014, \$50.00;
- c. From April 1, 2014 through March 31, 2016, \$55.00;
- d. From April 1, 2016 through March 31, 2018, \$60.00;
- e. From April 1, 2018 through March 31, 2020, \$65.00;
- f. From April 1, 2020 through March 31, 2022, \$70.00; and
- g. From April 1, 2022 and thereafter, \$75.00.

4. For Off-Airport Rental Car Operators:

- a. Through December 31, 2013, the monthly permit fee shall be the greater of: i) \$150.00 per month or \$30.00 per vehicle operated at or to or from the Airport whichever is greater or ii) 8% of the monthly Adjusted Gross Receipts.
- b. Beginning January 1, 2014 and thereafter the greater of \$200.00 per month or 9% of the Adjusted Gross Receipts for the preceding month.

5. For Ground Transportation Operators of Airport Taxicabs:

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a. Through March 31, 2016, a fee of \$246.00 per month per Airport Taxicab operated at or to or from the Airport by the Ground Transportation Operator in that month and, in addition, a Trip Fee of \$2.00 for each exit from the Designated Area by an Airport Taxicab operated by the Ground Transportation Operator during the month; and

b. Beginning April 1, 2016 and thereafter, a fee of \$246.00 per month per Airport Taxicab operated at or to or from the Airport by the Ground Transportation Operator in that month and, in addition, a Trip Fee of \$3.00 for each exit from the Designated Area by an Airport Taxicab operated by the Ground Transportation Operator during the month.

6. For Ground Transportation Operators of Reserved Taxicabs:

a. Through March 31, 2016, a Trip Fee of \$2.00 for each exit from the Designated Area by a Reserved Taxicab operated by the Ground Transportation Operator during the month; and

b. Beginning April 1, 2016 and thereafter, the Trip Fee shall be \$3.00 for each exit from the Designated Area.

B. Fees and charges for any Ground Transportation Operator providing services under multiple Permits shall be calculated and paid separately for each service for which the operator holds a Permit.

**SECTION SEVEN. Soliciting:** Ground Transportation Operators, Off-Airport Rental Car Operators and representatives shall not Solicit, in any manner, from the Airport terminals, garages and parking lots, roadways or anywhere else on the Airport, except through authorized advertising arranged through the Airport's advertising agent, or as allowed by a written agreement between the City and the Ground Transportation Operator.

**SECTION EIGHT. Reports and Audits:** The regulations and Permits authorized and established herein shall provide in substance that: a) each Ground Transportation Operator will, at its own cost and expense, provide the Airport Director such documentation as needed and required by the Airport Director to verify the fee amounts due and payable and b) reserve for the Airport Director the right to audit documents, records, and receipts for the purpose of verifying the fee amounts due and payable, including, but not limited to, the right to verify Gross Receipts of Off-Airport Rental Car Operators and the number of public parking spaces devoted to off-Airport parking.

**SECTION NINE. Denial, Suspension or Revocation of Permit:**

A. The Airport Director may deny a Permit to any Ground Transportation Operator that has had a Permit revoked, or that is owned, operated or substantially controlled by a Ground Transportation Operator that had a Permit revoked, or that fails to complete required application forms and provide required information, or otherwise for good cause.

B. The Airport Director may suspend or revoke Permits issued pursuant to this Ordinance for the failure to: (1) pay fees established or authorized pursuant to this Ordinance; or (2) comply with rules and regulations established or authorized pursuant to this Ordinance; or (3) comply with any other rule, regulation, or ordinance of the City or the Airport Authority or any federal, state, or local law or ordinance applicable to the Permit holder; or (4) comply with the terms or conditions of the Permit or otherwise for good cause.

**SECTION TEN. Challenges and Appeals:**

If the Airport Director denies a permit application, suspends or revokes a Permit, the Ground Transportation Operator whose Permit has been denied, suspended, or revoked may upon written request (1) obtain a written statement from the Airport Director providing the basis of the denial, suspension, or revocation and (2) appeal that denial, suspension or revocation in writing and appear before the Airport Director to argue the appeal.

B. Notwithstanding the above, the Airport Director may immediately (effective upon the issuance of a written notice) suspend, revoke or terminate a Permit for failure of the Ground Transportation Operator whose Permit has been denied, suspended, or revoked to (1) make any payments when due under the Permit; (2) maintain and timely provide proof of any insurance coverage required under the Permit; (3) maintain and timely provide required approvals, licenses, certificates, security or badge identification requirements; or (4) comply with any term or provision on subcontracting in the Permit.

**SECTION ELEVEN.** The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If

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any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Ordinance.

**SECTION TWELVE.** This Ordinance being deemed necessary for the immediate preservation of the public peace, health or safety, it is hereby declared to be an emergency measure pursuant to Article IV, Section 20 of the Charter of the City and shall become effective immediately upon passage and approval by the Mayor of the City.

**Approved: February 6, 2013**

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**FISCAL NOTE**

Preparer's Name Rochelle Pruitt

Phone Number or Email Address (will be available publicly) rapruitt@flystl.com

Bill Sponsor Alderwoman Marlene Davis

Bill Synopsis:	First Amendment to Ground Transportation Policy
Type of Impact:	N/A Revenue Agreements
Agencies Affected:	Airport Authority

**SECTION A**

**Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget?  Yes  No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget?  Yes  No.
- A commitment of city funding in the future under certain specified conditions?  Yes  No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget?  Yes  No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements?  Yes  No.
- A capital improvement project that increases operating cost over the current adopted city budget?  Yes  No.
- A capital improvement project that requires funding not approved in the current adopted budget or that will require funding in future years?  Yes  No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**