

ORDINANCE NO. **27831**

An ordinance amending Sections 5-58 and 5-59 of and adding Section 5-61.1 to CHAPTER 5, "AIRCRAFT AND AIRPORTS," of the Dallas City Code, as amended; providing a "head-of-the-line" incentive program for taxicabs operating at Dallas Love Field that are exclusively powered by compressed natural gas; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, in 2004, the United States Environmental Protection Agency (EPA) designated nine counties in North Central Texas (including the counties of Dallas and Tarrant) as nonattainment for the pollutant ozone in accordance with the National Ambient Air Quality Standards (NAAQS); and

WHEREAS, four main sources of ground level ozone-causing emissions include on-road mobile sources like cars and trucks; non-road mobile sources like construction equipment; point sources like electric generating utilities, industrial boilers, and cement kilns; and area sources like solvent use and agriculture; and

WHEREAS, the EPA has proposed strengthening the NAAQS for ground level ozone from the current standard of 75 parts per billion (ppb) to between 60 and 70 ppb; and

WHEREAS, the development of an air quality plan, known as the State Implementation Plan (SIP), is required for all nonattainment areas in order to demonstrate how ozone will be reduced to levels compliant with the NAAQS; and

WHEREAS, the SIP for the Dallas-Fort Worth nonattainment area includes programs to get older cars off the road, technologies to clean up vehicles already on the road, and education programs so that citizens can do their part in improving air quality in North Central Texas; and

WHEREAS, vehicles that operate exclusively on compressed natural gas (CNG), which is an alternative fuel under the Energy Policy Act of 1992, contribute less to local and regional air pollution (including particulate matter) than traditional vehicles and assist in reducing problems such as smog, haze, and health issues; and

WHEREAS, the city council finds that the establishment of an incentive program that promotes the use of compressed natural gas in taxicabs authorized to operate at Dallas Love Field is in the best interest of the public health and welfare and will further the city's goal of improving air quality; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 5-58, "Definitions," of Article II, "Ground Transportation Services at Love Field Airport," of CHAPTER 5, "AIRCRAFT AND AIRPORTS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 5-58. DEFINITIONS.

In this article:

(1) AIRPORT means all of the land, improvements, facilities, and developments within the boundaries of Dallas Love Field Airport.

(2) AUTOMATIC VEHICLE IDENTIFICATION ("AVI") TAG means an electronic tag issued by the North Texas Tollway Authority that may be used to charge trip fees for ground transportation vehicles operating at the airport.

(3) BUS has the definition given that term in Chapter 10 of this code.

(4) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation of a courtesy vehicle service at the airport.

(5) CONCESSION CONTRACT means a contractual agreement between the city and another person for the provision of car rental and parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.

(6) COURTESY VEHICLE means a motor vehicle that is:

(A) neither for hire nor used to transport a passenger in exchange for direct compensation; and

(B) operated by or on behalf of a hotel, motel, automobile rental, auto auction, or parking company in performing ground transportation service at the airport.

(7) COURTESY VEHICLE SERVICE means the business of performing ground transportation service using courtesy vehicles.

(8) DECAL means a decal issued by the director under Section 5-62 of this article authorizing a courtesy vehicle to be operated at the airport.

(9) DEDICATED COMPRESSED NATURAL GAS VEHICLE means a vehicle that operates exclusively on compressed natural gas.

(10) DIRECTOR means the city's director of aviation or the director's designated representative, including the transportation coordinator.

(11) [(40)] DRIVER means an individual who drives or operates a ground transportation vehicle.

(12) [(41)] FIXED-BASE[Ø] OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the airport.

(13) [(42)] GROUND TRANSPORTATION SERVICE means the business of using the roadways at the airport for the purpose of dropping off or picking up passengers at the airport's terminal building or other areas of the airport.

(14) [(43)] GROUND TRANSPORTATION VEHICLE means a taxicab, bus, shuttle vehicle, limousine, or courtesy vehicle that is used for performing ground transportation service at the airport.

(15) [(44)] HOLDER means a person who is granted operating authority to perform ground transportation service at the airport, and includes any person with an ownership interest in the ground transportation service.

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(16) [~~(15)~~] **LAWFUL ORDER** means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under in this article.

(17) [~~(16)~~] **LIMOUSINE** has the definition given that term in Chapter 10A of this code.

(18) [~~(17)~~] **OPERATE** means:

(A) to own, drive, or be in control of a ground transportation vehicle at the airport; or

(B) to own or be in control of a ground transportation service provided at the airport.

(19) [~~(18)~~] **OPERATING AUTHORITY** means a permit, reciprocal agreement, certificate of registration, or other permission granted by the city to operate:

(A) a bus or shuttle service under Chapter 10 of this code;

(B) a limousine service under Chapter 10A of this code;

(C) a taxicab service under Chapter 45 of this code; or

(D) a courtesy vehicle service under this article.

(20) [~~(19)~~] **OPERATOR** means:

(A) the owner or driver of a ground transportation vehicle; or

(B) the holder of operating authority to perform ground transportation service at the airport.

(21) [~~(20)~~] **OWNER** means the person:

(A) who is the legal owner of a motor vehicle;

(B) to whom a motor vehicle is registered by the state; or

(C) who is leasing a motor vehicle.

(22) [~~(21)~~] **PERSON** means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(23) [(22)] SHUTTLE VEHICLE has the definition given that term in Chapter 10 of this code.

(24) [(23)] TAXICAB has the definition given that term in Chapter 45 this code.

(25) [(24)] TRANSPORTATION COORDINATOR means the person designated by the director to oversee and manage the ground transportation service operations at the airport.

(26) [(25)] TRIP means each time passengers are picked up at the airport by a ground transportation vehicle.

(27) [(26)] TRIP FEE means the monetary amount charged per trip to the owner or operator of a ground transportation vehicle in accordance with Section 5-63 of this article.”

SECTION 2. That Section 5-59, “General Authority for Enforcement,” of Article II, “Ground Transportation Services at Love Field Airport,” of CHAPTER 5, “AIRCRAFT AND AIRPORTS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 5-59. GENERAL AUTHORITY FOR ENFORCEMENT.

(a) The director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the airport as the director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the airport.

(b) The director may issue lawful orders, not inconsistent with this article, as the director determines necessary to carry out duties under, or to effect the policy of, this article.

(c) The transportation coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the director under this article.”

SECTION 3. That Article II, “Ground Transportation Services at Love Field Airport,” of CHAPTER 5, “AIRCRAFT AND AIRPORTS,” of the Dallas City Code, as amended, is amended by adding new Section 5-61.1, “Taxicabs That Are Dedicated Compressed Natural Gas Vehicles,” to read as follows:

“SEC. 5-61.1 TAXICABS THAT ARE DEDICATED COMPRESSED NATURAL GAS VEHICLES.”

(a) A taxicab authorized to operate at the airport will be eligible for “head-of-the-line” privileges in the taxicab holding and dispatch areas if the taxicab is verified as a dedicated compressed natural gas vehicle by the director in accordance with this section and rules, regulations, and procedures promulgated by the director.

(b) “Head-of-the-line” privileges allow an eligible taxicab to advance to the front of a taxicab holding or dispatch area, ahead of all ineligible taxicabs, in accordance with rules, regulations, and procedures promulgated by the director. “Head-of-the-line” privileges do not apply at taxicab stands used for loading passengers at the airport.

(c) To receive “head-of-the-line” privileges, the owner or operator of the taxicab must submit to the director the following information:

(1) The name, address, and telephone number of the taxicab owner or operator.

(2) A description of the taxicab, including the make, model, vehicle identification number, and state license plate number of the taxicab.

(3) Proof that the taxicab was:

(A) equipped by the original manufacturer with an engine exclusively powered by compressed natural gas and has remained unaltered; or

(B) converted to be equipped with an engine exclusively powered by compressed natural gas, and the conversion was in compliance with *Mobile Source Enforcement Memorandum 1A*, *the Addendum to Mobile Source Enforcement Memorandum 1A*, and *the Revised Addendum to Mobile Source Enforcement Memorandum 1A*, as issued by the United States Environmental Protection Agency, and with Title 40, Parts 85 through 88, of the Code of Federal Regulations, as amended.

(4) Any other information requested by the director that is reasonably necessary to determine whether the taxicab is a dedicated compressed natural gas vehicle.

(d) Upon determining that a taxicab is a dedicated compressed natural gas vehicle, the director shall issue to the taxicab a sticker or emblem that identifies it as a designated compressed natural gas vehicle eligible for “head-of-the-line” privileges. The sticker or emblem must be displayed on the taxicab in a manner and location approved by the director. The sticker or emblem is nontransferable.

(e) A person commits an offense if he uses a sticker or emblem issued under this section on an unauthorized vehicle or in an unauthorized manner.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

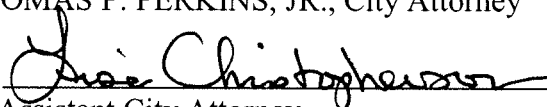
SECTION 5. That CHAPTER 5 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance will take effect on April 10, 2010, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  Assistant City Attorney

Passed MAR 10 2010

LC/DCC/00478A