

Commissioner ~~Chapman~~ ^{Alper} removed adoption
of the following resolution:

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2014-013

**RESOLUTION APPROVING THE AMENDMENT AND RESTATEMENT OF THE
EAGLE COUNTY REGIONAL AIRPORT RULES AND REGULATIONS FOR
COMMERCIAL GROUND TRANSPORTATION**

WHEREAS, C.R.S. §§30-11-107(1)(j) and 41-4-106 grant the power and jurisdiction to the Eagle County Board of Commissioners (hereinafter, "the Board") to regulate the receipt, deposit, and removal and the embarkation of passengers or property to or from the Eagle County Regional Airport (the "Airport"); and to exact and require charges, fees, and tolls; and to lease or assign for operation such space or area, appurtenances, appliances or other conveniences necessary or useful in connection therewith; and to provide rules and regulations governing the use of such Airport and facilities and the use of other property and means of transportation within or over the Airport; and to exercise such powers as may be required or consistent in the promotion of aeronautics and the furtherance of commerce and navigation by air; and

WHEREAS, the Board previously adopted on October 4, 1982, by Resolution No. 82-87, "Rules and Regulations Governing the Operation of the Eagle County Airport" (hereinafter "Rules and Regulations"), and amended said Rules and Regulations on April 24, 1989 by Resolution No. 89-52; and

WHEREAS, the Board further amended the Rules and Regulations by adopting specific Rules and Regulations for Commercial Ground Transportation (the "Ground Transportation Rules and Regulations") on January 15, 1992 by Resolution No. 92-08;

WHEREAS, the Board further amended and restated the Ground Transportation Rules and Regulations on February 11, 1997 by Resolution No. 97-12; and on February 5, 2002 by Resolution No. 02-19; and on January 24, 2006 by Resolution 06-05; and on October 31, 2006 by Resolution 06-106; and on December 4, 2007 by Resolution 2007-023;

WHEREAS, the Ground Transportation Rules and Regulations provide at Section 1.2 that "(t)hese Rules and Regulations may be changed at any time by action of the Board of County Commissioners..."

WHEREAS, the Eagle County Regional Airport continues to attract a volume of passengers and property that requires supervision, regulation, and control to insure the best interests of the County, its citizens, and the beneficiaries of the Airport facilities are being met; and

WHEREAS, the Board desires to further amend the Ground Transportation Rules and Regulations to provide for the orderly and equitable operation of ground transportation at the Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO:

THAT, the Eagle County Regional Airport Rules and Regulations for Commercial Ground Transportation shall be deleted in its entirety and replaced with the amended and restated Eagle County Rules and Regulations for Commercial Ground Transportation attached hereto as Exhibit "A" and incorporated herein by this reference.

THAT, the modifications and amendments set forth in Exhibit "A" shall be effective upon approval of this Resolution.

THAT, should any section, clause, provision, sentence or word in this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any parts thereof, other than the part so declared to be invalid. For this purpose, this Resolution is declared to be severable.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held this ___ day of March, 2014.

[SIGNATURE PAGE TO FOLLOW]

COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BY:

Teak J. Simonton
Teak J. Simonton
Clerk to the Board of
County Commissioners



Jillian H. Ryan
Jillian H. Ryan
Chairman

BY: ~~_____~~ BY:

Sara J. Fisher
Sara J. Fisher
Commissioner

By:

Kathy Chandler-Henry
Kathy Chandler-Henry
Commissioner

Commissioner FISHER seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Jillian H. Ryan
Commissioner Sara J. Fisher
Commissioner Kathy Chandler-Henry

Aye
Aye
Aye

This Resolution passed by 3/0 vote of the Board of County Commissioner of the County of Eagle, State of Colorado.

**EAGLE COUNTY
REGIONAL AIRPORT**

**RULES AND REGULATIONS
FOR
COMMERCIAL GROUND
TRANSPORTATION**

**EAGLE COUNTY REGIONAL AIRPORT
RULES AND REGULATIONS
FOR
COMMERCIAL GROUND TRANSPORTATION**

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**EAGLE COUNTY REGIONAL AIRPORT
RULES AND REGULATIONS
FOR
COMMERCIAL GROUND TRANSPORTATION**

**Section One
AUTHORITY**

1.0 The Board of County Commissioners has delegated authority to the Eagle County Aviation Director or his designee to act on its behalf in administering the Eagle County Regional Airport (sometimes referred to herein as the "Airport"), regulating the use of the facilities and services of the Airport, determining and collecting use charges therefor, enforcing these Rules and Regulations for Commercial Ground Transportation ("Rules and Regulations") and the general Airport Rules and Regulations, and carrying out such other duties and responsibilities as may be determined.

1.1 The following Rules and Regulations govern the operation of all commercial ground transportation businesses upon the Eagle County Regional Airport premises. Commercial operators of all types are covered, including, but not limited to, the following (collectively referred to as "Commercial Operators"):

- A. Rental Car Operators;
- B. Passenger Operators including privately owned Bus, Commuter, Taxicab, Hotel and Motel, Luxury Limousine, and Parking Operators;
- C. Courier Operators;
- D. Commuter Operators; and
- E. Public Mass Transit (Exempt from these Rules and Regulations).

1.2 These Rules and Regulations may be changed at any time by action of the Board of County Commissioners, or without action by the Board of County Commissioners at any time and without prior notice because of requirements imposed by the Federal Aviation Administration ("FAA"), Transportation Security Administration ("TSA") or other state or federal authority. Any changes or additional requirements mandated by the FAA or TSA supersede these Rules and Regulations.

Section Two
DEFINITIONS

2.0 The following definitions apply to the terms used in these rules:

A. **Airport**

The Eagle County Regional Airport, including both the Terminal, Fixed Base Operation area, hangars, south ramp (transient general aviation area) and north ramp (military and based aircraft area) as well as all other surface areas of the Airport including roadways and parking facilities.

B. **Automated Vehicle Identification (“AVI”) Tag or Transponder**

A transponder issued by the Airport to Commercial Operators for each motor vehicle in their fleet, which allows the Airport to record the timing of and the number of trips made by each motor vehicle through the roadways of the Terminal in addition to other movement within the Airport's control system.

C. **Commercial Operator Types**

Any person or entity, including its drivers, employees, representatives, agents or any other acting in concert with them, using Airport roadways or operating motor vehicles upon the Airport in furtherance of or in connection with any activity carried on for a profit, regardless of whether operating as an employee or independent contractor, or whether operating under the company name. For purposes of enforcement of these Ground Transportation Rules and Regulations only, ground transportation companies with common ownership and/or common control, or those acting on behalf of or in concert with another company, will be treated as one and the same Commercial Operator.

This definition shall not include airline companies, air freight and cargo companies utilizing the air cargo terminal, schools, universities, non-profit organizations, organ donor companies, hospitals, ambulance services, or governmental units (including local, state and federal agencies), Airport tenants not primarily engaged in the ground transportation business, and construction and maintenance contractors, suppliers and service providers of the Airport or its tenants. Mail delivery systems such as Federal Express and United Parcel Service are exempted when delivering mail service.

D. **Commercial Operators**

The following operators are all considered Commercial Operators for the purpose of these Rules and Regulations. These definitions may not be all inclusive of all the types of Commercial Operators working at the Eagle County Regional Airport:

1. **Private Commercial Bus Operators**

Commercial Operators engaged in the business of providing passenger transportation in vehicles having a capacity of twenty-six or more persons or as otherwise defined by the Colorado Public Utilities Commission, excluding Car Rental Operators.

2. **Rental Car Operators**

Commercial Operators engaged in the business of renting or leasing motor vehicles to the public ("Rental Cars").

3. **Commuter Operators**

Commercial Operators engaged in the business of ferrying scheduled or unscheduled passengers to and from the Eagle County Regional Airport, including but not limited to taxis, shuttles and vans.

4. **Courier Operators**

Commercial Operators engaged in the business of transporting property, baggage, or parcels derived from the airlines. Mail and package delivery services, i.e. Federal Express and UPS delivering to Airport business exempted.

5. **Hotel and Motel Operators**

Commercial Operators engaged in the business of providing temporary or short-term lodging and associated services to the public and transporting passengers for fee or not for fee to facilities used for temporary or short-term lodging.

6. **Luxury Limousine Operators**

Commercial Operators engaged in the business of providing charter transportation to the public in vehicles with a manufacturer's rated maximum capacity of six to twelve persons, including the driver, equipped with an operational television, portable bar, and a mobile telephone or as otherwise defined by The Colorado Public Utilities Commission.

E. **Commercial Vehicle Holding Lot**

An area to be determined by the Aviation Director, or his designee, which is used to dispatch taxi operations and/or commercial motor vehicle operations. The Commercial Vehicle Holding Lots also may be referred to as the Ground Transportation Holding Lots.

F. **Company Representatives**

Any person or entity employed by or acting on behalf of or in concert with a Commercial Operator and representing its interests, including its drivers, employees or representatives,

whether operating as an employee or an independent contractor.

G. **Concession Agreement**

A contractual agreement between the Eagle County Air Terminal Corporation (ECAT), the Vail Valley Jet Center (VVJC), or other Fixed Base Operator (FBO) and a Commercial Operator that grants the right to exclusive use of certain portions of the Airport, as authorized by agreement, for the conducting of certain business activities upon Airport premises.

H. **Cruising**

Operation of a motor vehicle upon Airport roadways by a Commercial Operator for the purposes of soliciting or attempting to solicit passengers in any location other than in the loading areas specifically authorized for such use in these regulations.

I. **Door Loading**

Loading passengers, property, baggage or parcels at the doors of the Airport Terminal outside of the commercial loading areas authorized for each type of Commercial Operator as depicted on Exhibit A.

J. **Double Parking**

Parking parallel to and alongside another motor vehicle.

K. **Dwell Time**

The period of time during which a motor vehicle remains upon the roadways and in the loading and unloading areas of the Airport Terminal.

L. **ECAT**

Eagle County Air Terminal Corporation.

M. **Federal Highway Administration**

An agency of the United States Department of Transportation that regulates carriers who are engaged in transportation in interstate commerce and are subject to the successor statute(s) to the Interstate Commerce Act; the Federal Highway Administration has succeeded to the functions formerly performed by the Interstate Commerce Commission.

N. **Ground Transportation Employees**

Employees or agents of the County or ECAT, also referred to as Airport Staff identifiable by employee identification badge, assigned or authorized, in whole or in part, to enforce these Rules and Regulations.

O. **Ground Transportation Year**

The Ground Transportation Year shall run from November 1 through October 31.

P. **Hotel and Motel Operator Annual Complimentary Service Vehicle Permit**

Hotel and Motel Operators offering complimentary ground transportation to their guests to or from the Airport are required to register their vehicles under an Annual Complimentary Service Vehicle Permit

Q. **Loading and Unloading Areas**

Those areas authorized for passenger and parcel loading and unloading as shown on Exhibit A.

R. **Manifest**

A written inventory of pre-booked clients, which shall include customer's name, airline and flight number as well as the number of persons in the party.

S. **Passenger Operators**

The term Passenger Operators shall include Private Commercial Bus Operators, Commuter Operators, Hotel and Motel Operators and Luxury Limousine Operators.

T. **Pre-Arranged Passenger**

A passenger for whom reservations have been made for ground transportation services prior to the passenger's arrival at the Airport.

U. **Replacement Vehicle**

For purposes of the AVI Transponder requirement, a vehicle intended by a Commercial Operator to replace a vehicle that had been registered for the Ground Transportation Year but was subsequently destroyed or sold.

V. **Revocation**

The suspension of a Commercial Operator's privilege to operate motor vehicles on Airport property and/or to otherwise conduct business activities in the Airport Terminal.

W. **Scheduled Service**

Specific point-to-point ground transportation passenger service at designated times filed with or approved by the Colorado Public Utilities Commission or the Federal Highway Administration, and sold on a per seat basis.

X. **Solicitation**

Any attempt or act by or for a Commercial Operator, direct or indirect, verbal, non-verbal or written, of whatever nature to obtain passengers or baggage.

Y. **Suspension**

The temporary discontinuance of a Commercial Operator's privilege to operate motor vehicles on the Airport and/or to conduct business activities in the Airport Terminal.

Z. **Trip**

The operation of a motor vehicle through the roadways and the loading and unloading areas of the Airport, beginning at the entry points or gates along the roadways leading to the Terminal and ending at the exit points as shown on Exhibit A.

AA. **VVJC**

Vail Valley Jet Center, LLC.

BB. **Walk-up Passenger**

A passenger for whom reservations have not been made for ground transportation services prior to the passenger's arrival at the Airport, also sometimes referred to as an "non-prearranged passenger".

Section Three
COMPLIANCE WITH LAWS AND DIRECTIVES

3.0 Commercial Operators conducting business activities upon Airport premises shall comply with all laws of the United States and the State of Colorado, all rules and regulations promulgated by the Transportation Security Administration, the Resolutions and Regulations of Eagle County and the Town of Gypsum (to the extent within the Town of Gypsum) while upon Airport property.

3.1 No Commercial Operator upon Airport property shall fail to obey any lawful directive of any police officer or Ground Transportation Employee. Authority is hereby vested in Ground Transportation Employees to enforce these regulations including, by way of example but not by way of limitation, authority to monitor the business activities and the meet and greet of passengers by commercial operators at the Airport, to control vehicular traffic, solicitation and cruising at the Airport, to direct motor vehicle movements within commercial loading and unloading areas, and to require the removal of motor vehicles from loading and unloading areas in order to alleviate congestion.

Section Four
OPERATING REQUIREMENTS

4.0 Each Commercial Operator seeking to conduct business activities and to operate motor vehicles upon Airport premises shall register with the Aviation Director each Ground Transportation Year and shall possess an AVI Transponder for each vehicle accessing the Airport for the purpose of conducting business at the Airport, or shall be assessed a Penalty Access Fee, in an amount as prescribed in the attached Exhibit C.

4.1 Commercial Operators with Concession Agreements shall be authorized to conduct business upon the Airport in the same manner as other ground transportation providers except that they shall be authorized additionally to operate their businesses within counter spaces in the Airport Terminal set apart for the exclusive use of such Commercial Operators.

Section Five
PROCEDURES FOR OBTAINING OPERATING PRIVILEGES

5.0 Operating privileges will be granted to a Commercial Operator who satisfies the terms and conditions of these Rules and Regulations. Operating during the Ground Transportation Year shall be deemed agreement to and acceptance of the following terms:

A. **Insurance**

Commercial Operators shall submit certificates of insurance in a form acceptable to the Aviation Director and the Eagle County Attorney with coverages and in amounts required by the terms of these Rules and Regulations or by Concession Agreement.

A.1 **General Liability Insurance**

A Commercial Operator shall maintain a comprehensive general liability insurance policy which will cover against liability for injury to persons and/or property, and death of any person or persons occurring in or about the airport. The liability under such insurance shall not be less than \$1,000,000 General Aggregate.

A.2 **Motor Vehicle Insurance**

A Commercial Operator shall maintain a motor vehicle insurance policy, provided by an insurance company authorized to do business in the state of Colorado, in such minimum amount of \$1,000,000 Combined Single Limit (each accident).

B. **Additional Insured**

Eagle County and ECAT shall be endorsed on comprehensive general liability and motor vehicle liability policies as an additional insured. The Commercial Operator shall furnish certificates to the County prior to commencing operations evidencing that the insurance is in full force and effect during the term of the operating privilege and that the County and

ECAT shall be notified, in writing, by the insurers at least ten (10) days prior to any cancellation of the policy.

C. **Indemnification**

Commercial Operators shall indemnify, defend, and save the County and ECAT, and their respective agents, officers, and representatives and employees harmless from and against any and all judgments, penalties, liability or loss, including costs and reasonable attorney's fees resulting from claims or court actions, whether civil, criminal or in equity, arising directly or indirectly out of acts of the Commercial Operator, his agents, employees or servants, or through any injury or casualty occurring on the Airport as a result of said loss.

D. **Workers' Compensation**

The Commercial Operator shall maintain the statutorily required workers' compensation insurance coverage on all employees.

E. **Operating Authority**

Commercial Operators who engage in ground transportation activities requiring authorization by or registration with the Colorado Public Utilities Commission or the Federal Highway Administration shall submit to the Aviation Director current copies of such authorization registrations and tariffs issued to the Commercial Operator by those agencies.

F. **Automated Vehicle Identification Tag (AVI Transponder)**

With the exception of Rental Cars and Rental Car related operations vehicles, each commercial vehicle operated on Airport property must be equipped with an AVI Transponder that is registered with the Eagle County Regional Airport. Prior to entering Airport property, Commercial Operators shall submit fully executed AVI Tag Applications in a form established by the Aviation Director. AVI Transponders may be purchased, as described below. Care, maintenance, and upkeep of Transponders are the responsibility of the purchaser.

5.1 Commercial Operators shall promptly provide to the Aviation Director updated copies of the foregoing items when changes occur in any of them or upon County's request.

5.2 The County reserves the right to refuse to grant access to any transportation provider who is unwilling to submit to the above requirements or who has violated these rules and regulations.

5.3 The Aviation Director or his designee shall have authority to receive from Commercial Operators documentation establishing the foregoing requirements.

Section Six
AUTOMATED VEHICLE IDENTIFICATION TAG REQUIREMENTS

6.0 Eagle County maintains and operates an Automated Vehicle Identification (AVI) system. Before operating motor vehicles upon Airport premises, except as otherwise hereinafter provided, Commercial Operators that will access the Airport during the Ground Transportation Year shall secure an AVI Transponder for each of their vehicles.

6.1 AVI Transponders must be purchased from the Eagle County Regional Airport.

6.2 Except as otherwise provided herein, AVI Transponders shall remain affixed to the vehicles to which they are assigned, at all times. Commercial Operators shall use the AVI Transponder only for operation upon the Airport of the vehicle to which the AVI Transponder is assigned and registered. An AVI Transponder may only be transferred to a Replacement Vehicle upon written approval of and re-assignment by the Aviation Director, for good cause shown.

6.3 The use by a Commercial Operator of an AVI Transponder issued to a different Commercial Operator is strictly prohibited.

6.4 AVI Transponders may be deactivated in the event of misuse and access to the Airport may be denied.

Section Seven
COMMERCIAL OPERATOR VEHICLE YEARLY REGISTRATION REQUIREMENT

7.0 Prior to operating in a new Ground Transportation Year each Commercial Operator vehicle that accesses the Airport must be registered with the Aviation Director. The registration fee shall be established each year, in an amount to be determined by the Aviation Director, prior to the start of that Ground Transportation Year.

Section Eight
SOLICITATION AND BUSINESS RESTRICTIONS

8.0 It shall be prohibited for any Commercial Operator to conduct any ground transportation business or concession upon the Airport or roadways or other facilities used or operated in conjunction with the Airport or for any person to sell, offer for sale or furnish any ground transportation service or commodity upon the Airport except as specifically authorized herein for Commercial Operators.

8.1 Commercial Operators shall not engage in Solicitation upon Airport premises unless otherwise authorized through a Concession Agreement.

8.2 Commercial Operators likewise shall not enter into or attempt to make any arrangement with sky caps, maintenance employees, airline or other tenant employees, or County employees whether or not for compensation whereby such persons undertake or agree to engage in Solicitation for a Commercial Operator.

Section Nine
MEETING AND GREETING PASSENGERS

9.0 Commercial Operators are authorized to meet passengers in the Airport Terminal in areas described in Concession Agreements as available for the exclusive use of Commercial Operators who have such agreements, or in areas authorized by the Aviation Director or his designee.

9.1 All Commercial Operators within the Airport perimeter shall have a passenger manifest available for immediate review by Ground Transportation Employees upon request. This manifest shall contain the date, name of arrival, number of riders, and airline with flight number. This manifest shall be on the person of Commercial Operator's employees meeting or greeting passengers or behind the counter of companies having Concession Agreements.

9.2 No Company Representative of any ground transportation company may porter passenger baggage unless the passenger has, without solicitation from the Company Representative, requested such assistance; Skycap service is not reasonably available, or unless the Company Representative is claiming and delivering delayed baggage under contract.

A. Drop Off:

The Company Representative may assist the passenger with his or her baggage. The Company Representative must use the designated unloading area, as shown in Exhibit A, and must return to his or her vehicle immediately upon delivering the passenger's bags at the Terminal.

B. Pick Up:

The Company Representative may assist the passenger with the baggage. The Company Representative may not proceed beyond the designated meeting area, but may take the passenger's luggage from the designated meeting area to the vehicle, and return for additional baggage.

9.3 Self-service luggage carts, if located throughout the Airport for use by the traveling public shall not be gathered or retained by Commercial Operators for resale or for use in the operation of their businesses or for any other purpose. Commercial Operators shall not contract verbally or in writing with any other parties for the purpose of utilizing self-service luggage carts in the operation of their businesses.

9.4 **Commercial Operators without Concession Agreements**

A. Company Representatives shall meet passengers only in designated areas. Aviation Director may limit the number of Company Representatives that may meet passengers at any time. Company Representatives shall be inside the Airport Terminal no more than fifteen (15) minutes prior to the scheduled arrival of the flight of a Pre-Arranged Passenger. The driver or other Company Representative must leave the Airport Terminal immediately upon meeting the Pre-Arranged Passenger. If the flight is rescheduled, the designated driver or Company Representative must leave the Airport Terminal and return no more than fifteen (15) minutes prior to the re-scheduled arrival of the flight of the Pre-Arranged Passenger. Drivers or other

Company Representatives who violate this rule may be issued a Notice of Violation and required to leave Airport Terminal immediately.

B. Commercial Operators without Concession Agreements may meet Pre-Arranged Passengers in the authorized passenger meeting area for ground transportation providers, designated and approved by the Aviation Director, which is described as follows:

The area that shall be designated and separated by a railing, stanchion, or other means, installed by Airport Staff, in the westernmost portion of the baggage claim area, west of the baggage claim carousels and north of the westernmost airport terminal doors. See Exhibit "B" for a diagram of meeting area.

C. Commercial Operators who meet and greet Pre-Arranged Passengers upon Airport property other than in areas authorized by Concession Agreement or this document, must receive prior written permission from the Aviation Director or his designee.

D. It is prohibited for any person to give false or misleading information for the purpose of obtaining authorization to meet Pre-Arranged Passengers.

9.5 Meeting and Greeting Walk-Up Passengers

A. Commercial Operators or other Company Representatives may meet Walk-Up Passengers, or non-prearranged passengers inside the Airport Terminal only if the Commercial Operator has obtained a Concession Agreement with ECAT and has obtained authorization and appropriate operating authority. Commercial Operators that have not obtained a Concession Agreement with ECAT are prohibited from meeting Walk-Up Passengers or non-prearranged passengers inside the Airport Terminal.

B. Commercial Operators engaged in a contractual Concession Agreement with ECAT are authorized to meet passengers in the Airport Terminal in the areas described in the Concession Agreement, or in areas authorized by the Aviation Director or his designee.

C. Commercial Operators and their representatives shall not loiter on sidewalks, at Airport Terminal doors, or any area not authorized by the Aviation Director or his designee.

D. Walk-Up Passengers who inquire about ground transportation services at information counters which are operated by the County or other entities shall be furnished information regarding the Commercial Operators who serve the destinations identified by the passengers, including information as to the types of services.

Section Ten
COMMERCIAL OPERATOR CONDUCT UPON THE AIRPORT

10.0 Commercial Operators doing business upon Airport premises as authorized herein shall abide by the following rules of conduct while upon the Airport:

A. **Commercial Operator Demeanor**

Commercial Operators shall be courteous to the public and to other Commercial Operators and their employees. The Commercial Operator's employees shall be clean, efficient and neat in appearance. Commercial Operators shall not allow employees on the Airport to use improper language or to act in a loud or boisterous or otherwise improper manner. Commercial Operators shall not engage in open, notorious and public disputes, disagreements or conflicts tending to deteriorate the quality of the ground transportation services of Commercial Operators or their competitors or incompatible with the best interests of the public at the Airport. Obscene communications, threats of violence or physical harm, fighting, gambling, public intoxication and carrying of weapons or illegal substances on Airport premises are expressly prohibited.

B. **Deception of the Public**

It shall be a violation of these Rules for a Commercial Operator to deceive or attempt to deceive the public through false representations concerning its prices or services or those of any other ground transportation provider.

C. **Obedience to Signs**

Commercial Operators shall obey all posted signs located upon Airport property.

D. **Luggage Carts for Passengers**

No Commercial Operator shall issue luggage carts to its passengers upon Airport property for the purpose of allowing its passengers to retrieve their luggage or other parcels. It shall be further prohibited for a Commercial Operator to rent or use self-service luggage carts provided by the Airport or its contractors for the conduct of its business activities.

E. **Uniforms**

In order to maintain a professional, business-like and orderly environment at the Airport, uniforms worn by Company Representatives upon Airport property shall be neat and tidy.

I. **Gratuities**

Commercial Operators and their representatives while upon Airport property shall not solicit gratuities or tips, directly or indirectly, from their customers.

Section Eleven
MOTOR VEHICLE OPERATION REQUIREMENTS

11.0 Motor vehicles operated by or under agreement with Commercial Operators upon the Airport shall be operated in compliance with the following requirements:

A. **Unattended Vehicles**

1. It shall be prohibited for any Commercial Operator to leave its motor vehicles unattended upon Airport roadways or in the commercial lanes of the Terminal. Commercial Operators may leave an unattended vehicle in authorized areas of Airport property if meeting and greeting a passenger in accordance with Section 9.

2. Vehicles left without a driver in unauthorized areas of the Airport, or in a manner that causes or may cause an operational, safety or security concern or hindrance may be immediately towed from the Airport at Commercial Operator's expense.

3. Ground Transportation Employees shall have authority, in their sole discretion, to require Commercial Operators to move their vehicles in order to maintain efficient traffic movement or to maintain Federal Aviation Administration security requirements and guidelines.

B. **Traffic Routes and Passenger and Parcel Loading and Discharging**

Motor vehicles operated by Commercial Operators shall not circulate through Airport roadways along any route other than those shown upon the attached drawing of the Airport marked Exhibit A, which drawing is incorporated herein and made a part hereof by reference.

C. **Passenger and Parcel Drop-Off in Designated Areas outside the Terminal**

1. Commercial Operators must deliver departing passengers to the east of the Terminal in the designated drop-off area, as shown in Exhibit A, unless directed by Airport staff to another specific area. Commercial Operators may not stop and wait in the designated drop off area. Attended vehicles may be in these designated drop-off areas only for the time required to unload passengers and baggage. Unattended vehicles are not allowed in the designated drop-off area.

2. Courier Operators shall drop off parcels at the Airport Terminal only in the drop-off areas shown on Exhibit A.

D. **Passenger and Parcel Loading in Designated Areas outside the Terminal**

Commercial Operators' vehicles waiting to pick-up arriving passengers shall park in the pick-up area as designated for their type of vehicle on Exhibit A, except as permitted by separate

agreement with ECAT.

It shall be prohibited for any Courier Operator to load parcels upon Airport property in any location other than in the authorized loading areas of the Airport Terminal as shown on Exhibit A, and in such other areas as may be authorized by Ground Transportation Employees.

Door loading by Commercial Operators is prohibited except that Commercial Operators carrying celebrities, VIPs or other persons whose presence may disrupt the normal course of Airport activities, or carrying persons with disabilities, elderly, or unaccompanied children may load such passengers at specifically authorized locations with prior approval of the Aviation Director or his designee.

E. **Use of Commercial Vehicle Holding Lots**

All Commercial Operators who have operating privileges or a Concession Agreement may make use of the Commercial Vehicle Holding Lots, and may park their vehicles within the temporary parking areas of the Commercial Vehicle Holding Lots as made available by Airport staff.

F. **Cruising Prohibited**

It shall be prohibited for Commercial Operators to engage in Cruising upon Airport property.

G. **Airport Parking Lots**

Commercial Operators shall not conduct any business upon or leave commercial vehicles in public parking lot facilities, including employee parking lots, upon Airport property. Any commercial vehicle parked in public parking facilities will be towed at the expense of the Commercial Operator. This includes commercial vehicles used as personal vehicles of employees. Exceptions to this rule may be granted at the discretion of the Aviation Director or his designee if requested in advance. It is the intent of this rule that such exceptions shall be granted on a one-time basis and not for multiple occasions. It shall be the responsibility of the owner and/or operator of any such vehicle to request such an exception in advance from the Aviation Director's Office, and to furnish the license number of the vehicle which is to be parked in an Airport parking facility to the Aviation Director or his designee if the request is granted.

H. **No Personal Business in Loading Areas**

The Loading and Unloading Areas established herein are available only for the use of Commercial Operators. No personal or employee cars are allowed.

I. **Double Parking Prohibited**

Double Parking of motor vehicles by Commercial Operators upon Airport roadways is prohibited.

J. **Motor Vehicle Markings**

Motor vehicles operated upon Airport property by Commercial Operators, including courier services, whether or not for hire, shall have clearly displayed and permanently affixed on the vehicle any markings required by the Colorado Public Utilities Commission and Federal Highway Administration authority numbers.

K. **Vehicle Safety**

Commercial Operators shall maintain all motor vehicles operated upon Airport roadways in accordance with vehicle safety requirements of the Colorado Public Utilities Commission and other state law.

L. **Vehicle Idle Time**

Commercial Operators are encouraged to turn off their vehicles during dwell time at the Airport. In the event it is not practicable to turn off a vehicle due to extreme cold, Commercial Operators are encouraged to limit any vehicle idling time to fifteen minutes or less.

Section Twelve
CAR RENTAL OPERATORS

CAR RENTAL OPERATORS WITH CONCESSION AGREEMENTS

12.0 Rental Car Operator Types

A. **In-Terminal Operator** – In Terminal Rental Car Operators are those that have Concession Agreements with ECAT which grant the use of counter space in the Airport Terminal for the provision of rental car services to passengers arriving at the Airport Terminal and the use of ready and return vehicle parking spaces.

B. **Vail Valley Jet Center (VVJC) Operator** – Rental Car Operators that have an agreement with the VVJC to provide rental car services to passengers arriving at the VVJC.

C. **Out-of-Terminal Operator** – An Out-of-Terminal Operator is one that does not have a Concession Agreement with ECAT, and provides rental car services to passengers arriving through the commercial passenger Terminal under an Out-of-Terminal Performance and Use Agreement with Eagle County. Out-of-Terminal Operators do not have counter space in the Airport Terminal or use of any reserved ready or return vehicle parking spaces.

A copy of the Out-of-Terminal Operator Performance and Use Agreement can be obtained from the Airport Administrative Office. Out-of-Terminal Operators are required to report monthly all required gross receipts from business derived from the Eagle County Regional Airport. The Gross Monthly Revenue Report and payment are due in the Airport Administration Office by the 20th of the month for the preceding month. Accurate and timely reporting of revenues and payment of the required percentage of gross revenue is required for continued

access to the Airport.

12.1 **Fees for Concessionaire Car Rental Operators**

A. **In-Terminal Operator** – Rental Car Operators who have Concession Agreements with ECAT shall pay to ECAT concession fees in the amount agreed upon in said Concession Agreement.

B. **Vail Valley Jet Center (VVJC) Operator** – Rental Car Operators that have agreements with the VVJC shall operate and pay fees subject to their agreements with the VVJC.

C. **Out-of-Terminal Operator** – Rental Car Operators which have Performance and Use Agreements shall pay to the County fees in the amount set forth in the Performance and Use Agreement. Currently those fees are set at fourteen percent (14%) of gross revenues.

D. Fees are subject to change at any time.

12.2 **Operators with Out-of-Terminal Performance and Use Agreements**

A. Out-of-Terminal Operators are not permitted to park or stage Rental Cars on the Airport without prior authorization or by separate agreement. Business transactions must be performed at each respective rental office and customers may be transported for business transactions only in a company courtesy vehicle clearly marked with the name of the Out-of-Terminal Operator. Rental Cars may not be used for transport of the customers to or from the Airport and may only be obtained from, and returned to, the business office of the respective Out-of-Terminal Operator. Any Rental Cars found parked on the Airport without prior authorization or by a separate agreement will be presumed to be parked for business purposes and removed at the Owner's or Commercial Operator's expense.

B. The Aviation Director in his discretion may require such Rental Car Operators to pay a minimum monthly sum for the privilege of operating motor vehicles and conducting business activities upon the Airport premises. Such fees will be set forth in the Performance and Use Agreement.

Section Thirteen **FEES GUIDELINES FOR PASSENGER OPERATORS**

13.0 All Ground Transportation vehicles providing service at the Eagle County Regional Airport (except Rental Car Operator Rental Cars) are required to obtain and display an AVI Transponder. Except for Rental Cars and Rental Car related operations vehicles, any vehicle of a Commercial Operators that does not display an AVI Transponder will immediately be issued a Notice of Violation, assessed a Penalty Access Fee, in an amount as prescribed in the attached Exhibit C, and required to leave Airport premises immediately. All fees shall be paid as set forth herein and as indicated in Exhibit C.

13.1 Penalty Access Fees are due immediately upon notification. Should Penalty Access Fees

remain unpaid, Commercial Operators with delinquent fees attempting to access the Airport will be immediately expelled without having access to passengers or the Airport Terminal, and will not be allowed to conduct any ground transportation business. The Airport will mail notification of delinquent fees by certified letter as a written record of fees owed.

13.2 The following rules apply to all AVI Transponder holders:

A. The Ground Transportation Year shall run from November 1 to October 31 of each calendar year.

B. AVI Transponders must be affixed on the windshield, or other location as deemed appropriate by the Aviation Director or his designee, of the permitted vehicle so the Transponder is plainly readable by AVI System at all times. AVI Transponders will be affixed to vehicles by Airport staff. Fixatives or other adhesives are prohibited without the express consent of the Aviation Director or his designee. The Aviation Director or his designee is hereby authorized to check the fixative or use of any Transponder which may appear suspect. Undisplayed AVI Transponders and AVI Transponders displayed in any unapproved manner will be deemed invalid and the vehicle will be deemed to be un-permitted and charged a Penalty Access Fee and other penalties as outlined in these Rules and Regulations.

C. AVI Transponders may not be reused and are not transferable from one vehicle to another except in the case of the destruction or sale of a vehicle and its replacement, proved to the satisfaction of the Aviation Director or his designee, in their sole discretion. Temporary vehicles will require a new AVI Tag.

D. If an AVI Transponder is damaged or destroyed, a new AVI Transponder will be issued at no cost only when the remains of the purchased Transponder are turned into Airport Administration. Should AVI Transponders become inoperable for any reason, it is the responsibility of the Commercial Operator to exchange it for a new AVI Transponder. Vehicles not displaying an AVI Transponder due to its damage or destruction will be assessed a Penalty Access Fee.

E. All required information and fees due must be received by Airport Administration prior to the issuance of AVI Transponders.

F. AVI Transponders may be purchased by appointment in the Airport Administrative Offices on Monday through Friday, 8:00 a.m.-5:00 p.m. excluding Eagle County holidays.

G. All Commercial Operators shall pay the fees set forth in Exhibit C, "Ground Transportation Access Fees," attached hereto and incorporated herein by reference. All fees shall be paid within thirty (30) days of any invoice date. Any payment made later than thirty days after an invoice date shall be assessed interest until paid. The interest shall accrue at a rate of five (5) percent per month.

H. In any action or proceeding to collect fees, penalties and interest due under these

Rules and Regulations, Eagle County or ECAT shall be entitled to recover from the other party all costs, expenses and attorney fees associated with such collection.

I. Jurisdiction and venue for any suit, right or cause of action arising under or in connection with these Rules and Regulations shall be exclusively in the District or County Court of Eagle County, Colorado.

J. Should any Commercial Operator fail to timely pay all fees, penalties and expenses as required by these Rules and Regulations, such Commercial Operator may be denied access to the Airport until payment in full is made, including any late fees and interest.

K. Payments made by a Commercial Operator shall first be applied to any penalties, late fees and interest.

Section Fourteen **SUSPENSION AND REVOCATION**

14.0 All Commercial Operators must comply with the directives of Ground Transportation Employees and Airport staff and with these Rules and Regulations. The Aviation Director shall have the power to suspend the operating privilege of any Commercial Operator for non-compliance with any lawful directive of Ground Transportation Employees and Airport staff, a violation of these Ground Transportation Rules and Regulations, behavior that disrupts the effective operation of the Airport Terminal, or any behavior that the Aviation Director determines creates a danger to the Airport personnel or the traveling public. The Aviation Director shall have the power to revoke the operating privileges of any Commercial Operator or its driver, employee or Company Representative for repeated non-compliance with these Ground Transportation Rules and Regulations and directives or where the Commercial Operator or its Company Representative is deemed a danger to the health, safety, and welfare of any Airport user, the public or employees.

14.1 Notices of Violation – Suspension

A. Any failure to comply with the lawful directive of Ground Transportation Employees or Airport staff or any violation of these Rules and Regulations by a driver, employee or Company Representative shall result in the issuance of a Notice of Violation to the Commercial Operator. A Notice of Violation will be issued by the Aviation Director or his designee. A copy of the Notice of Violation may be delivered by hand delivery, email, ground shipping methods, or forwarded via certified mail to the Commercial Operator, but in all cases, a copy of the Notice of Violation will be forwarded to the registered owner of the ground transportation company, and recorded against the Commercial Operator. A Notice of Violation shall be deemed delivered on the date of hand delivery to a Company Representative; on the date a FAX or email is transmitted and confirmed received or, if transmitted after normal business hours, on the next business day after transmission, provided that a paper copy is mailed the same date; three days after the date of deposit, first class postage prepaid, in an official depository of the U.S. Postal Service; or one day after delivered via electronic mail.

B. A Commercial Operator issued one (1) Notice of Violation during a Ground Transportation Year will not be immediately suspended, unless the Aviation Director, or his designee, determines that the Commercial Operator's behavior was willful and/or deliberate and a disruption to Airport staff or the traveling public.

C. Upon issuance of a second Notice of Violation during one Ground Transportation Year, a Commercial Operator's operating privileges in the Airport Terminal shall be suspended for a period of seven (7) days, or until such suspension is earlier reduced or removed. The Aviation Director, or his designee, shall give the Commercial Operator five (5) days prior written notice of the effective date for the suspension of said privileges. Nonetheless, a Commercial Operator receiving two (2) Notices of Violation during a Ground Transportation Year must meet with the Aviation Director no later than seven (7) days after issuance of the Notice of Violation to discuss the repeated violations. At the meeting, the Commercial Operator may demonstrate to the Aviation Director or his designee that such operator or person has remedied or is making a good faith attempt to remedy its failure to satisfy the requirements of these Rules and Regulations. If the Commercial Operator or Company Representative whose operating privileges are or may become suspended demonstrates that it is making a good faith effort to remedy its failure to satisfy the requirements, the Aviation Director, or his designee may, in his or her sole discretion, remove or reduce the suspension. Any decision of the Aviation Director or his designee concerning suspension of Airport privileges pursuant to this Section shall be considered final agency action.

D. Failure to comply with the terms of the suspension shall be cause for issuance of an additional Notice of Violation and the revocation of operating privileges for a period of one (1) calendar year.

E. Notwithstanding any other provision herein, the Aviation Director may summarily suspend, without prior notice, the operating privileges of a specific driver or Commercial Operator on the Airport and/or Airport Terminal if the Aviation Director has reasonable grounds to believe and finds that the public health, safety or welfare requires such emergency suspension.

14.2 **Revocation**

A. The operating privileges of a Commercial Operator receiving three (3) written Notices of Violation during a Ground Transportation Year shall be revoked for a period of one (1) calendar year. Commercial Operators whose operating privileges have been revoked shall be denied access to the Airport Terminal.

B. Where revocation of operating privileges results from a Commercial Operator incurring three (3) Notices of Violation within a Ground Transportation Year, or by failure to comply with terms of suspension, the Aviation Director shall give the Commercial Operator five (5) days prior written notice of the decision to revoke said privileges.

C. A Commercial Operator whose privileges have been revoked may apply for renewed privileges after a twelve (12) month period has elapsed following the date of revocation, during which time, said revocation was adhered to. The Aviation Director, in his discretion, may

allow an earlier re-application following revocation where justified by equitable considerations.

D. A Commercial Operator, driver, employee or Company Representative's failure to comply with the terms of revocation shall be issued an additional Notice of Violation, which will result in an added suspension and/or revocation for an additional period of time, which time will be added to the current term of revocation.

E. Notwithstanding the notice provisions hereof, the Aviation Director may revoke without notice the operating privileges of any person or entity if, that person or entity is deemed to endanger the health, safety, and welfare of any Airport user, the public, or employees.

F. Any Commercial Operator or Company Representative whose operating privileges are or may become revoked for other than a deliberate or willful violation of such requirements may request a meeting with the Aviation Director so as to demonstrate to the Aviation Director or his representative, at any time prior to such revocation or after such revocation has been imposed, that such operator or person has remedied or is making a good faith attempt to remedy its failure to satisfy the requirements of these ground transportation regulations granted to such Commercial Operator.

G. If the Commercial Operator or Company Representative whose operating privileges are or may become revoked demonstrates that it is making a good faith effort to remedy its failure to satisfy the requirements, the Aviation Director or his representative may, in his or her sole discretion, reverse the revocation if such revocation has been imposed, or abandon the procedure if such revocation has not yet been imposed.

H. Hearing Procedure: Any Commercial Operator whose operating privileges inside the Airport Terminal have been revoked shall have the right to a hearing provided by the Eagle County Manager, or his designee, except where the basis of the violation has been proved in a court of law or before another local, state or federal regulatory or governmental agency. Such a hearing must be requested within five (5) days of receipt of the notice of revocation. The Eagle County Manager shall have the authority to waive the time requirements set forth herein upon good cause shown. The Eagle County Manager's decision following said hearing shall be deemed final agency action. All revocation periods will be held in abeyance pending any hearing or appeal.

Section Fifteen
MISCELLANEOUS

15.0 If any provision of these Rules and Regulations is held by a court to be invalid, the validity of other rules and regulations herein shall remain in full force and effect.

The remedies and enforcement tools set forth in these Rules and Regulations shall be cumulative.

<<<<<SIGNATURE PAGE TO FOLLOW>>>>>

Dated: 3.11.14

EAGLE COUNTY, STATE OF COLORADO
BY AND THROUGH ITS BOARD OF
COUNTY COMMISSIONERS

By: [Signature]
Jillian H. Ryan, Chairman

Attest:

[Signature]



Teak J. Simonton,
Clerk of the Board of County
Commissioners

by: [Signature] . duplicate

Dated: 3.11.14

EAGLE COUNTY AIR TERMINAL
CORPORATION

By: [Signature]
Jillian H. Ryan, President

Attest:

[Signature]
Keith Montag, Secretary

EXHIBIT A

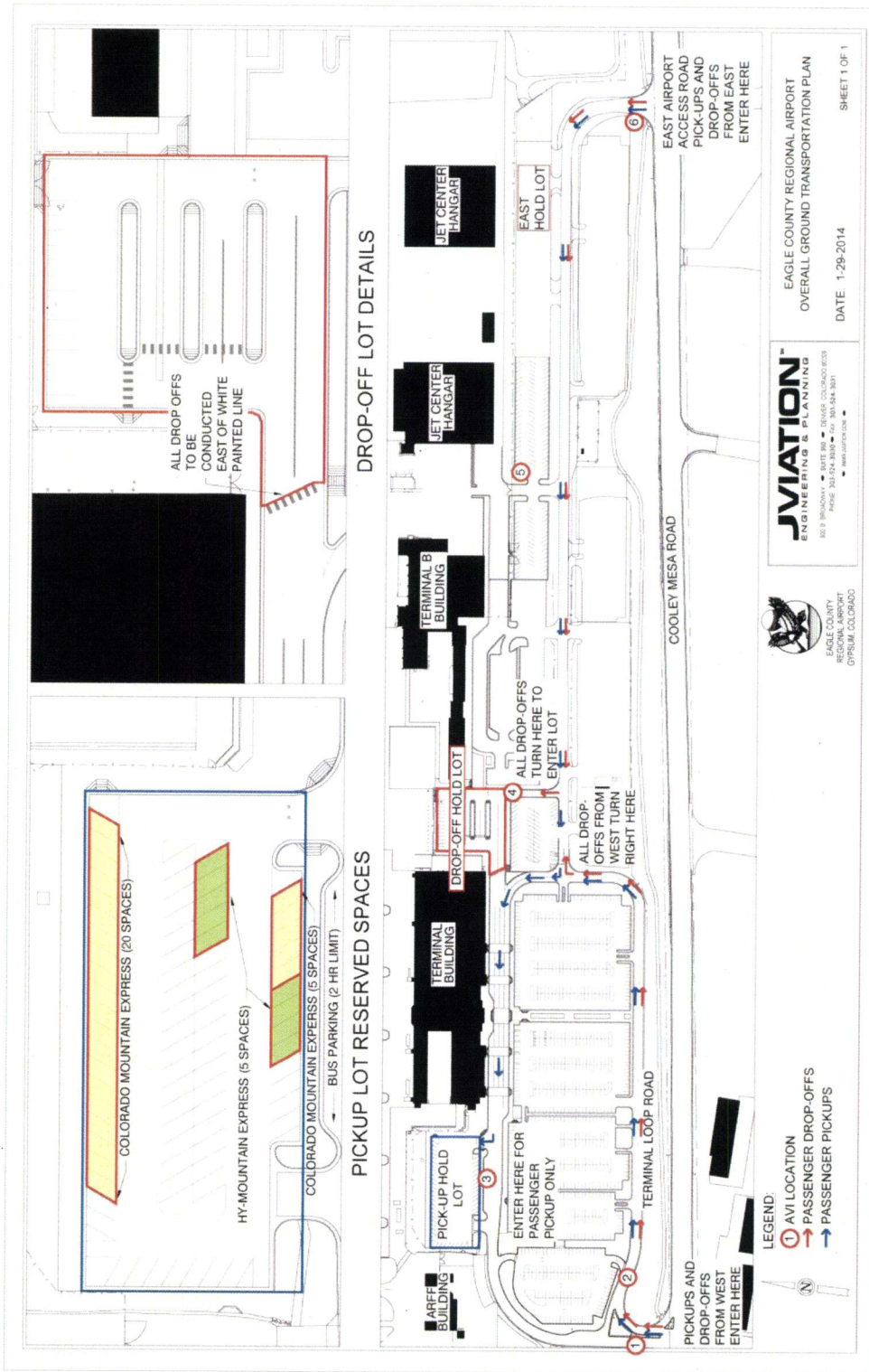


EXHIBIT B

Exhibit B
Passenger Meeting Area

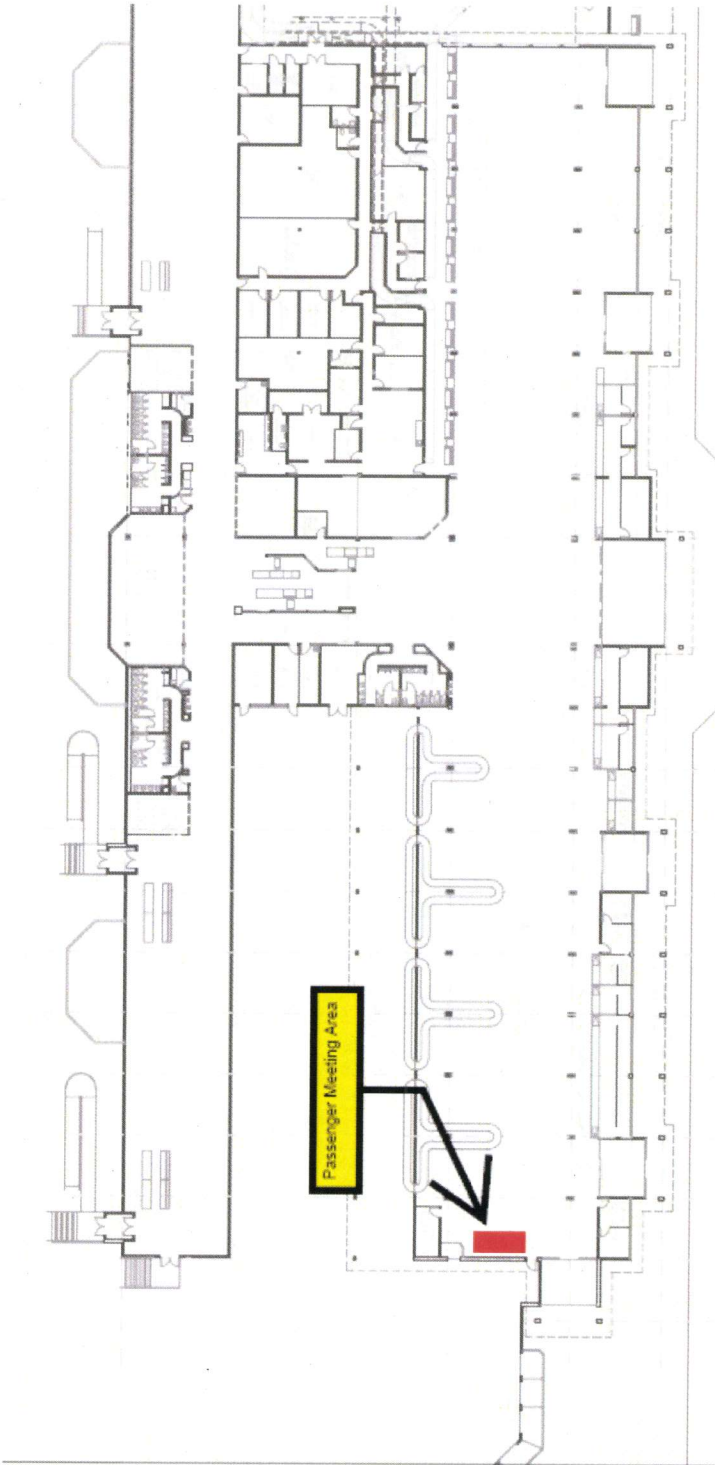


EXHIBIT C
GROUND TRANSPORTATION ACCESS FEES:

1. Penalty Access Fees: Any Commercial Operator providing transportation to and/or from the Eagle County Regional Airport whose employee, Company Representative or an independent contractor acting on its behalf, fails to display an AVI Transponder in its vehicle will be assessed a Penalty Access Fee. Payment of Penalty Access Fees may be credited toward the purchase of an AVI Transponder.

Penalty Access Fees are as follows:

<u>Vehicle</u>	<u>Seating Capacity</u>	<u>Penalty Access Fee</u>
Large	33 or more	\$225.00
Medium	16 to 32	\$175.00
Small	15 or less	\$100.00
Courier		\$175.00

2. AVI Transponder Fee: A Transponder may be purchased for \$30.00 from the Eagle County Regional Airport. Each vehicle will have its own registered Transponder. If an AVI Transponder is damaged or destroyed, a new AVI Transponder will be issued at no cost only when the remains of the purchased Transponder are turned into Airport Administration.

3. Annual Vehicle Registration Fee: Prior to operating in a new Ground Transportation Year each Commercial Operator vehicle that accesses the Airport must be registered with the Aviation Director. The registration fee is \$25.00 per vehicle.

4. Per Trip Fee: Commercial vehicles accessing the Airport will be charged \$1.00 per available seat through April 30, 2014 ("Per Trip Fee"). Effective May 1, 2014, the Per Trip Fee shall be increased to \$1.50 per available seat. Available seats of each vehicle will be determined by Airport personnel. Charges will be levied for any and all Airport access by commercial vehicles.

A. The Per Trip Fee will be determined by the Eagle County Board of Commissioners and will be charged to all ground transportation/Commercial Operators regardless of whether or not they have a Concession Agreement with ECAT. However, those companies with Concession Agreements with ECAT for ground transportation counter space at the Airport Terminal and paying a privilege fee will receive a credit from the County on their Per-trip Fee invoice in an amount equal to the amount of the monthly privilege fee actually paid to ECAT. This credit may only be used against the Per-trip Fee for a given month. The credit will shall not carry over to previous or future months.

B. In the event a vehicle exits the Airport and returns to the Airport in less than sixty (60) minutes such second trip only shall not be subject to a Per Trip Fee.

C. Commercial Operators will not be assessed a Per Trip Fee when a commercial vehicle enters the Airport at the east Airport access road entry, see Exhibit A, (AVI location #6), parks in the East Hold Lot, and exits directly from the East Holding Lot out the east Airport access road exit (AVI location #6), without advancing further west than the East Holding Lot. Advancing further west, beyond the East Hold Lot will result in a Per Trip Fee assessment for that Airport visit.

5. Hotel and Motel Operator Annual Complimentary Service Vehicle Permit: Effective November 1, 2014 Hotel and Motel Operators offering complimentary ground transportation to their guests to or from the Airport are required to register their vehicles under an Annual Complimentary Service Vehicle Permit. This permit is required for each vehicle that provides such service to or from the Airport. The current Annual Complimentary Service Vehicle Permit fee is \$150.00 per vehicle, per Ground Transportation Year. Vehicles operating under an Annual Complimentary Service Vehicle Permit are required to have a valid AVI Transponder properly affixed to each vehicle. Annual Complimentary Service Vehicle Permit fees are in addition to AVI Transponder purchase costs.

Hotel and Motel Operators offering ground transportation to their guests to or from the Airport for a fee are not eligible for the Hotel and Motel Operator Annual Complimentary Service Vehicle Permits in vehicles where fee based transport is conducted. For-fee trips to or from the Airport are prohibited in vehicles registered with Annual Complimentary Service Vehicle Permits.

6. Dwell Time is not presently charged to Commercial Operators. The County reserves the right to add dwell time fees in its sole discretion.