

# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **April 8, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

On March 28, 2020, a DRAFT City Council Agenda for April 8, 2020 was provided for your review. This memo outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red.

## **Additions:**

21. 20-573 Authorize settlement of the lawsuit styled Caleb Jolley v. The City of Dallas, Cause No. DC-19-05978 - Not to exceed \$60,000.00 - Financing: Risk Management Funds
22. 20-294 Consideration of **(1)** qualifications and appointment of Christopher J. Caso to the position of city attorney; **(2)** adopting a resolution appointing Christopher J. Caso as city attorney; **(3)** approving the terms of the Agreement of Appointment; and **(4)** authorizing the city manager to execute the Agreement of Appointment of the City Attorney
23. 20-689 Authorize a resolution **(1)** supporting the Regional Transportation Council's (RTC) March 12, 2020 "Resolution on the Texas Transportation Commission's Proposed Updates to the 2020 Unified Transportation Program,"; and **(2)** authorizing the City of Dallas RTC members to provide comments on the proposed revisions to the 2020 Unified Transportation Program during the open comment period and at public meetings and public hearings on behalf of the City Council - Financing: No cost consideration to the City
24. 20-661 Authorize Supplemental Agreement No. 1 to increase the contract and to extend the term from March 23, 2020 to September 23, 2020 with Residence Inn Market Center in an estimated amount of \$355,000, from \$50,000 to \$405,000, Chatham Dallas DT, LLC dba Courtyard by Marriott in an estimated amount of \$350,500, from \$50,000 to \$400,500, and Vishwanath Hotels, LLC in an estimated amount of \$940,000, from \$50,000 to \$990,000, for lodging at hotels to support homeless and first responder sheltering operations in response to COVID-19 - Total estimated amount of \$1,645,500, from \$150,000 to \$1,795,500 - Financing: General Fund
25. 20-629 Authorize **(1)** a two-year master agreement for personal protective equipment in response to COVID-19 in an estimated amount of \$634,386.64; and **(2)** the emergency ratification in response to COVID-19 of \$567,169.76 for personal protective equipment with Safeware, Inc. through the U.S. Communities



# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Council Members

SUBJECT **S&P Global Ratings Revises Convention Center Bonds Outlook to Negative Amid COVID-19 Impact – RATING ACTION**

Today, S&P Global Ratings (S&P) affirmed the 'A' rating and revised the outlook to Negative from Stable on the Civic Center Convention Complex Revenue Refunding and Improvement Bonds (Convention Center bonds). The S&P rating outlook action on hospitality bonds was included in their review of, "bonds secured by hospitality taxes (including hotel occupancy taxes and sales taxes on prepared food and beverage sales)," amid the COVID-19 pandemic.

According to S&P, the rating outlook actions on the hospitality sector credits, "reflects our view that the affected credits face at least a one-in-three likelihood of a negative rating action over the intermediate term," continuing that, "while our priority lien criteria assumes a baseline level of revenue volatility, which we believe is moderate for most hotel taxes, we believe that the sudden economic stop will have an extreme negative impact on pledged revenue."

Referring to revenue declines per available room at hotels during the Great Recession and in 2009, S&P expects further decline presently, assuming that, "revenue per available room in the U.S. will decline 20% to 30% in 2020, but more severely in the second and third quarters." S&P previously affirmed the Convention Center bonds 'A' rating and revised the outlook to Stable on January 16, 2017, "removing the bonds from CreditWatch with negative implications, where they had been placed Dec. 13, 2016."

Attached is the rating action commentary provided by S&P today. If you have any questions or need further information, please do not hesitate to contact me.

M. Elizabeth Reich  
Chief Financial Officer

Attachment

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizar Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager  
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

April 3, 2020

FARMERS BRANCH (S&P Global Ratings) April 3, 2020--S&P Global Ratings revised the outlook to negative from stable and affirmed numerous long-term ratings and underlying ratings on bonds secured by priority-lien tax revenue pledges. The outlook revision and rating action are taken on bonds secured by hospitality taxes (including hotel occupancy taxes and sales taxes on prepared food and beverage sales). The negative outlook reflects our view that the affected credits face at least a one-in-three likelihood of a negative rating action over the intermediate term (generally up to two years).

As the COVID-19 pandemic persists and the social risk from the spread of the virus grows, the implications on the leisure and hospitality sector have been acute and dramatic. Restrictions on travel and consumer activity--driven by social distancing and stay-at-home orders intended to flatten the curve and slow the viral infection rate--have led to hotel booking cancellations and deferrals, convention and conference cancellations, and the widespread closure of bars and restaurants. Although the closure decisions are prudent, in our opinion, the health and safety aspect of this action in the near term will materially affect coverage, financial results, and liquidity, which we believe might deteriorate further as a result of the onset of a global recession, and is reflective of our analysis of environmental, social, and governance risks. While the precise impact on bonds secured by hotel occupancy taxes and by sales taxes on prepared food and beverages is unknown, we believe that the decline in pledged revenue will be precipitous and likely last well into the second quarter.

With almost 200 million Americans either under shelter-in-place orders or being urged to stay at home in a concerted effort to contain the spread of COVID-19, we believe that the longest economic expansion in U.S. history has come to an abrupt end. (See "It's Game Over For The Record U.S. Run; The Timing Of A Restart Remains Uncertain," published March 27, 2020 on RatingsDirect.) S&P Global Economics now forecasts a global slowdown in GDP growth, with a base case assumption of a 1.3% decline in U.S. GDP in 2020 and annualized declines of 2.1% in the first quarter and 12.7% in the second quarter. We also believe that there is a high risk to credit if the coronavirus outbreak widens substantially in the U.S., with the impact being a protracted and more prolonged period of coronavirus-containment measures that further amplify the current U.S. economic recession.

While our priority lien criteria assumes a baseline level of revenue volatility, which we believe is moderate for most hotel taxes, we believe that the sudden economic stop will have an extreme negative impact on pledged revenue. Revenue per available room at hotels declined for 19 consecutive months during the Great Recession, and by 17% in 2009. S&P Global Ratings assumes that revenue per available room in the U.S. will decline 20% to 30% in 2020, but more severely in the second and third quarters. We also expect restaurant sales to decline

**PRIMARY CREDIT ANALYST**

**Joshua Travis**  
Farmers Branch  
972-367-3340  
joshua.travis  
@spglobal.com

**SECONDARY CONTACT**

**Tim Tung**  
San Francisco  
+ 1 (415) 371 5041  
tim.tung  
@spglobal.com

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

substantially, particularly for casual diners, as more people eat at home and are commuting less or not at all, and as the economic slowdown reduces propensity to spend for food away from home. (See "Various Ratings Actions Taken On 34 Companies In The Lodging And Leisure Sector" and "Coronavirus Dramatically Increases Risk For Already Stressed Retail And Restaurant Sectors," published March 20, 2020.)

In cases where taxes pledged are in combination with other more stable revenue streams, we have not included those bonds in this rating action because we believe the other revenue streams, such as personal income taxes and broad-based sales taxes, will attenuate the impact. In our view, any potential rating actions will likely result from the magnitude of declines in pledged revenue (be it hotel taxes, food and beverage taxes, or other hospitality tax revenue) stemming from the abrupt and sharp decline in economic activity related to COVID-19 and the ensuing recession. We will also consider the access to, and need for, any additional liquidity to ensure timely payment on rated debt as well as the depth and breadth of the recovery, whenever it may occur, as part of potential rating actions.

### Ratings List

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Anchorage Municipality	\$88.815 mil. revenue refunding bonds (Anchorage Municipality) series 2015 due Sept. 1, 2038	AK	A+
Citizenship Trust	\$15.265 mil. revenue refunding bonds (The Alabama Veteran Living Legacy Proj) series 2019 due Dec. 1, 2042	AL	A-
Citizenship Trust	\$80,000 taxable revenue bonds (Citizenship Trust) (The Alabama Veterans Living Legacy Proj) series 2017-B due Dec. 1, 2020	AL	A-
Citizenship Trust	\$2.38 mil. revenue bonds (Citizenship Trust) (The Alabama Veterans Living Legacy Project, series 2017-a) series 2017-A	AL	A-
Conway	\$9.11 mil. restaurant gross receipts tax refunding bonds series 2017 due Dec. 1, 2028	AR	A
Fayetteville	\$10.98 mil. hotel, motel, and restaurant gross receipts tax and tourism revenue series 2014 dated Nov. 1, 2014 due Nov. 1, 2015-2025, 2029, 2034, and 2039	AR	A+
Little Rock	\$32.57 mil. hotel gross receipts tax bonds series 2018 dated Dec. 13, 2018 due April 1, 2019-2037, 2040, 2044, and 2048	AR	A-
Anaheim	\$47.255 mil. senior (taxable) lease revenue refunding bonds (Anaheim) (Anaheim Public Improvement Project) series 2007B dated June 13, 2007 due Sept. 1, 2017 and 2020	CA	A
Anaheim	\$169.065 mil. senior lease revenue refunding bonds (Anaheim Public Imp) series 2019A dated April 30, 2019 due Sept. 1, 2019-2036	CA	A
San Francisco City and County Redevelopment Agency	\$43.78 mil. hotel tax revenue refunding bonds series 2011 dated March 17, 2011 due June 1, 2012-2021 and 2024-2025	CA	AA
San Jose	\$106.21 mil. special hotel tax revenue bonds (Convention Center Expansion and Renovation Project) series 2011 dated April 12, 2011 due May 1, 2014-2024, 2026, 2031, 2036, and 2042	CA	A+
Denver City and County	\$144.08 mil. dedicated tax revenue refunding and improvement bonds series 2016B due Aug. 1, 2032	CO	AA-
Denver City and County	\$88.515 mil. capital appreciation bonds series 2018A-2 dated Aug. 30, 2018 due Aug. 1, 2029-2048	CO	AA-

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

### Ratings List (cont.)

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Denver City and County	\$60 mil. dedicated tax revenue bonds taxable series 2018B dated Aug. 30, 2018 due Aug. 1, 2019-2020 and 2022-2029	CO	AA-
Denver City and County	\$151.485 mil. dedicated tax revenue bonds series 2018A-1 dated Aug. 30, 2018 due Aug. 1, 2041 and 2048	CO	AA-
Denver City and County	\$233.29 mil. dedicated tax revenue refunding and improvement bonds series 2016A due Aug. 1, 2046	CO	AA-
Glendale	\$15.33 mil. excise tax revenue refunding bonds series 2015 due Dec. 1, 2016-2028	CO	AA
Glendale	\$18.065 mil. Taxable Excise Tax revenue bonds series 2008B dated March 6, 2008 due Dec. 1, 2008-2021, 2023, and 2028	CO	AA
Broward County	\$176.765 mil. professional sports facilities tax/revenue refunding bonds (tax-exempt/taxable) (Civic Arena Project ) series 2006A and 2006B dated July 26, 2006 due Sept. 1, 2007-2026 and 2028	FL	AA-
Broward County	\$85 mil. professional sports facility tax and revenue refunding bonds (Broward County Civic Arena Project) series 2016 due Sept. 1, 2028	FL	AA-
Hillsborough County	\$12.875 mil. Fourth-cent tourist development tax refunding revenue bonds (tax-exempt) series 2017A dated Feb. 16, 2017 due Oct. 1, 2017-2035	FL	AA-
Hillsborough County	\$22.02 mil. fourth cent tourist development tax revenue bonds (Taxable) series 2017B dated Feb. 16, 2017 due Oct. 1, 2017-2032, 2037, and 2046	FL	AA-
Hillsborough County	\$39.075 mil. Fifth-cent tourist development tax refunding revenue bonds series 2016 due Oct. 1, 2017-2039, 2041, and 2046	FL	AA
Miami Beach	\$197.42 mil. resort tax revenue bonds series 2015	FL	AA-
Miami Dade County	\$178.675 mil. subordinate special obligation refunding bonds (Convention Development Tax) series 2012A dated Nov. 8, 2012 due Oct. 1, 2014-2015 and 2021-2030	FL	A+
Miami Dade County	\$184.312 mil. subordinate special obligation bonds series 2005A and 2005B capital appreciation bonds dated June 16, 2005 due Oct. 1, 2013-2015, 2018-2025, and 2030-2040	FL	A+
Miami Dade County	\$199 mil. subordinate special obligation capital appreciation bonds (current interest and capital appreciation bonds) series 2009 dated July 14, 2009 due Oct. 1, 2025-2047	FL	A+
Miami Dade County	\$350 mil. subordinate special obligation refunding bonds series 2016 dated Aug. 10, 2016 due Sept. 30, 2018-2040	FL	A+
Miami Dade County	\$309.3 mil. subordinate special obligation refunding bonds (Convention Development Tax) series 2012B dated Nov. 8, 2012 due Oct. 1, 2030-2032, 2035, and 2037	FL	A+
Orange County	\$198.04 mil. tourist development tax refunding revenue bonds series 2016B due Oct. 1, 2036	FL	AA-
Orange County	\$63.025 mil. tourist development tax refunding revenue bonds series 2016 dated July 14, 2016 due Oct. 1, 2023-2024 and 2031-2032	FL	AA-
Orange County	\$84.165 mil. tourist development tax revenue bonds series 2016A due Oct. 1, 2036	FL	AA-
Orange County	\$151.96 mil. tourist development tax refunding revenue bonds series 2010 dated 09/28/2010 due Oct. 1, 2019-2024	FL	AA-

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

### Ratings List (cont.)

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Orange County	\$159.415 mil. tourist development tax refunding revenue bonds series 2015	FL	AA-
Orange County	\$203.17 mil. tourist development tax refunding revenue bonds series 2017 dated July 6, 2017 due Oct. 1, 2030	FL	AA-
Orlando	\$196.59 mil. senior tourist development tax refunding revenue bonds (Sixth-Cent Contract Payments) series 2017A dated Aug. 31, 2017 due Nov. 1, 2018-2038	FL	A
Orlando	\$87.27 mil. tourist development tax revenue bonds (sixth-cent contract payments) (third lien) series 2008C dated March 13, 2008 due Nov. 1, 2038	FL	AA
Atlanta	\$40.435 mil. revenue bnds, second lien (Atlanta) (New Downtown Atlanta Stadium Project) series 2015B due July 1, 2044	GA	A
Atlanta	\$17.345 mil. revenue bnds, taxable (Atlanta) (New Downtown Atlanta Stadium Proj) series 2015A-2 due July 1, 2021	GA	A+
Atlanta	\$169.68 mil. revenue bonds (Atlanta) (New Downtown Atlanta Stadium Proj) series 2015A-1 due July 1, 2044	GA	A+
Cobb-Marietta Coliseum and Exhibit Hall Authority	\$15.375 mil. revenue refunding bonds series 2005 dated Feb. 1, 2005 due Oct. 1, 2006-2016, 2019, and 2026	GA	AA-
Greater Boise Auditorium District	\$21.365 mil. lease revenue bonds (Greater Boise Audit Dist) (Centre Bldg Proj) series 2016 due Dec. 15, 2036	ID	A+
South Bend	\$3.99 mil. lease rental revenue refunding bonds (Century Center Project) series 2013 dated Dec. 5, 2013 due May 1, 2014-2026	IN	A
Overland Park	\$89.995 mil. improvement and refunding revenue bonds (Overland Park) (Overland Park Convention Center Hotel) series 2019 due March 1, 2049	KS	BBB
Wyandotte County/Kansas City Unified Government	\$10.72 mil. revenue refunding bonds (Kansas International Speedway Corp. Project) series 2014 due Dec. 1, 2027	KS	A
Louisville and Jefferson County Visitors and Convention Commission	\$138.1 mil. dedicated tax revenue bonds (Kentucky International Convention Center Expansion Project) series 2016 due June 1, 2046	KY	A+
Warren County	\$9.655 mil. hotel tax revenue bonds (Southern Kentucky Performing Arts Center project) series 2010 dated Feb. 1, 2010 due July 1, 2011, 2018, 2024, 2029, 2034, and 2040	KY	BBB+
Ragin' Cajun Facilities Corp.	\$17.05 mil. revenue bonds series 2015	LA	A+
St. Cloud	\$3.36 mil. sales tax revenue refunding bonds (tax exempt and taxable) (Paramount Theater Project) series A and B due March 1, 2009-2022	MN	AA
Branson	\$7.54 mil. tourism tax revenue bonds (Combined Waterworks and Sewage System Improvement Project) series 2010B dated March 1, 2010 due Jan. 1, 2012-2013, 2016-2017, and 2019-2022	MO	A
Dickinson	\$16.405 mil. sales and hospitality tax revenue bonds series 2013A dated Sept. 30, 2013 due Oct. 1, 2014-2025	ND	AA
Reno	\$8.72 mil. senior taxable lien room tax revenue refunding bonds (ReTRAC-Reno Transp Rail Access Corridor Project) series 2006 dated May 3, 2006 due June 1, 2036	NV	BBB+
Reno	\$5.245 mil. taxable capital improvement revenue refunding bonds series 2019A-2 dated Feb. 16, 2019 due June 1, 2024	NV	A

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

### Ratings List (cont.)

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Reno	\$9.192 mil. taxable capital improvement revenue bonds series 2005C due June 1, 2033-2037	NV	A
Reno	\$79.92 mil. general obligation capital improvement refunding revenue bonds series 2019A-1 (tax-exempt) dated Feb. 16, 2019 due June 1, 2025-2032, 2037-2039, 2043, and 2046	NV	A
Cincinnati and Hamilton County Convention Facilities Authority	\$70 mil. convention facilities authority revenue refunding and improvement bonds (Cincinnati and Hamilton County Convention Facilities Authority) series 2014 due Dec. 1, 2015-2033	OH	A
Oklahoma City	\$14.4 mil. hotel tax revenue refunding bonds (Oklahoma City) (Oklahoma City Fairgrounds) series 2018 dated Oct. 4, 2018 due Oct. 1, 2019-2033	OK	AA-
Oklahoma City Public Property Authority	\$10 mil. hotel tax revenue bonds (Oklahoma City Fairgrounds) series 2011 due Oct. 1, 2036	OK	AA-
Oklahoma City Public Property Authority	\$58.305 mil. hotel tax revenue refunding and improvement bonds series 2015	OK	AA-
Oklahoma City Public Property Authority	\$45.085 mil. hotel tax revenue refunding bonds series 2007B dated Dec. 5, 2007 due Oct. 1, 2008-2029	OK	AA-
Pittsburgh and Allegheny Sports and Exhibition Authority	\$44.16 mil. hotel room excise tax revenue bonds refunding series 2012 dated June 13, 2012 due Feb. 1, 2013-2029	PA	A+
Pittsburgh and Allegheny Sports and Exhibition Authority	\$146.465 mil. hotel room excise tax revenue bonds series 2010 dated Oct. 13, 2010 due Feb. 1, 2011-2024, 2030, and 2035	PA	A+
Columbia	\$29.445 mil. special obligation bonds (Hospitality Fee Pledge) series 2014 due Feb. 1, 2044	SC	AA
Greenville County	\$14.8 mil. hospitality tax certificates of participation series 2010 dated Aug. 6, 2010 due April 1, 2011-2030	SC	A+
Greenville County	\$8.635 mil. hospitality tax refunding certificates of participation (Greenville County) series 2016 dated Nov. 9, 2016 due April 1, 2017-2030	SC	A+
Greenville County	\$24.815 mil. hospitality tax refunding certificates of participation series 2014 due April 1, 2028	SC	A+
Richland County	\$15.045 mil. hospitality tax revenue refunding bonds series 2013A dated April 15, 2013 due April 1, 2014-2024 and 2026	SC	AA-
Rock Hill	\$15.16 mil. limited obligation bonds series 2013 dated May 10, 2013 due April 1, 2014-2025 2033	SC	A+
Spartanburg	\$13.86 mil. special obligation bonds (Hospitality Fee Pledge) taxable series 2019 dated Sept. 26, 2019 due April 1, 2020-2035 2037 2039	SC	A
Spartanburg County	\$10.695 mil. refunding certificates of participation (Spartanburg County) (hospitality tax pledge not subject to annual appropriation) series 2016 due April 1, 2020-2030	SC	A+
Spartanburg County	\$19.275 mil. hospitality tax certificates of participation (Spartanburg County) series 2009 dated Oct. 20, 2009 due April 1, 2011-2030	SC	A+
Nashville and Davidson County Metropolitan Government	\$185.82 mil. tourism tax revenue bonds, federally taxable (Build America Bonds - Direct Payment) series 2010A-2 dated March 1, 2010 due July 1, 2043	TN	A+
Nashville and Davidson County Metropolitan Government	\$15.485 mil. tourism tax revenue bonds series 2010A-1 dated April 21, 2010 due July 1, 2015-2026	TN	A+

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

### Ratings List (cont.)

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Amarillo	\$38.835 mil. hotel occupancy tax revenue (taxable) bonds series 2018 dated Feb. 15, 2018 due Aug. 15, 2021-2033, 2038, and 2048	TX	A+
Amarillo	\$11.9995 mil. hotel occupancy tax revenue bonds series 2016 due Aug. 15, 2019-2026, 2030, 2034, 2038, and 2043	TX	A+
Aransas County	\$2.77 mil. tax-exempt venue project revenue bonds (Combined Venue Tax) series 2011 dated 09/15/2011 due Feb. 15, 2029	TX	BBB+
Austin	\$59.645 mil. hotel occupancy tax subordinate-lien variable-rate revenue refunding bonds series 2008A dated Aug. 14, 2008 rmkt'd dated July 27, 2011 due Nov. 15, 2029	TX	AA
Austin	\$20.185 mil. hotel occupancy tax subordinate-lien revenue refunding bonds series 2012 dated March 1, 2012 due Nov. 15, 2012-2029	TX	AA
Austin	\$59.645 mil. hotel occupancy tax subordinate-lien variable-rate revenue refunding bonds series 2008B dated Aug. 14, 2008 due Nov. 15, 2029	TX	AA
Bexar County	\$5.525 mil. tax-exempt venue project revenue bonds (Combined Venue Tax) series 2008C dated Aug. 15, 2008 due Aug. 15, 2010-2023, 2028, and 2037	TX	A+
Bexar County	\$50.810 mil. taxable venue project revenue refunding bonds (Combined Venue Tax and License Revenue) series 2008B dated Aug. 15, 2008 due Aug. 15, 2009-2013, 2018, 2023, and 2032	TX	A+
Bexar County	\$87.945 mil. tax-exempt venue project revenue refunding bonds (combined venue tax) series 2019 dated July 1, 2019 due Aug. 15, 2020-2039, 2044, and 2049	TX	A+
Bexar County	\$78.935 mil. tax-exempt venue project revenue refunding bonds (combined venue tax) series 2015 dated Nov. 1, 2015 due Aug. 15, 2016-2035, 2041, and 2051	TX	A+
Bexar County	\$101.23 mil. tax-exempt venue project revenue refunding bonds (Combined Venue Tax) series 2013 dated Dec. 15, 2012 due Aug. 15, 2014-2033, 2039, 2042, 2045, and 2049	TX	A+
Cameron County	\$10.0 mil. venue tax revenue bonds series 2017 taxable dated Oct. 15, 2017 due Aug. 15, 2018-2027, Aug. 1, 2028-2037, and Aug. 15, 2040, 2043, and 2047	TX	A+
Dallas	\$324.94 mil. revenue refunding and improvement bonds (Civic Center Convention Complex) series 2009 dated Feb. 1, 2009 due Aug. 15, 2010-2029, 2034, and 2038	TX	A
Houston	\$626.54 mil. conv and entertainment fac dept hotel occupancy tax and special revenue refunding bonds series 2001A,B,C dated April 1, 2001 due Sept. 1, 2002-2020 and 2033	TX	A
Houston	\$129.835 mil. Hotel Occupancy Tax and Special Revenue and Refunding Bonds series 2015 dated March 25, 2015 due Sept. 1, 2044	TX	A
Houston	\$106.32 mil. hotel occupancy tax and special revenue and refunding bonds series 2019 dated April 1, 2019 due Sept. 1, 2019-2036	TX	A
Houston	\$85.195 mil. hotel occupancy tax and special revenue and refunding bonds (Convention And Entertainment Facilities Department) series 2014 dated Aug. 20, 2014	TX	A
Houston	\$121.225 mil. hotel occupancy tax and special revenue refunding bonds series 2011A dated Aug. 2, 2011 due Sept. 1, 2033	TX	A

## Hospitality Sector Rating Outlook Revised To Negative Amid COVID-19 Impact

### Ratings List (cont.)

All ratings in this list have a negative outlook.

Credit	Issues	State	Rating
Irving	\$35.645 mil. hotel occupancy tax revenue refunding bonds series 2019 due Aug. 15, 2043	TX	BBB+
Irving	\$24.660 mil. hotel occupancy revenue refunding bonds, taxable series 2014A dated Feb. 20, 2014 due Aug. 15, 2053	TX	BBB+
McLennan County	\$35.51 mil. venue project revenue and refunding bonds (combined venue tax) series 2018A dated July 1, 2018 due June 1, 2019-2037, 2040, 2043, 2048, and 2058	TX	A-
Round Rock	\$4.6 mil. hotel occupancy tax revenue refunding bonds series 2016 dated Aug. 15, 2016 due Dec. 1, 2024	TX	A+
Round Rock	\$7.715 mil. hotel occupancy tax revenue bonds series 2012 dated Jan. 15, 2012 due Dec. 1, 2013-2026, 2028-2033, and 2037	TX	A+
San Antonio Convention Center Hotel Finance Corp.	\$78.215 mil. revenue bonds (San Antonio Convention Center Hotel Finance Corp.) series 2005B due July 15, 2028	TX	A
San Antonio Convention Center Hotel Finance Corp.	\$129.93 mil. revenue bonds (San Antonio Convention Center Hotel Finance Corp.) series 2005A due July 15, 2039	TX	A
South Padre Island	\$9.085 mil. venue hotel occupancy tax revenue bonds series 2017 dated June 1, 2017 due Aug. 1, 2018-2025, 2027, 2029-2033, 2035, 2037, 2039, 2042, and 2047	TX	A
Utah County	\$27.315 mil. excise tax refunding bonds series 2020 dated Jan. 29, 2020 due Dec. 1, 2020-2039	UT	AA+
Utah County	\$19.6 mil. taxable excise tax revenue bonds (Recovery Zone Bonds) series 2010C due Dec. 1, 2039	UT	AA+
Utah County	\$3.8 mil. excise tax revenue bonds series 2013 due Dec. 1, 2032	UT	AA
Greater Richmond Convention Center Authority	\$113 mil. hotel tax revenue refunding bonds series 2015 due June 15, 2032	VA	AA-
Vancouver Downtown Redevelopment Authority	\$18.045 mil. sales and lodging tax refunding revenue bonds (Conference Center Project) series 2013 dated June 27, 2013 due Jan. 1, 2016-2018, 2021, 2023, 2028, and 2034	WA	A+

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at [www.standardandpoors.com](http://www.standardandpoors.com) for further information. Complete ratings information is available to subscribers of RatingsDirect at [www.capitaliq.com](http://www.capitaliq.com). All ratings affected by this rating action can be found on S&P Global Ratings' public website at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

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# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **M/WBE Participation for April 8, 2020 Council Agenda**

It is the mission of the Office of Business Diversity to ensure non-discriminatory practices and eliminate barriers while resourcing businesses to the next step in their business life cycle. The policy of the City of Dallas is to use certified Minority and Women-owned Business Enterprises (M/WBEs) to the greatest extent feasible on the City's construction, procurement, and professional services contracts. For your information, staff is providing you with the summary below of M/WBE participation for the voting items scheduled for the April 8, 2020 City Council Agenda. The total contract award amount, consisting of six agenda items, is \$9.7M. **M/WBE is applicable to three of the six agenda items. For these items, construction and architectural and engineering items total \$5.9M with an overall M/WBE participation of \$2.7M or 45.09%, while goods and services items were procured through a cooperative agreement and emergency service procurement, therefore did not have applicable M/WBE goals.**

As a reminder, the current M/WBE goals are:

Architecture & Engineering	Construction	Professional Services	Other Services	Goods
25.66%	25.00%	36.30%	23.80%	18.00%

## 2017 Bond Program – April 8<sup>th</sup> Council Agenda

The April 8, 2020 City Council Agenda did not have any items utilizing Bond Funds.

## 2017 Bond Program – Inception to Date

2017 Bond Program ITD consists of 207 items totaling \$353.2M with an overall M/WBE participation of \$153.5M or 43.47%.

## Highlighted Items:

### Land Bank Development

**Agenda Item No. 7** Authorizes **(1)** approval of the development plan as described in Exhibit A for the construction of eight affordable houses by Open Mindframe Ventures, LLC. (Developer); **(2)** the sale of eight vacant lots from the Dallas Housing Acquisition and Development Corporation (DHADC) to Developer; and **(3)** execution of a release of lien for any non-tax City liens that were filed on the eight vacant lots prior to the Sherriff's deeds transferring the lots to DHADC. The construction amount proposed for this development is \$1M. **This item includes participation from one M/WBE vendor, the General Contractor, resulting in \$298K participation or 30.00% M/WBE participation on a 25.00% goal.**

DATE April 3, 2020  
SUBJECT **M/WBE Participation for April 8, 2020 Council Agenda**

### **HOME Funds**

**Agenda Item No. 8** Authorizes a development loan with East Dallas Community Organization (Developer), a certified Community Housing Development Organization, in the amount of \$502,200.00 in HOME Investment Partnership Grant Funds for construction of five single family homes on land currently owned by the Developer in the Southeast Dallas neighborhood of Dolphin Heights. The construction amount proposed for this development is \$1M. **This item includes participation from one M/WBE vendor, the General Contractor, resulting in \$759K participation or 73.55% M/WBE participation on a 25.00% goal.**

### **Land Transfer Program**

**Agenda Item No. 9** Authorizes the (1) sale of up to 20 Land Transfer lots, for up to 20 single family homes, included in West Dallas Land Transfer cluster, to Builders of Hope Community Development Corporation (Developer), a certified Community Housing Development Organization (CHDO); (2) release of all non-tax City liens, notices, or orders that were filed on the 20 Land Transfer lots prior or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a loan agreement with Developer for construction of up to 20 single family homes. The construction amount proposed for this development is \$3.9M. **This item includes participation from seven M/WBE vendors, three of whom are currently pending certification, resulting in \$1.6M participation or 41.38% M/WBE participation on a 25.00% goal.**

Please feel free to contact me if you have any questions or should you require additional information.



Zarin D. Gracey  
Director  
Office of Business Diversity

- c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billierae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager
- Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager  
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Laila Aleqresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Fitch Ratings Affirmed 'AA' Rating and Stable Outlook for City of Dallas  
Outstanding General Obligation – INFORMATION**

I am pleased to report that today, Fitch Ratings (Fitch) affirmed the City's 'AA' credit rating and stable outlook for General Obligation debt. Amid the current economic downturn and ensuing conditions, Fitch states that the affirmed rating and outlook for the General Obligation debt reflects the City's continued, "strong revenue growth prospects, conservative budgeting practices, and solid reserve levels." Echoing the City's rating in April 2019, Fitch reiterates that the "reforms to both the city's civilian and public safety plans have had a positive effect on the city's long-term liability burden, and recent operating performance has been positive despite increased spending on both pensions and public safety salaries."

In the analysis, Fitch again assigns 'aaa' grades to two Key Rating Drivers, Revenue Framework and Operating Performance, citing "expectations for continued economic expansion," and noting that the City's "healthy reserves position it to maintain financial resilience through an economic downturn." While the report underlines the rating agency's expectation of the City's Fiscal Year 2020 budget to be "significantly affected by the current public health crisis," Fitch also states that the "city historically demonstrated positive budget-management practices, and the recent positive operating results, which included sharply higher pension contribution amounts, continued that trend and enabled the city to maintain a strong financial cushion."

According to Fitch, with "continued positive operating performance" and prudent "budget balancing measures" that will be needed through current global economic uncertainty, "the city's revenue growth prospects remain strong longer term," and "each of the city's revenue streams will likely rebound in a different way in the eventual recovery." The affirmed rating today reflects Dallas' position as a strong, strategic, and resilient City.

Please let me know if you need additional information.

M. Elizabeth Reich  
Chief Financial Officer

[Attachment]

c: T.C. Broadnax, City Manager  
Chris Caso, Interim City Attorney  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
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Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors



## RATING ACTION COMMENTARY

# Fitch Rates Dallas, TX \$276 Million GOs, COs 'AA'; Outlook Stable

Thu 02 Apr, 2020 - 4:36 PM ET

Fitch Ratings - Austin - 02 Apr 2020: Fitch Ratings has assigned an 'AA' rating to the following City of Dallas, TX obligations:

--\$233.2 Million General Obligation (GO) Refunding and Improvement Bonds, Series 2020;

--\$14.25 Million Combination Tax and Revenue Certificates of Obligation, Series 2020;

--\$29.0 Million Equipment Acquisition Contractual Obligations, Series 2020.

All three series of bonds are scheduled for a competitive sale on April 15. GO bond proceeds will finance infrastructure improvements and refund outstanding tax-supported debt; certificate proceeds will finance the construction of two new fire stations; contractual obligation proceeds will finance the acquisition of various departmental equipment.

Fitch has also affirmed the following ratings:

--Issuer Default Rating (IDR) at 'AA';

--\$1.6 billion of outstanding limited tax debt at 'AA'.

The Rating Outlook is Stable.

## **SECURITY**

The GOs, certificates and contractual obligations are payable from a limited ad valorem tax levied against all taxable property in the city. The certificates are further backed by a limited pledge of the city's drainage utility system, not to exceed \$1,000.

## **ANALYTICAL CONCLUSION**

The city's 'AA' IDR and long-term bond rating reflect strong revenue growth prospects, conservative budgeting practices and solid reserve levels. Reforms to both the city's civilian and public safety plans had a positive effect on the city's long-term liability burden, and recent operating performance has been positive despite increased spending on both pensions and public safety salaries. Budgeting pressure is likely to continue as the city attempts to build up police staffing and continues increasing pension contributions; these pressures will be exacerbated by the current economic downturn.

## **KEY RATING DRIVERS**

Revenue Framework: 'aaa'

Strong revenue growth prospects are based on expectations for continued economic expansion. The assessment also reflects the city's diminished, but still high, independent legal ability to increase ad valorem tax revenues as a result of recently approved state legislation effective in fiscal 2021.

Expenditure Framework: 'a'

The city's pace of spending is expected to be generally in line with revenue growth given its mature residential base. Increased pension contributions will keep carrying costs at an elevated level; a rapid debt-amortization rate also contributes to the elevated carrying costs.

## Long-Term Liability Burden: 'aa'

The long-term liability burden represents a moderate 12% of personal income. Recent pension reforms to both the civilian and uniform plans reduced the combined total liability by roughly 40%. These reforms, in conjunction with continued economic growth, are expected to keep the long-term liability burden within the current range.

## Operating Performance: 'aaa'

The city of Dallas' gap-closing capabilities and healthy reserves position it to maintain financial resilience through an economic downturn. Elevated debt and retiree benefit outlays will maintain a certain amount of pressure on the city's budget-management practices.

## **RATING SENSITIVITIES**

### Developments that May, Individually or Collectively, Lead to Positive Rating Action:

--Operational Strength: Continued positive operating performance and successful absorption of additional public safety-related spending.

--Greater Spending Flexibility: An improvement in Fitch's assessment of the city's expenditure flexibility, due to moderation in fixed-debt service and retiree benefit costs as a percentage of spending.

### Developments that May, Individually or Collectively, Lead to Negative Rating Action:

--Pension Funding: Failure to consistently fund annual pension contributions at the actuarially determined levels.

--Erosion of Reserves: A material decline in operating reserves that weakens the current financial-resilience assessment.

## **BEST/WORST CASE RATING SCENARIO**

### Best/Worst Case Rating Scenarios - Public Finance:

Ratings of Public Finance issuers have a best-case rating upgrade scenario (defined as the 99th percentile of rating transitions, measured in a positive direction) of three notches over a three-year rating horizon; and a worst-case rating downgrade scenario (defined as the 99th percentile of rating transitions, measured in a negative direction) of three notches over three years. The complete span of best- and worst-case scenario credit ratings for all rating categories ranges from 'AAA' to 'D'. Best- and worst-case scenario credit ratings are based on historical performance. For more information about the methodology used to determine sector-specific best- and worst-case scenario credit ratings

<https://www.fitchratings.com/site/re/10111579>.

## **CREDIT PROFILE**

### Sectorwide Coronavirus Implications

The recent outbreak of coronavirus and related government containment measures worldwide creates an uncertain global environment for U.S. state and local governments and related entities in the near term. As severe limitations on economic activity only began recently, most local governments' fiscal and economic data do not reflect any credit impairment. However, material changes in revenues and expenditures are occurring across the country and likely to worsen in the coming weeks and months as economic activity suffers and public health spending increases. Fitch's ratings are forward looking, and Fitch will monitor developments in state and local governments as a result of the virus outbreak as it relates to severity and duration, and incorporate revised expectations for future performance and assessment of key risks.

As is the case with other cities, Dallas is already experiencing effects from the spread of the coronavirus. Given federal travel restrictions and local officials' recently announced shelter-in-place requirements, tourism declined sharply; conventions, large meetings and sporting events were cancelled; non-essential businesses are closed or operating with remote workforces; and all area school districts switched to remote learning.

Fitch expects the city's current fiscal 2020 budget to be significantly affected by the current public health crisis due to near-term revenue impacts and possible increased expenditures on containment measures. Economically sensitive revenue streams, primarily sales tax receipts (25% of fiscal 2018 general fund revenues) and hotel

occupancy taxes will see the most immediate declines, while licenses, fees and fines, permits and other revenues will shrink if the economic downturn is prolonged.

Dallas is located in north central Texas and, with a population of 1.34 million, ranks among the top 10 U.S. cities by population. The city serves as corporate headquarters for AT&T Inc.; Southwest Airlines Co.; Texas Instruments Incorporated; 7-Eleven, Inc.; HollyFrontier Corp.; Pizza Hut, Inc.; and other large corporate concerns. The city reported new construction permit activity in 2019 of more than \$2.5 billion, continuing a recent trend of strong economic expansion. Large employers in the education, government and health services sectors lend stability to the city's employment base.

The city's role as a wholesale and retail trade center is enabled by a strong transportation network of airports, rail and interstate highways. Dallas Area Rapid Transit provides major employers easy access to a highly skilled workforce to support the growing technology, finance, business and medical service sectors. Top taxpayers represent the utility, air transportation, developers, real estate, manufacturing and retail industries, and the tax base has no significant concentration. Fitch expects the underlying strength, size and diversity of Dallas' economy will support the city in its recovery from the current economic downturn.

### Revenue Framework

General fund operations are supported by a diverse mix of revenues led by ad valorem tax revenues (49% of the fiscal 2018 total), sales tax revenues (25%) and franchise fees (12%). General fund revenue growth accelerated over the past several years after sluggish post-recession gains; annual increases averaged more than 5% over the past five years.

Near-term revenue growth prospects weakened sharply due to the economic downturn triggered by the coronavirus pandemic. The impact on hotel occupancy and sales tax revenues will be felt swiftly. If the economic downturn is sustained and adversely affects property values, the impact on property tax revenues, which are the largest source of general fund revenues, will not be seen for some time, giving the city a chance to make the necessary budgetary adjustments. The city's revenue growth prospects remain strong longer term. Each of the city's revenue streams will likely rebound in a different way in the eventual recovery, depending on pent-up demand during the decline and the size of residents' discretionary incomes.

The city's total tax rate of \$0.7766 per \$100 of taxable assessed valuation in fiscal 2020 was reduced for four consecutive years and is well below the constitutional and city charter caps of \$2.50 per \$100. However, the recently enacted Texas Senate Bill 2 (SB 2) makes a number of changes to local governments' property tax rate setting process. Most notably, SB 2 will reduce the rollback tax rate (the voter approval tax rate) from 8.0% to 3.5% for most local taxing units and require a ratification election, replacing the current petition process, if any local taxing unit exceeds its voter approval rate, effective fiscal 2021.

The tax rate limitation in SB 2 excludes new additions to tax rolls and allows for banking of unused margin for up to three years. Dallas' remaining control over property taxes and other local revenues such as fines, fees and charges for services is still sufficient to maintain high revenue-raising flexibility, a credit strength that will likely be critical in the current environment.

### Expenditure Framework

As is typical with U.S. cities, public safety is Dallas' largest operating spending category (60% of fiscal 2018 general fund outlays), followed by general government, and culture and recreation (both at 12%). General fund spending growth has generally kept pace with revenue gains in recent years.

Longer term, Fitch expects the pace of spending growth to generally track what is projected to be a positive trajectory in revenues, as future service demands from a relatively mature residential base and increasing public safety and pension outlays should align with increasing operating receipts over the near to medium term. Management will be forced to make spending adjustments for the remainder of fiscal 2020 given the sharply weaker general fund revenue picture.

The recent pension reforms reduced required contribution amounts, but the city's annual carrying costs -- debt service, actuarially determined pension contributions, actual other post-employment benefit outlays -- remain elevated at 27% of fiscal 2018 governmental spending. Fitch expects carrying costs to remain high, the result of both increased pension contributions to the police and fire plan, and debt service associated with a \$1.05 billion GO bond authorization approved by voters in 2017. Fitch's supplemental pension metric, which estimates the annual pension cost based on a level dollar payment for 20 years with a 5% interest rate, indicates carrying costs are vulnerable to future increases.

The new bond program is heavily weighted towards streets (53%) and parks and recreation (26%). The current carrying costs also reflect a rapid 68% debt-amortization rate over the next 10 years, which will somewhat lessen the burden associated with new debt. The city's ability to control headcount and salary costs is strong, providing operational flexibility.

### Long-Term Liability Burden

Dallas' long-term liability burden is moderate at 12% of personal income, with roughly 46% of the total attributable to unfunded pension liabilities. Fitch adjusts the liability calculation to assume a more conservative 6% investment return. The burden is down from roughly 19% of personal income recently as a result of the various pension reforms. The city has roughly \$2.3 billion in GO debt outstanding (including these offerings), about 21% of the total long-term liability burden. Overlapping debt of \$3.35 billion comprises the remainder of the liability (33% of the total).

Dallas participates in three single-employer defined benefit pension plans. The Employees Retirement Fund (ERF) covers non-uniformed employees. The Dallas Police and Fire Pension System Combined Plan (combined plan) and the smaller Supplemental Police and Fire Pension Plan of the city of Dallas (supplemental plan) cover police and firefighters.

As reported in the city's fiscal 2018 annual report, the ERF plan under GASB statement 68 reported a net pension liability (NPL) of roughly \$766 million, with fiduciary assets covering 83% of total pension liabilities at the plan's 7.75% investment return assumption. Changes to the benefit plan were approved by the ERF board, city council and voters in 2016. They apply to employees hired on or after Jan. 1, 2017, and include an increase in the normal retirement age from 60 to 65, an increase in service retirement from 30 years to 40 years, elimination of the health benefit supplement, and a reduction in the benefit multiplier from 2.75% to 2.50%. These changes are expected to boost to the long-term viability of the plan.

In response to a steady weakening of the combined plan -- attributable primarily to issues associated with the deferred retirement option program (DROP) feature -- the Texas Legislature in its 2017 regular session approved legislation that made a number of noteworthy changes to the combined plan. The modifications included increases in retirement ages for the various tiers of employees, a reduction in the benefit multiplier for most employees and elimination of the current cost of living

adjustment benefit. The legislation also made changes to the troubled DROP, including a 10-year limitation on participation, elimination of interest on DROP accounts after Sept. 1, 2017, and modifications to DROP account distribution options. The legislation also called for increased plan contributions from both the city and employees. These reforms should stabilize the city's obligations to the plan and reduce the risks presented by the DROP feature of the retirement plan, and should enhance the plan's long-term viability.

Under GASB Statement 68, the combined plan reported an NPL for the combined and supplemental plans of \$2.4 billion and \$16 million. The \$2.4 billion combined plan NPL is down from \$6.3 billion in the prior reporting period. Fiduciary assets of the combined plan covered 47% of liabilities based on a 7.25% rate of return assumption. Fiduciary assets covered 53% of the liabilities of the supplemental plan. The NPL for all three plans totaled \$3.18 billion, with assets covering 64% of liabilities. The NPL increases to \$4.77 billion and the ratio of assets to liabilities declines to 55% when a 6% investment return assumption is used.

## Operating Performance

Fitch expects Dallas to demonstrate strong financial resilience during economic downturns, as demonstrated by a history of the highest gap-closing capacity and sizable reserves. Audited fiscal 2018 general fund results included a net surplus after transfers of \$21 million and unrestricted reserves of nearly \$235 million (18% of spending), as both revenues and expenditures outperformed budget. Preliminary fiscal 2019 results indicate a roughly \$13 million net surplus after transfers, primarily the result of sales taxes totaling more than \$317 million and outperforming budget by nearly 2% (\$5.7 million).

The city historically demonstrated positive budget-management practices, and the recent positive operating results, which included sharply higher pension contribution amounts, continued that trend and enabled the city to maintain a strong financial cushion. However, increased annual pension contributions and public safety salary outlays will maintain a degree of pressure on the city's budget-management practices for the foreseeable future. Expected revenue challenges for the remainder of fiscal 2020 are expected to make budget balancing measures even more difficult.

The city in fiscal 2018 initiated a biennial budget process for the first time. The fiscal 2020 adopted general fund budget is balanced and includes a 5.5% spending

increase to \$1.44 billion -- due largely to increased public safety spending for both salaries and pensions. The city and public safety employees agreed on a new three-year meet-and-confer agreement in September 2019 that includes a market-based pay schedule. The cumulative cost of salary increases through fiscal 2023 is projected to be nearly \$100 million.

Management is hopeful the new pay structure, along with previous salary adjustments, will stem a recent police employee attrition issue, which likely reflects both rank-and-file departures during the pension crisis and police recruiting challenges nationwide. Fiscal 2019 reportedly ended with 3,130 sworn officers, 33 more than budgeted. While that total remains below prior years' budgeted positions, the city reports it has engaged an external consultant to help determine the appropriate officer count and confirms that additional officers will be hired over the near term.

In addition to the sources of information identified in Fitch's applicable criteria specified below, this action was informed by information from Lumesis.

## **REFERENCES FOR SUBSTANTIALLY MATERIAL SOURCE CITED AS KEY DRIVER OF RATING**

The principal sources of information used in the analysis are described in the Applicable Criteria.

## **ESG CONSIDERATIONS**

ESG issues are credit neutral or have only a minimal credit impact on the entity(ies), either due to their nature or the way in which they are being managed by the entity(ies). For more information on Fitch's ESG Relevance Scores, visit [www.fitchratings.com/esg](http://www.fitchratings.com/esg).

## **RATING ACTIONS**

<b>ENTITY/DEBT</b>	<b>RATING</b>
--------------------	---------------

ENTITY/DEBT	RATING		
Dallas (TX) [General Government]	LT IDR	AA	Affirmed
● Dallas (TX) /General Obligation - Limited Tax/1 LT	LT	AA	Affirmed

### [VIEW ADDITIONAL RATING DETAILS](#)

Additional information is available on [www.fitchratings.com](http://www.fitchratings.com)

### APPLICABLE CRITERIA

[U.S. Public Finance Tax-Supported Rating Criteria \(pub. 27 Mar 2020\) \(including rating assumption sensitivity\)](#)

### APPLICABLE MODELS

Numbers in parentheses accompanying applicable model(s) contain hyperlinks to criteria providing description of model(s).

FAST States & Locals - Fitch Analytical Stress Test Model, v2.4.0 (1)

### ADDITIONAL DISCLOSURES

[Dodd-Frank Rating Information Disclosure Form](#)

[Solicitation Status](#)

[Endorsement Policy](#)

### ENDORSEMENT STATUS

Dallas (TX) EU Endorsed

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[US Public Finance](#)   [North America](#)   [United States](#)

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# Memorandum



CITY OF DALLAS

DATE March 31, 2020

TO Honorable Mayor and Council Members

SUBJECT **Fitch Ratings Revises Dallas Love Field Airport Outlook to Negative Amid Coronavirus Disruptions – RATING ACTION**

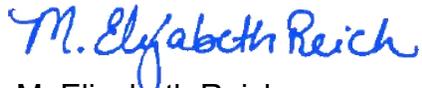
Today, Fitch Ratings (Fitch) affirmed the 'A' rating and revised the outlook to Negative from Stable on the Dallas Love Field Airport senior lien airport revenue bonds issued by the Love Field Modernization Corp (LFAMC). The Fitch rating outlook action on Love Field Airport LFAMC bonds was included in their review of large airports and other major airline hubs following, "the recent outbreak of coronavirus and related government containment measures."

According to Fitch, the rating outlook actions on the airport credits serving large U.S. markets, "reflects the current stressed environment in aviation, affecting origination-destination as well as connecting travel, "continuing that, "the unprecedented requests in recent days for assistance from the federal government by both the air carriers and the airports are indicative of the mutual strains suffered in the aviation industry and demonstrate a clear signal of the present financial pressures."

Collectively, Fitch has assessed that the airports included in the rating outlook action have enough unrestricted cash reserves to meet debt service payments through the end of the current calendar year. While Fitch will continue to monitor developments in the airline sector, they are currently assuming a rating case scenario of approximately 35 percent enplanement declines for calendar year 2020, with recoveries relative to 2019 levels at 95 percent in 2021 and 100 percent in 2022. Fitch previously affirmed the Love Field Airport LFAMC bonds 'A' rating and Stable outlook on October 10, 2019, citing a well-defined capital plan and conservative debt structure, noting that "the airport's solid cost recovery framework should provide for continued stable financial performance."

DATE March 31, 2020  
SUBJECT **Fitch Ratings Revises Dallas Love Field Airport Outlook to Negative Amid Coronavirus Disruptions – RATING ACTION**

Attached is the rating action commentary provided by Fitch today. If you have any questions or need further information, please do not hesitate to contact me.



M. Elizabeth Reich  
Chief Financial Officer

Attachment

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizar Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors



## RATING ACTION COMMENTARY

# Fitch Takes Rating Actions on U.S. Large Airports and Major Hubs Amid Coronavirus Disruptions

Tue 31 Mar, 2020 - 10:32 AM ET

Fitch Ratings - New York - 31 Mar 2020: Fitch Ratings has affirmed the ratings on the following large airports and major airline hub facilities; however, the Rating Outlook has been revised to Negative from Stable:

--Charlotte Douglas International Airport, NC (CLT) 'AA-' rating on its general airport revenue bonds issued by the City of Charlotte;

--Chicago Midway International Airport, IL (MDW) 'A' rating second-lien revenue bonds;

--Dallas Love Field Airport, TX (DAL) 'A' rating senior lien airport revenue bonds issued by Love Field Modernization Corp.;

- Denver International Airport, CO (DEN) 'AA-' and 'A+' ratings on the senior lien and subordinate lien general airport revenue bonds, respectively;
- Detroit International Airport, MI (DTW) 'A' ratings on both the senior lien and junior lien airport system revenue bonds issued by Wayne County Airport Authority;
- State of Hawaii Department of Transportation, HI 'A+' and 'A' ratings on the airport system revenue bonds and certificates of participation, respectively;
- Minneapolis-St. Paul Metropolitan Airports Commission, MN (MSP) 'AA-' and 'A+' ratings on the senior lien and subordinate lien revenue bonds, respectively;
- Philadelphia International Airport, PA (PHL) 'A' rating on the airport revenue bonds;
- Tampa International Airport, FL (TPA) 'AA-' and 'A+' ratings on the senior lien and subordinate lien airport revenue bonds, respectively , issued by Hillsborough County Aviation Authority.

Fitch Ratings has affirmed the ratings on the following large U.S. airports but revised the Rating Outlook to Negative from Positive:

- Houston Airport System, TX (IAH and HOU) 'A' rating on the subordinate lien revenue bonds;
- Greater Orlando Aviation Authority, FL (MCO) 'AA-' and 'A+' ratings on the senior lien and subordinate lien revenue bonds, respectively.

## **RATING RATIONALE**

The recent outbreak of coronavirus and related government containment measures worldwide creates an uncertain global environment for air travel in the near term. While the above airport issuers performance data through most recently available issuer data may not have indicated impairment, material changes in revenue and cost profile are occurring across the sector and likely to worsen in the coming weeks and months as economic activity suffers and government restrictions are maintained or expanded. Fitch's ratings are forward-looking in nature, and Fitch will monitor developments in the sector as

a result of the virus outbreak as it relates to severity and duration, and incorporate revised base and rating case qualitative and quantitative inputs based on expectations for future performance and assessment of key risks.

#### Large Airports and Major Airline Hubs Rating Actions.

The negative rating outlook actions assigned to the above airport credits serving large U.S. markets reflects the current stressed environment in aviation, affecting origination-destination as well as connecting travel. Severe declines in enplaned passenger traffic will affect operating revenues across all of these airports, with the greatest impacts to occur in the second quarter of 2020 and potentially extend into future periods due to the coronavirus pandemic. These airports have strong franchise positions as major market destinations and hub facilities but still operate with a moderate- to high-level of dependence on operations from leading carriers. In the near-term, Fitch has assessed that for each of the airports above, the unrestricted cash reserves alone are sufficient to meet debt service due through the end of the current calendar year.

The drop in air travel is likely to be steeper than what was seen during prior global event episodes such as SARS and September 11 terrorist attacks, and the start of the recovery period is difficult to assess as the virus spread is still growing in regions where air travel is most prevalent. Conditions are constantly changing given the fast moving nature of events, and U.S. airports are facing significant reductions in passenger traffic under this environment.

Fitch expects the dramatic reduction in air travel levels to increase financial pressure on all U.S. airports at varying levels, a sector that has had a decade long stretch of traffic expansion and financial stability. The unprecedented requests in recent days for assistance from the federal government by both the air carriers and the airports are indicative of the mutual strains suffered in the aviation industry and demonstrate a clear signal of the present financial pressures. Robust liquidity across most airports, evident through a combination of cash funded bond reserves and additional accounts with unencumbered funds, should provide additional protection to cover upcoming bond payments and is viewed as a mitigating consideration.

Fitch also expects airport management to initiate a number of self-protective actions to preserve their fiscal postures although there are limitations given the broad impairment to the general economy and the industries tied to the aviation sector. Airline agreements in most cases are structured to provide mechanisms to revise airline payment levels in case

of large variances to budgeted performance; however, the airlines themselves are financially constrained to the point this approach is not anticipated. Further analysis will follow in the weeks to come with detailed analyses of management reactions and responses, as well as incoming data on traffic, revenues, and expense control actions. In the longer-term, Fitch will analyze traffic and revenue impacts caused by possible changes in air travel patterns.

Fitch conducted a rating case and a sensitivity case to the above credits to assess coverage and liquidity. The rating case scenario, which contemplates airport enplanement declines of approximately 35% in calendar year 2020 relative to 2019 actual levels based on the following assumptions of quarterly traffic activity: 1Q20 (-15% domestic and international), 2Q20 (-60% domestic and -80% international); 3Q20 (-40% domestic and -50% international) and 4Q20 (-20% domestic and -25% international). For calendar years 2021 and 2022, Fitch assumes 95% and 100% recoveries relative to 2019 levels. Recognizing there are different fiscal year periods for each airport, the assumed traffic levels will be accordingly adjusted. A more severe sensitivity case assumes traffic declines continue at the same peak traffic loss of 2Q20 for an additional quarterly period followed by recoveries that are similar to the rating case. The results of these scenarios will be published as a Ratings Scorecard.

## **KEY RATING DRIVERS**

See links below to individual issuer Rating Action Commentaries with individual Key Rating Driver assessment scores and analysis

## **RATING SENSITIVITIES**

Developments That May, Individually or Collectively, Lead to Positive Rating Action:

--A positive rating action is not expected in the near future. However, a return to a stable outlook could be possible, and the ratings affirmed, if Fitch sees sustained recovery in traffic and revenues due to the easing of the pandemic resulting in normal air traffic patterns or the adaption of strategies that convincingly stabilizes the finances.

### Developments That May, Individually or Collectively, Lead to Negative Rating Action:

- A continued period of material traffic declines that presents further challenges to stabilize the finances of the affected airports;
- Further credit erosion of the major air carriers or payment delinquencies to the airports.
- Sustained deterioration in airport liquidity levels.

### **BEST/WORST CASE RATING SCENARIO**

Ratings of Public Finance issuers have a best-case rating upgrade scenario (defined as the 99th percentile of rating transitions, measured in a positive direction) of three notches over a three-year rating horizon; and a worst-case rating downgrade scenario (defined as the 99th percentile of rating transitions, measured in a negative direction) of three notches over three years. The complete span of best- and worst-case scenario credit ratings for all rating categories ranges from 'AAA' to 'D'. Best- and worst-case scenario credit ratings are based on historical performance. For more information about the methodology used to determine sector-specific best- and worst-case scenario credit ratings, please visit <https://www.fitchratings.com/site/re/10111579>.

### **REFERENCES FOR SUBSTANTIALLY MATERIAL SOURCE CITED AS KEY DRIVER OF RATING**

The principal sources of information used in the analysis are described in the Applicable Criteria.

### **PUBLIC RATINGS WITH CREDIT LINKAGE TO OTHER RATINGS**

Links to last published issuer RACs with Key Risk Driver assessments covered in the above rating actions:

<https://www.fitchratings.com/site/pr/10074723>

<https://www.fitchratings.com/site/pr/10088376>

<https://www.fitchratings.com/site/pr/10091640>

<https://www.fitchratings.com/site/pr/10090643>

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**RATING ACTIONS**

ENTITY/DEBT	RATING			PRI
Hillsborough County Aviation Authority (FL)				
● Hillsborough County Aviation Authority (FL) /Airport	LT	A+	Affirmed	A+

[VIEW ADDITIONAL RATING DETAILS](#)

Additional information is available on [www.fitchratings.com](http://www.fitchratings.com)

**APPLICABLE CRITERIA**

[Infrastructure and Project Finance Rating Criteria \(pub. 24 Mar 2020\) \(including rating assumption sensitivity\)](#)

[Airports Rating Criteria \(pub. 24 Mar 2020\) \(including rating assumption sensitivity\)](#)

**APPLICABLE MODELS**

Numbers in parentheses accompanying applicable model(s) contain hyperlinks to criteria providing description of model(s).

GIG AST Model, v1.1.0 (1)

**ADDITIONAL DISCLOSURES**

[Dodd-Frank Rating Information Disclosure Form](#)

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Charlotte (NC)	EU Endorsed
Chicago (IL)	EU Endorsed
Denver (City & County) (CO)	EU Endorsed
Greater Orlando Aviation Authority (FL)	EU Endorsed
Hawaii, State of (HI)	EU Endorsed
Hillsborough County Aviation Authority (FL)	EU Endorsed
Houston (TX)	EU Endorsed
Love Field Airport Modernization Corporation (TX)	EU Endorsed
Minneapolis-St. Paul Metropolitan Airports Commission (MN)	EU Endorsed
Philadelphia (PA)	EU Endorsed
Wayne County Airport Authority (MI)	EU Endorsed

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US Public Finance    Infrastructure and Project Finance    North America    United States

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# Memorandum



CITY OF DALLAS

DATE April 3, 2020  
TO Honorable Mayor and Members of the City Council  
SUBJECT **ForwardDallas! Comprehensive Land Use Plan Update**

The Council approved budget for FY 19-20 provided for an update to the *forwardDallas!* Comprehensive Plan. The *ForwardDallas!* plan, originally adopted in 2006, is now almost 14 years old and overdue for an update. A briefing on the purpose, goals and process for the Comprehensive Land Use Plan update is attached. This briefing, prepared for the April 6<sup>th</sup> City Council Economic Development Committee, is now being provided to City Council as all City Council Committee meetings are suspended due to the ongoing COVID-19 pandemic.

This ongoing public health and economic crisis will ultimately be averted through our collective efforts and it is critical that we plan to be prepared to take advantage of new opportunities that will inevitably emerge. With this view in mind, the Comprehensive Land Use Plan update will focus on a key asset of the City of Dallas, the land resources within City limits, and will take a strategic approach to identifying proactive City actions needed to advance a long-term development vision. This process includes an emphasis on scenario development and evaluation using outcome-oriented land development performance metrics tied to economic vitality and quality of life, environmental sustainability and resilience, and equity.

This can be done without compromising the ongoing focus on the immediate crisis. The Planning and Urban Design Department continues to work from home during this period, and while some department staff are providing support as needed for the ongoing COVID-19 response, the remainder are preparing to launch the Comprehensive Land Use Plan update. These efforts include procuring consultants, conducting preliminary citywide analysis and exploring alternative ways to meaningfully engage the community during these times when social distancing may be an ongoing necessity. Note that this planning process is anticipated to be funded through a combination of Building Inspection Enterprise Funds and Dallas County MCIP.

If you have questions or comments about the attached briefing materials, please contact me at [eric.anthony.johnson@dallascityhall.com](mailto:eric.anthony.johnson@dallascityhall.com) or Peer Chacko, Director of Planning and Urban Design at [peer.chacko@dallascityhall.com](mailto:peer.chacko@dallascityhall.com).

A handwritten signature in blue ink that reads "Eric A. Johnson".

Dr. Eric A. Johnson  
Chief of Economic Development and Neighborhood Services

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager  
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Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
Liz Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# ***ForwardDallas!* Comprehensive Land Use Plan Update**

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**City Council Economic  
Development Committee  
April 6, 2020**

**Peer F. Chacko, Director  
Planning & Urban Design  
City of Dallas**



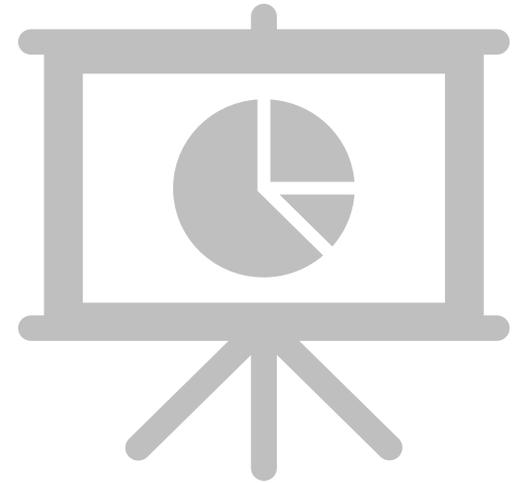
# Purpose

- Brief City Council on the goals, approach and process for the proposed Comprehensive Land Use Plan update.



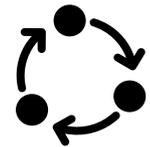
# Presentation Outline

1. Background
2. Goals and Approach
3. Community Engagement Strategy
4. Preliminary Strategic Themes
5. Process and Timeline
6. Anticipated Deliverables
7. Implementation Framework
8. Consultant Expertise Needed
9. Next Steps

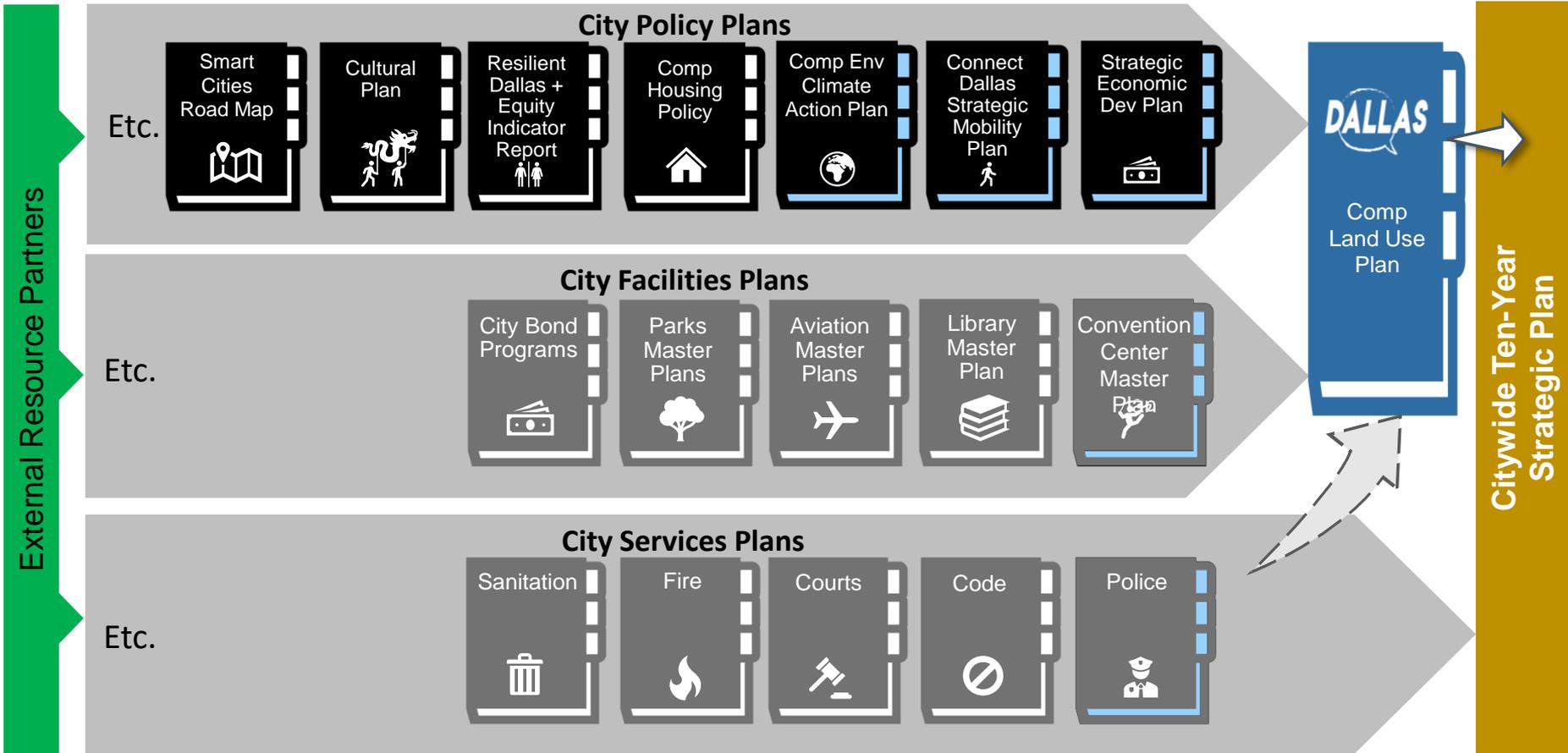


# Comprehensive Land Use Plan Role

- Establishes a future land use vision to guide City actions towards strategic objectives and foster continuity of purpose
- Integrates other citywide planning efforts that impact land use and development
- Protects and leverages valued community assets and investments while balancing competing land development objectives

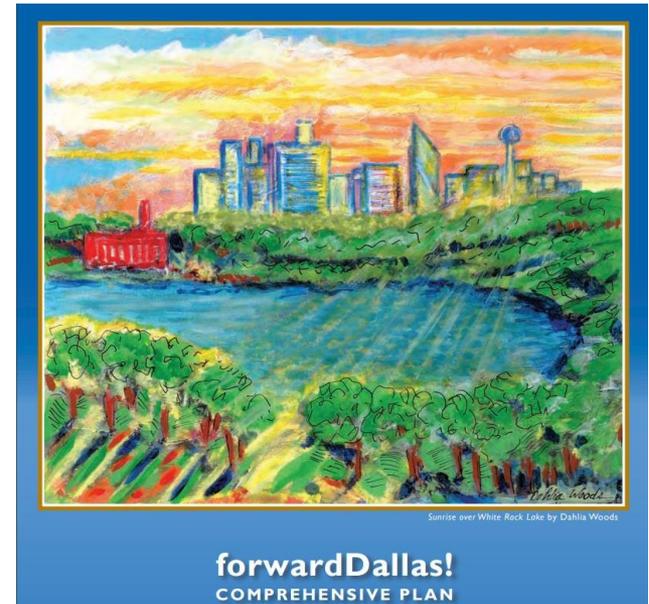


# Citywide Planning Framework



# forwardDallas!

- Dallas' first comprehensive plan was adopted in 2006 with six key initiatives:
  - Enhance the economy
  - Make quality housing accessible
  - Create strong, healthy neighborhoods
  - Enhance transportation systems
  - Ensure environmental sustainability
  - Encourage new development patterns



# Time to Update *forwardDallas!*

- Dallas has changed since 2006.



- Recent citywide planning efforts that impact land development need to be integrated.
- Explore more effective tools and techniques to inform strategic land development decision-making and implementation.

7

# Goals



**Refresh** the forwardDallas! land use & development vision through inclusive community engagement.



**Strengthen** land use and development policies to promote balanced and sustainable growth.



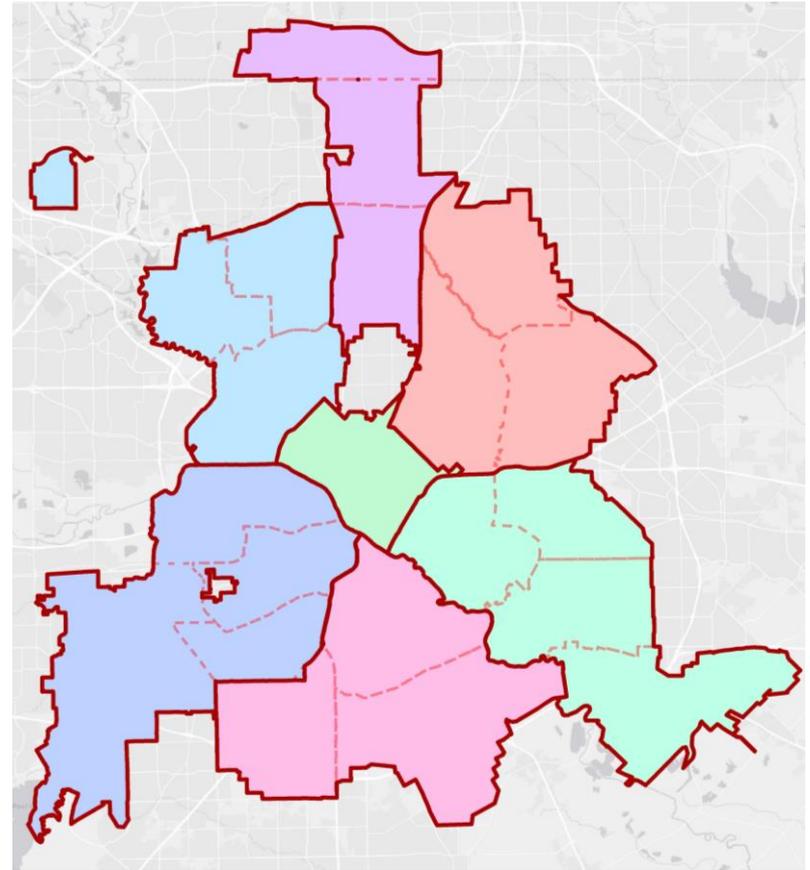
**Advance** strategic implementation and measure progress.

# Approach

- Build an inclusive framework for community engagement to promote neighborhood stabilization.
- Create transparent tools for evaluating growth and measuring land development performance.
- Define strategic land use themes that resonate across the city to inform community engagement and guide implementation.

# Framework for Community Engagement

- Define Planning Areas to facilitate ongoing community and neighborhood engagement in citywide planning at a relatable scale.
- Employ Planning Areas to facilitate future area planning and ongoing inter-departmental and inter-agency collaboration on projects that impact land development.



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**DALLAS**

COMPREHENSIVE **PLAN**  
UPDATE  
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# Community Engagement Strategy

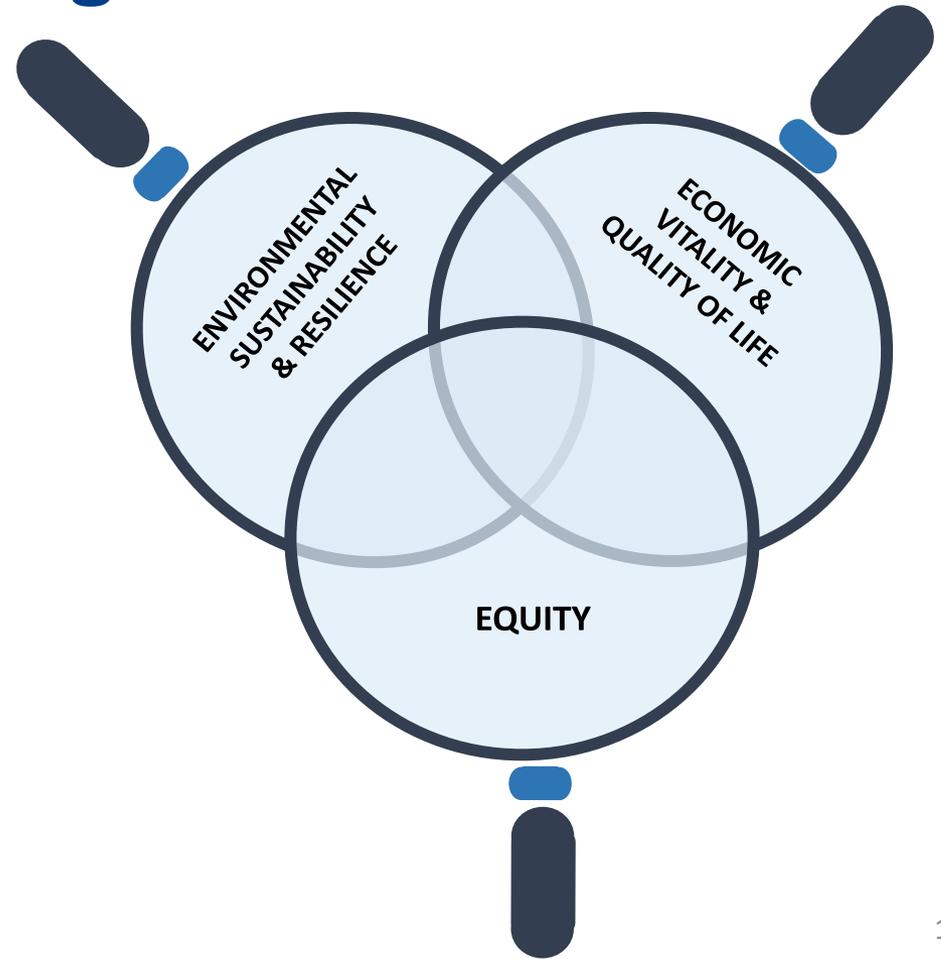
- Neighborhoods Summit to launch and promote awareness of the plan update, initiate a neighborhood leadership academy concept to facilitate neighborhood capacity building
- Speaker Series in partnership with local professional organizations to generate discussion and interest
- Youth/Student engagement through collaboration with local schools and colleges

# Community Engagement Strategy

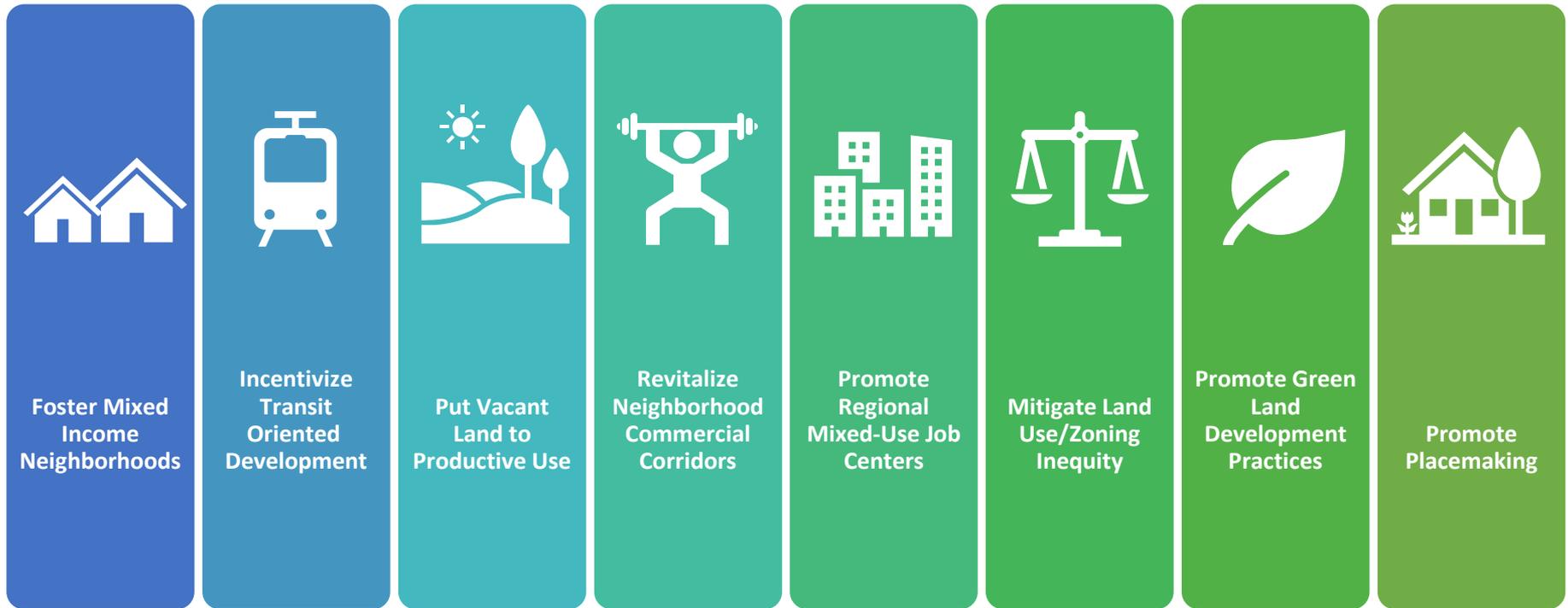
- New City Plan Commission Committee to guide the process, receive formal stakeholder input through regular public meetings and provide a
- Grass-roots engagement through community workshops and online tools
- Representative sample survey to gauge broad-based public attitudes toward comprehensive land use planning themes

# Tools for Evaluating Growth

- Define land use and development performance metrics.
- Establish tools to explore and evaluate alternative growth and land development scenarios.
- Create reporting tools to monitor the cumulative impacts of land development over time.



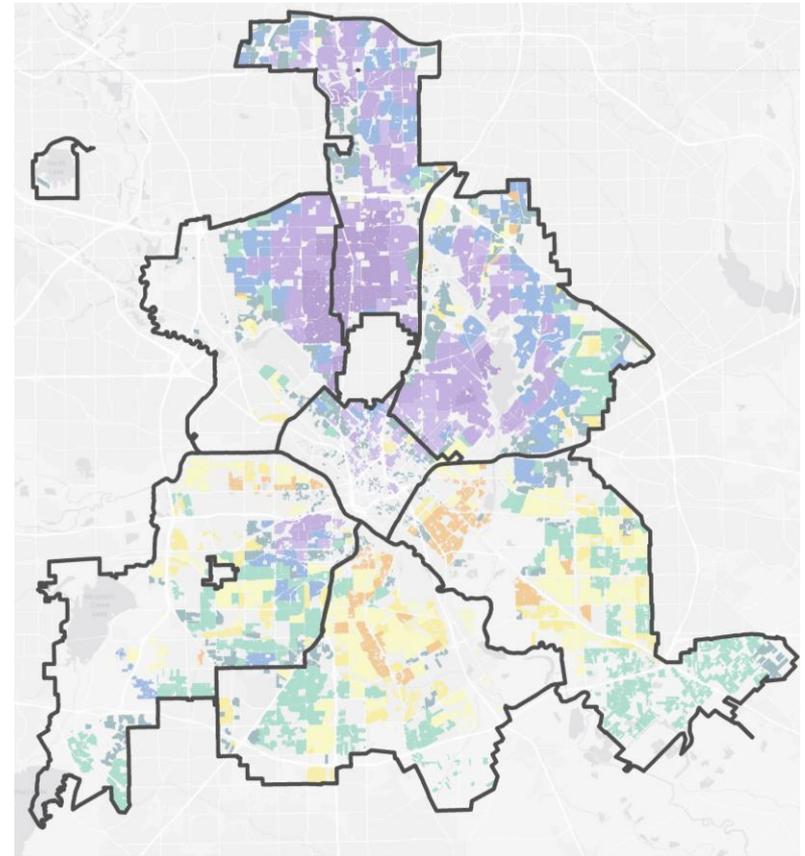
# Preliminary Strategic Themes



- Preliminary themes are based on existing planning initiatives. Additional themes will emerge through community engagement.

# Foster Mixed Income Neighborhoods

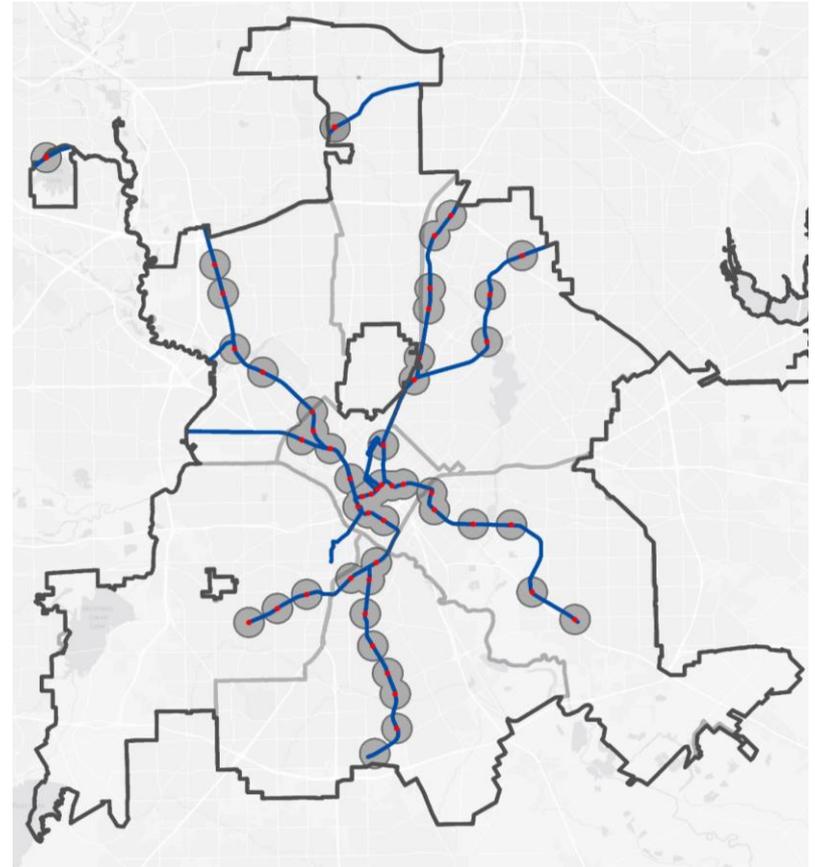
- Establish area-based equitable mixed income housing growth targets.
- Leverage public land and rezoning to achieve affordable housing goals.
- Leverage tools such as TIFs and Neighborhood Empowerment Zones to promote affordable housing and mitigate displacement.



MVA Cluster Legend: A B C D E F G H I 15

# Incentivize Transit Oriented Development

- Create comprehensive transit-oriented development (TOD) plans.
- Leverage public land and public-private partnerships to facilitate catalytic TOD projects.
- Attract private TOD through targeted zoning, economic development, housing and infrastructure incentives.
- Work with DART to explore opportunities for TOD along high-frequency bus routes.



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**DALLAS**

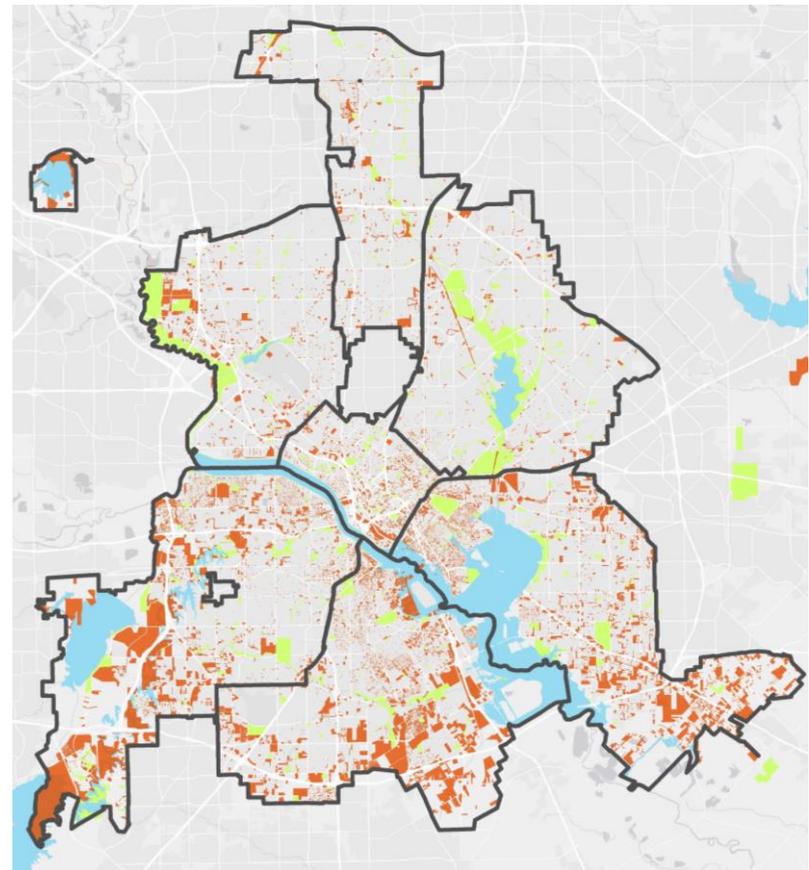
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# Put Vacant Land to Productive Use

- Assess fiscal impact of vacant land in blighted areas.
- Develop strategies to discourage vacancy through interim uses, public open space or redevelopment.
- Leverage code enforcement, tax foreclosure, land banking and infrastructure investment to create development opportunities.



Orange Vacant Land Light Blue Floodplain Light Green Public Open Space 17

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# Revitalize Neighborhood Commercial Corridors

- Assess strengths and weaknesses of key corridors.
- Identify catalytic opportunities to spark neighborhood revitalization.
- Identify development impediments and propose solutions that leverage small business opportunities.



Bishop Arts

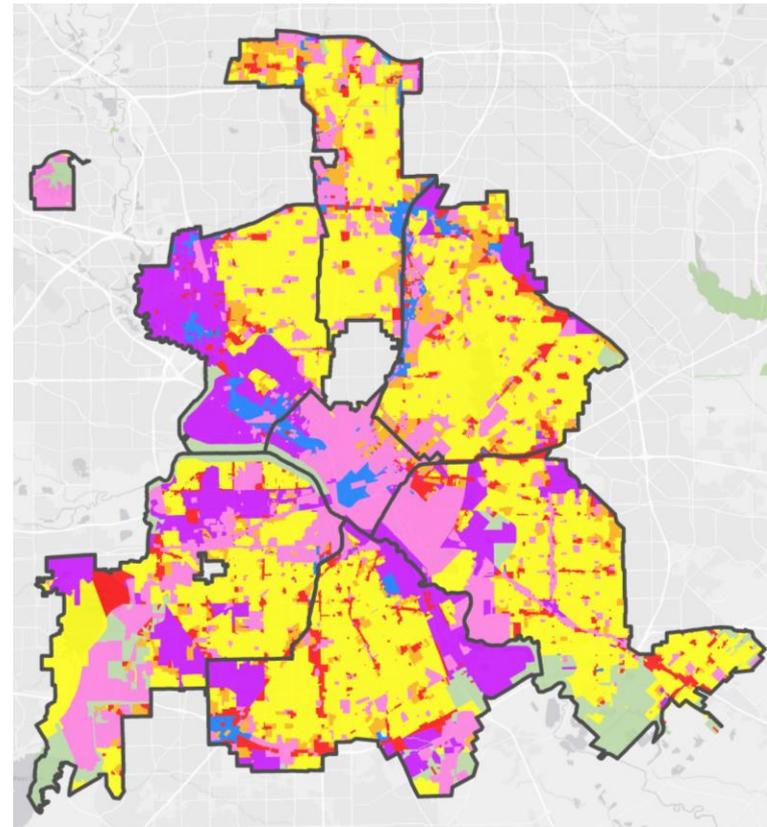
# Promote Regional Mixed-Use Job Centers

- Leverage existing centers of regional economic activity, designated Opportunity Zones, and potential Innovation Zones.
- Catalyze mixed use, mixed-income development through master plans for under-utilized City property.



# Mitigate Land Use/Zoning Inequity

- Conduct a zoning equity audit to assess land use and zoning imbalances and incompatible adjacencies.
- Recommend zoning actions to address equity issues.



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**DALLAS**

COMPREHENSIVE **PLAN**  
UPDATE  
*See it. Shape it. Live it.*



City of Dallas

# Promote Green Land Development Practices

- Advance strategies to mitigate the impacts of development on storm water run-off and urban heat-island.
- Identify equitable opportunities for neighborhood-serving green space.



**DALLAS**

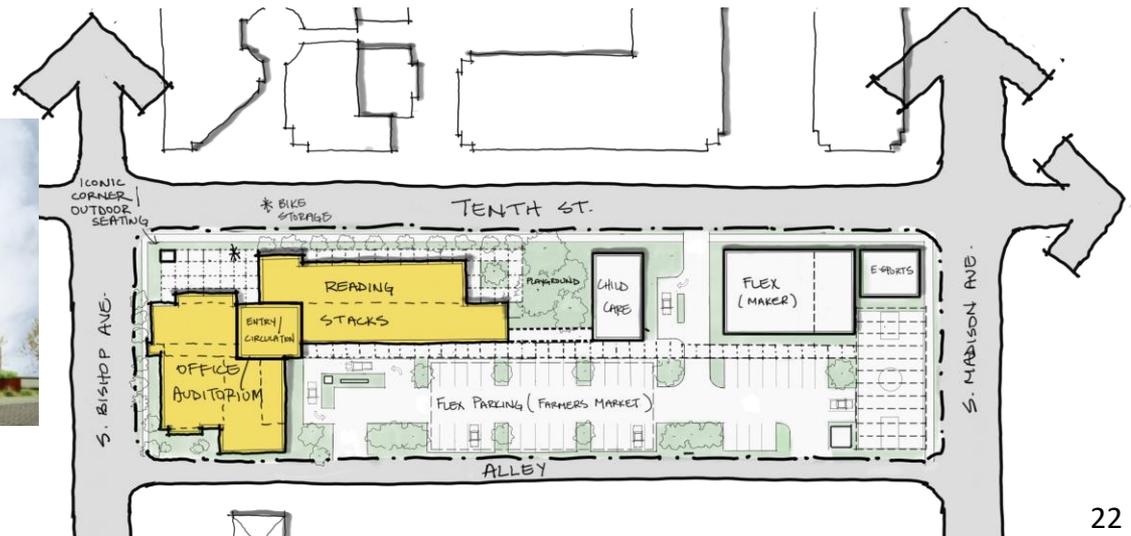
COMPREHENSIVE **PLAN**  
UPDATE  
See it. Shape it. Live it.



City of Dallas

# Promote Placemaking

- Promote neighborhood identity and revitalization through placemaking by leveraging city buildings, rights-of-way, historic resources and cultural activities including public art.



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**DALLAS**

COMPREHENSIVE PLAN  
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City of Dallas

# Process and Timeline



## Phase 1

Preparation + Launch



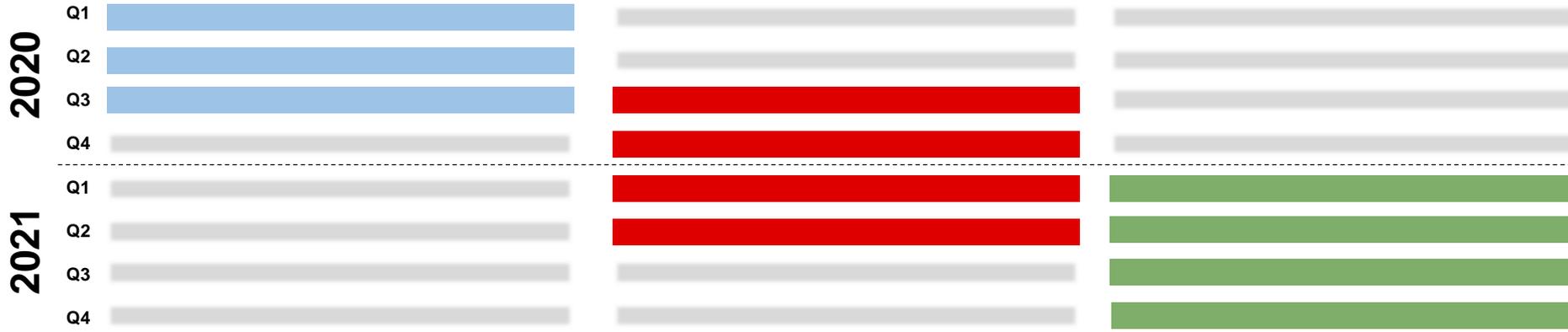
## Phase 2

Scenario Development /  
Evaluation + Engagement



## Phase 3

Plan Drafting + Adoption



### Planning + Engagement Activities

- Preliminary Data Gathering / Analysis
- Procure Consultant
- Establish CPC Committee
- Launch Events
  - Website + Social Media
  - Neighborhood Summit
  - Professionals / Partners Speaker Series
  - Ambassadors Program

- Preliminary Modelling / Scenario Development
- Monthly CPC Committee Meetings (Open to Public)
- Ongoing Awareness Campaign
- Area-Based Engagement Events (Round 1)
- Representative-Sample Survey & Focus Groups
- Scenario Evaluation & Selection
- Virtual Townhall / Open House / Equivalent Engagement Events (Round 2)

- Plan Drafting
- CPC Committee Recommendation
- CPC Briefings + Hearing
- City Council / Committee Briefings + Hearing

# Anticipated Deliverables

- **Web-Based Plan** designed for ready reference with adopted land development vision and policies.
- **Proactive Implementation Program** focused on city-initiated land development / infrastructure actions to be integrated into a Citywide Ten-Year Strategic Plan.
- **Annual Monitoring and Reporting Program** on land use and development performance metrics tied to economic vitality and quality of life, environmental sustainability and resilience, and equity.

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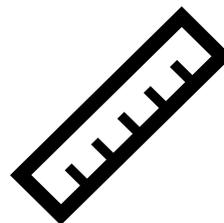
# Implementation Framework

- New City Plan Commission Committee to serve as advocate for ongoing comprehensive plan implementation.
- Review and update of the Proactive Implementation Program in coordination with the annual budget cycle and Citywide Ten-Year Strategic Plan.
- Regular review of area plans and city-initiated zoning priorities relative to the adopted comprehensive land use plan vision and goals.

# Consultant Expertise and Funding

- Consultant funding will be provided through a combination of the Building Inspections Enterprise Fund and Dallas County MCIP, and will focus primarily on:

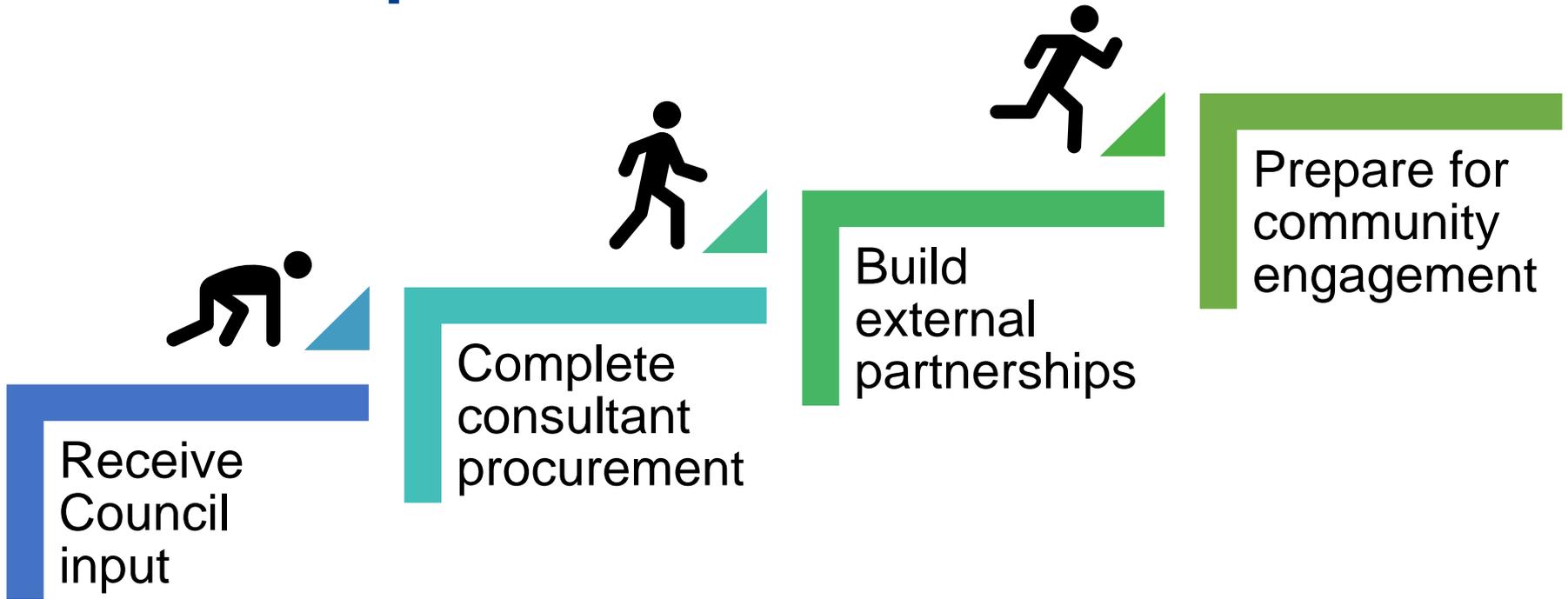
- Expertise in scenario development, evaluation and performance metrics.



- Specialized communication expertise and engagement tools.



# Next Steps



# ***ForwardDallas!* Comprehensive Land Use Plan Update**

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**City Council Economic  
Development Committee  
April 6, 2020**

**Peer F. Chacko, Director  
Planning & Urban Design  
City of Dallas**



# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **New Procurement Opportunities**

The Office of Procurement Services (OPS) would like to inform the City Council of the following contract opportunities that have been advertised in the last two weeks in the *Dallas Morning News*. These opportunities are also on Bonfire, the City's electronic bid portal: <https://dallascityhall.bonfirehub.com/login>. (Free registration is required to view the opportunity in full.)

In addition, we have updated citywide opportunities for the current quarter on the OPS website: <https://dallascityhall.com/departments/procurement/pages/default.aspx>.

Solicitation No.	Solicitation Name
1. CIZ1908	Carpenter Park Construction (Park and Recreation Department)*
2. BS20-00013314	Pre and Post Disaster Goods and Services
3. BFZ20-00011241	General Non-Engineering Environmental Services
4. BFZ20-00013216	Indirect Cost Rate Allocation Plan
5. BKZ20-00013083	Broker of Record for Commercial Insurance

\*Solicitations that begin with a "C" are for construction projects and the issuing department handles those procurements directly. OPS only advertises and unseals submissions for the construction procurements.

Once an opportunity/solicitation is advertised, it is considered an open procurement until the City Council awards the contract. Please be advised that Section 12A-15.8(g) of the Code of Ethics prohibits communication between councilmembers and bidders or proposers on open procurements.

DATE April 3, 2020  
SUBJECT **New Procurement Opportunities**

Should you have any questions, please contact Chhunny Chhean, Interim Director of Procurement Services.



M. Elizabeth Reich  
Chief Financial Officer

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager  
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services  
Laila Aleqresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Housing Performance Report Questions**

**This memo addresses questions raised during the Housing and Homelessness Solutions Committee Briefing on March 23, 2020 regarding the Introduction to the Department of Housing & Neighborhood Revitalization Performance Reports.**

## Summary

### **1. Does Neighborly have an open database that can be used with the Open Data portal?**

Neighborly Software does have an Open Application Programming Interface (API) to their Report Builder, which can be used to automate downloading of reports into 3<sup>rd</sup> party Business Intelligence tools. Due to the amount of work involved, Neighborly charges additional fees that were not included in the contract or Department budget. Further research will be required to determine compatibility with and ability to publish data to the Open Data portal and future budget feasibility.

### **2. Can the performance reports be updated more often/automatically?**

In addition to the comments in Question 1, two challenges need to be addressed for more frequent reporting.

- Data storage/sourcing: The Department of Housing and Neighborhood Revitalization currently receives information on its programs at different times during a week, month or quarter. The Department is in the process of establishing all programs in Neighborly for tracking purposes.
- Data visualization tools: Currently the City has no enterprise solution readily available for employees to generate data visualizations like the ones requested. As the lead agency for data analytics, the Office of Innovation is directing a citywide effort to evaluate several data visualization and business intelligence tools, including Tableau, for recommendation across the city, given the increasing demand for these products and deliverables. The Department of Housing and Neighborhood Revitalization intends to follow these recommendations if the budget allows.

Should the Department also pursue the Open API (see Question 1), the dashboards would be able to access the databases behind Neighborly and update automatically. It will require both programs to develop “live” dashboards. Further research into budget feasibility will be necessary.

DATE April 3, 2020

SUBJECT **Housing Performance Report Questions**

**3. Can the performance reports include an overlay of market construction?**

Staff is working with the Department of Sustainable Development and Construction to receive monthly reports of newly issued and newly completed build permits. This data will be added to the next monthly Development summary report. More research and coordination will be required on including this data in “live” dashboards should they be developed.

**4. Can the reports be used to identify gentrification?**

The existing reports are intended to monitor the performance and pipeline of current Housing programs and will not be able to monitor gentrification risk or progress.

**5. The Development and DHAP reports show limited affordable development in high opportunity areas. What can we do about that?**

The department has identified a number of challenges to supporting construction in high opportunity areas among our traditional programs.

- Federal restrictions prevent programs like DHAP from helping families purchase houses with a high sales price. For Dallas, households taking part in the DHAP program cannot purchase a new home costing greater than \$246,000 or an existing home costing more than \$228,000. The current market makes it difficult to find a move-in-ready home in high opportunity areas for below this cost.
- State law sets the qualifications for land bank properties. Due to the current market conditions, most lots that meet the qualifications to be brought into land bank inventory are not in high opportunity areas.
- Due to the extreme cost of land and high demand, affordable housing in high opportunity areas requires greater subsidies and produces fewer units.

The Mixed-Income Housing Development Bonus (MIHDB), which provides zoning incentives for the inclusion of affordable housing, has seen success in creating affordable housing in high opportunity areas. Currently there are 1,322 units in process for MIHDB in high opportunity areas, 86 of which will be affordable to families earning below 80% AMI. This evidence shows that alternative incentives for mixed income development may be a solution to this issue.

Should you have questions or concerns, please contact David Noguera, Director at 214-670-3619 or [David.noguera@dallascityhall.com](mailto:David.noguera@dallascityhall.com).



Dr. Eric Anthony Johnson  
Chief of Economic Development and Neighborhood Service

- c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
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M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #17, Dallas Water Utilities (DWU) Bond Issuance and Sale**

On Wednesday, April 8, 2020, the City Council will consider agenda item #17, ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2020A, in the amount of \$22,000,000.00, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2020B, in the amount of \$44,000,000.00, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto.

In order to properly manage DWU's infrastructure and maintain service delivery for our customers, DWU replaces and/or rehabilitates approximately 72 miles of small diameter water and wastewater pipelines annually. In an effort to reduce overall costs in replacing our pipeline assets, DWU receives low cost financial assistance from the Texas Water Development Board (TWDB). This year represents the third year of a five-year commitment from the TWDB. This commitment will save DWU approximately \$879,000 per year in financing costs over the life of the 30-year loans. In order to receive the financial assistance by the May 31, 2020 TWDB deadline, Dallas City Council approval of the bond ordinances is necessary on April 8, 2020. This work is critical to the utility and is included in the Dallas 365 Performance Measures.

If you have any questions or concerns, please contact Terry Lowery, Director of Dallas Water Utilities, at [terry.lowery@dallascityhall.com](mailto:terry.lowery@dallascityhall.com).

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry, P.E.  
Assistant City Manager

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
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Laila Aleqresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

# Memorandum



CITY OF DALLAS

DATE April 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item: Dallas Fort Worth International Airport**

On April 8, 2020 the Dallas City Council will consider a Dallas Fort Worth International Airport (“DFW Airport”) agenda item related to the Airport’s Code of Rules and Regulations.

The DFW Airport Board adopted Resolution No. 2020-03-065 on March 5, 2020 for the purpose of amending Chapters 1, 2, 3, 4, 5, and 8 of the Code of Rules and Regulations of the Dallas Fort Worth International Airport Board, as shown in the redlined attachment.

Most of the changes are merely formatting changes and elimination of redundancies and repetitions of state law. However, there are four substantive policy changes that are described in the attached memo from DFW Airport.

Please see the accompanying memo from DFW Airport that further explains the item.

If you have any questions or concerns, please contact Brett Wilkinson, Managing Director of the Office of Strategic Partnerships and Government Affairs ([brett.wilkinson@dallascityhall.com](mailto:brett.wilkinson@dallascityhall.com)).

A handwritten signature in black ink, appearing to read 'Kimberly Bizer Tolbert'.

Kimberly Bizer Tolbert  
Chief of Staff to the City

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
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Majed A. Al-Ghafry, Assistant City Manager  
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M. Elizabeth Reich, Chief Financial Officer  
Laila Aleqresh, Chief Innovation Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors

March 24, 2020

To the Honorable Members of the Dallas Transportation and Infrastructure Committee:

The Dallas Fort Worth International Airport Board is requesting that the City Councils of Dallas and Fort Worth approve many changes to the DFW Airport Code of Rules and Regulations, which are redlined in detail in an attachment to the Agenda Information Sheet. The Code, similar to a city's code or ordinances, regulates activities at DFW Airport that are not controlled by contracts or permits. Most of the changes are merely formatting changes, elimination of redundancies and repetitions of state law. However, there are four substantive policy changes that are described below:

**Chapter 2 Unpaid Parking Charges** – Occasionally, individuals refuse to pay for their parking charges at DFW, and DFW cannot refuse them the right to leave. This chapter is amended to create a civil offense for those who fail to pay accrued parking charges. If an individual fails to pay, they will face a fine of \$58, plus their account balance. After three citations, DFW will be allowed to boot or impound the vehicle. This will give DFW the ability to penalize those who refuse to pay, similar to authority cities currently utilize for their facilities.

**Chapter 3 Unaccounted Badges** – The Federal Government oversees DFW's Badging Program for security purposes. These badges are issued to employees and other personnel who are authorized to access DFW facilities. When an individual no longer needs access, or is terminated from employment, they need to return their badge to DFW. This change will create an offense for someone who fails to return their badge to DFW Airport. This will help DFW collect badges from those who no longer need them. If DFW crosses a certain threshold of unaccounted badges, the Federal Government will require DFW to rebadge the entire airport population.

**Chapter 3 Permittee Appeal Rights** - The Code currently requires the Airport Board to file an action in a state district court and seek a declaratory judgment that an action revoking or denying a permit was lawful if the person aggrieved requests it. That requirement is excessive and unnecessary, thus no longer needed in the Code. DFW will still provide a written explanation for the denial or revocation within 5 days as stated in the Code.

**Chapter 8 Definition of Commercial Activity** – This Code change will more clearly define "commercial activity" to include enterprises that access the Airport market, excluding only aircraft operations, and taxis dropping off passengers at the terminals (which still requires payment of access fees, even without a permit). This is in response to a rising number of app-based car-sharing services that are delivering rental cars to passengers, curbside, which is a violation of the Airport's agreement with rental car companies.

These changes were briefed to the Airport Board's Finance/Audit Committee on Mar. 3, 2020. They were later approved by the Airport Board on Mar. 5, 2020. The 1968 Contract and Agreement requires the Owner Cities to approve of any amendments to the DFW Airport Code of Rules and Regulations. This item is scheduled for Council Action on April 8, 2020. Should you have any questions related to this, please contact me at 972-973-5487 or via email at [erodriguez@dfwairport.com](mailto:erodriguez@dfwairport.com)

Sincerely,

A handwritten signature in blue ink, appearing to read "Elaine Flud Rodriguez", is written over the typed name and title.

Elaine Flud Rodriguez.  
General Counsel  
Dallas Fort Worth International Airport

# Chapter 1

## General Provisions

- Sec. 1-1. Title.
- Sec. 1-2. Intent.
- Sec. 1-3. Scope.
- Sec. 1-4. Definitions.
- Sec. 1-5. ~~Catchlines~~Headings of Sections.
- Sec. 1-6. Severability.
- Sec. 1-7. Culpable Mental State.
- Sec. 1-8. Adoption of Code.
- Sec. 1-9. Penalty, Continuing Violations.

~~Sec. 1-10. Laws of the State of Texas.~~

### SEC. 1-1. TITLE.

The ~~Codes~~rules and regulations ~~embraced~~adopted in this and the following chapters ~~and sections~~ shall constitute and be designated "The Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board," ~~and may be so cited.~~ ~~Such code~~ it is ~~may also be~~ referred to herein as "this Code" ~~or "the Code."~~

### SEC. 1-2. INTENT.

It is the intent of this Code to establish certain rules and regulations necessary to the maintenance and promotion of the peace, health, good government and welfare of the Dallas-Fort Worth International Airport, to provide for the best performance of the functions thereof, for the security of persons using the Dallas-Fort Worth International Airport and to provide by such rules and regulations and by concurrent ordinances of the Cities adopting this Code, for suitable penalties for the violation of its provisions.

### SEC. 1-3. SCOPE.

The provisions of this Code shall constitute a special enactment of effect only within the boundaries of the Dallas-Fort Worth International Airport, pursuant to Transportation Code, Section 22.082 and adopted in cooperation and concert with the Cities of Dallas and Fort Worth. This Code shall not be construed to waive or set aside any provisions contained in other Dallas-Fort Worth International Airport Board approved rules or regulations not expressly repealed hereby or other existing ordinances of the Cities of Dallas and Fort Worth applicable to the Dallas-Fort Worth International Airport or any law of the State of Texas applicable to the Dallas-Fort Worth International Airport. To the extent of any conflict between this Code and the existing or future general ordinances of any city other than the Cities of Dallas and Fort Worth, this Code shall prevail within the boundaries of the Dallas-Fort Worth International Airport.

#### **SEC. 1-4. DEFINITIONS.**

The definition of a term in this chapter shall apply to the entire Code. A word importing the masculine gender only shall extend and be applied to include females and to firms, partnerships and corporations as well as to males.

**AIR OPERATIONS AREA** or **“AOA”** shall mean the area of the Dallas-Fort Worth International Airport bounded by a fence or to which access is otherwise restricted and which is primarily used or intended to be used for landing, taking-off or surface maneuvering of aircraft. The AOA does not include those leasehold areas within or having direct access to the AOA which are subject to security requirements imposed on the lessee or tenant under appropriate federal regulations or agreement incorporated in a signed lease.

**AIRPORT** shall mean all of the land, improvement, facilities and developments within the boundaries of the Dallas-Fort Worth International Airport.

**AIRPORT BOARD** or **BOARD** shall mean the Dallas-Fort Worth International Airport Board.

**AIRPORT ROADWAY** means any portions of a street, roadway, or highway within the boundaries of the Airport.

**CEO** shall mean the Chief Executive Officer of the Dallas-Fort Worth International Airport.

~~**CODE** shall mean “The Code of Rules and Regulations of the Dallas-Ft. Worth International Airport Board”.~~

~~**DPS** shall mean the Dallas-Fort Worth International Airport Board Department of Public Safety.~~

~~**DIRECTOR** shall mean the head of a Board department having the title Vice President.~~

~~EXECUTIVE DIRECTOR shall mean the Chief Executive Officer of the Dallas-Fort Worth International Airport Board, or his designee.~~

~~GENDER. A word importing the masculine gender only shall extend and be applied to include females and to firms, partnerships and corporations as well as to males.~~

~~GROUND TRANSPORTATION BUSINESS shall mean the pursuance of the occupation of transporting passengers, material or baggage for hire, either within the Airport or from or to the Airport and points outside thereof.~~

**PERMIT** shall mean an official written instrument granting a special privilege and issued by the Airport Board.

**PERSON** shall mean any individual, ~~firm, partnership, corporation, sole proprietorship, government, association, company or an agency, trust, partnership of two or more persons having a joint or common economic interest~~ or other legal entity.

**RESTRICTED AREA** shall mean any area locked or posted by the Airport to either prohibit or limit entry or access to specific authorized persons.

~~VEHICLE shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land, except aircraft and railroad rolling equipment or other devices running only on stationary rails or tracks.~~

~~VEHICULAR PARKING AREA shall mean those portions of the Airport designated and made available temporarily or permanently by the Airport Board for the parking of vehicles.~~

**SEC. 1-5. CATCHLINES HEADINGS OF SECTIONS.**

~~CatchlinesHeadings~~ of the sections of this Code are intended ~~as merely catchwords~~ to indicate general contents of the section, and for index or search convenience, and shall not be ~~taken or deemed to be titles nor shall same be~~ construed as a substantive part of any section.

**SEC. 1-6. SEVERABILITY.**

The sections, subsections, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this Code, since

the same would have been enacted without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, subsection or section.

#### **SEC. 1-7. CULPABLE MENTAL STATE.**

- (a) A culpable mental state is not required for the commission of an offense under this code or another city ordinance that is punishable by a fine not exceeding \$500, unless the provision defining the conduct expressly requires a culpable mental state.
- (b) In accordance with Section 6.02 of the Texas Penal Code, and notwithstanding any code or ordinance provision to the contrary, a culpable mental state is required for the commission of an offense under this code or another city ordinance that is punishable by a fine exceeding \$500.
- (c) When a culpable mental state is required for the commission of an offense under this code or another city ordinance, a person must have acted knowingly or with knowledge, unless the provision defining the conduct expressly requires a different degree of culpability.
- (d) A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

#### **SEC. 1-8. ADOPTION OF CODE.**

- (a) The Board may from time to time adopt certain additional resolutions, rules, regulations and orders which it deems to be necessary to the maintenance and promotion of the peace, good government and welfare of the Airport, for the performance of the functions thereof, for the order and security of its inhabitants, users and visitors, and to protect the peace, lives, health and property of such inhabitants, users and visitors, and prescribed suitable penalties for the violation thereof, all in the manner prescribed by Transportation Code Chapter 22, and such rules, regulations and orders shall not be construed as an attempt to waive or set aside any provisions contained in the existing ordinances of any city or in any law of the State of Texas. To the extent of any conflict between the existing or future general ordinances of any city, such rules, regulations and orders of the Board shall prevail and be effective within the boundaries of the Airport, but not otherwise.
- (b) Duly certified copies of all rules, regulations and orders of the Board pertaining to the subjects mentioned in SEC. 1-8(a), and prescribing penalties for violations, shall be forwarded by the Executive Director to the chief administrative officer of the Cities of Dallas and Fort Worth to adopt the Code;

and the duly authorized and commissioned peace officers or other enforcement officers of the Board shall thereafter be authorized to file cases arising thereunder in such municipal courts, in addition to any other convenient and proper forum.

**SEC. 1-9. PENALTY, CONTINUING VIOLATIONS.**

(a) The violation of any provision of this Code where an act or a failure to act is made unlawful or is otherwise prohibited, shall be punishable by a fine:

- 1) not to exceed \$500.00;
- 2) not to exceed \$2,000.00 if the provision violated governs fire safety, or public health and sanitation, including dumping of refuse; or
- 3) fixed by State law if the violation is one for which the State has fixed a fine.

(b) A person violating a provision of this Code is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted, unless otherwise provided.

~~**SEC. 1-10. LAWS OF THE STATE OF TEXAS.**~~

~~All portions of this Code shall be cumulative of all applicable civil and criminal laws of the State of Texas.~~

## **Chapter 2 Traffic Regulation**

### **ARTICLE I. IN GENERAL.**

~~Sec. 2-1.—General Law Governing.~~

Sec. ~~2-2-2-1~~. Traffic Control Installations.

Sec. ~~2-3-2-2~~. Definitions.

### **ARTICLE II. ENFORCEMENT.**

Sec. ~~2-5-2-3~~. Law Enforcement.

~~Sec. 2-6.—Parking Enforcement.~~

Sec. ~~2-7-2-4~~. Towing.

### **ARTICLE III. LANDSIDE TRAFFIC.**

~~Sec. 2-10.—Obedience to Traffic Control Devices.~~

Sec. 2-5. Speed Limits.

~~Sec. 2-11.—Cruising.~~

### **ARTICLE IV.III. AIRSIDE TRAFFIC.**

~~Sec. 2-20.—Control of Vehicles.~~

Sec. ~~2-21-2-6~~. Authority to Operate on the AOA.

~~Sec. 2-22.—Yield to Aircraft.~~

~~Sec. 2-23.—Aircraft Movement Area.~~

~~Sec. 2-24.—Speed Limit and Traffic Control.~~

Sec. ~~2-25-2-7~~. Reckless Driving.

Sec. ~~2-26-2-8~~. Obedience to Signs.

Sec. ~~2-27-2-9~~. Parking on the AOA.

- Sec. ~~2-28.2-10.~~ Motor Vehicle Accidents.
- Sec. ~~2-29.2-11.~~ Driving Under the Influence.
- Sec. ~~2-30.2-12.~~ Safety Belts.

**ARTICLE IV.  
PARKING VIOLATIONS.**

- Sec. ~~2-40.2-13.~~ Obedience to Signs.
- ~~Sec. 2-41. — No Parking.~~
- ~~Sec. 2-42. — Unauthorized Zone.~~
- ~~Sec. 2-43. — Limited Parking.~~
- Sec. ~~2-44.2-14.~~ Fire Lane.
- Sec. ~~2-45.2-15.~~ Failure to Park in Marked Space.
- Sec. ~~2-46.2-16.~~ Employee Parking Areas.
- Sec. ~~2-47.2-17.~~ Parking by Air Operation Areas Fences.
- Sec. ~~2-48.2-18.~~ Passenger Loading Zones – No Unattended Vehicle.
- Sec. ~~2-49.2-19.~~ Impeding Flow of Traffic.
- Sec. ~~2-50.2-20.~~ **Material** Loading Zones.
- Sec. 2-21. **Failure to Pay Parking and Access Charges**
- Sec. ~~2-51.2-22.~~ Parking Defenses.

**ARTICLE VI.  
ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.**

- Sec. ~~2-60.2-23.~~ Parking Violations Made Civil Offenses.
- ~~Sec. 2-61. — General Authority and Duty of the Administrator.~~
- Sec. 2-24. **Hearing Requirement.**
- Sec. ~~2-62.2-25.~~ Hearing Officers; Powers, Duties and Functions.
- Sec. ~~2-63.2-26.~~ Parking Citations Form.
- Sec. ~~2-64.2-27.~~ Service of a Parking Citation; Presumption of Service.
- Sec. ~~2-65.2-28.~~ Liability of the Vehicle Owner and Operator;  
Presumption of Liability.

- Sec. ~~2-66.2-29.~~ Answering a Parking Citation.
- Sec. ~~2-67.2-30.~~ Adjudication by Mail, Electronic Mail or through the Online Citation Appeal System
- Sec. ~~2-68.2-31.~~ Hearings for Disposition of a Parking Citation; ~~Parking Citation as Prima Facie Evidence~~ Notice of Decision.
- ~~Sec. 2-69. — Failure to Answer a Parking Citation or Appear at a Hearing.~~
- Sec. ~~2-70.2-32.~~ Civil Fine Schedule.
- Sec. ~~2-71.2-33.~~ Enforcement of Order.
- Sec. ~~2-72.2-34.~~ Removal of Immobilization Device.
- Sec. ~~2-73.2-35.~~ Immobilization/Impoundment Hearing.
- Sec. ~~2-74.2-36.~~ Appeal from Hearing.
- Sec. ~~2-75.2-37.~~ Disposition of Civil Fines, Penalties, and Costs.

**ARTICLE I.  
IN GENERAL.**

**~~SEC. 2-1. — GENERAL LAW GOVERNING.~~**

~~All of the provisions of State Law governing the regulation of motor vehicles, including but not limited to Transportation Code Title 7 — “Vehicles and Traffic” Subtitle C — “Rules of the Road”, Transportation Code Chapter 502 — “Registration of Vehicles”, Transportation Code Chapter 501 — “Certificate of Title Act”, Transportation Code Chapter 521 — “Driver’s Licenses and Certificates”, Transportation Code Chapter 601 — “Motor Vehicle Safety Responsibility Act”, and Transportation Code Chapter 683 — “Abandoned Motor Vehicles”, are hereby declared to be in effect on Airport Roadways, except the provisions of said Statutes changed by this Code under the authority of State Law.~~

**~~SEC. 2-2.2-1.           TRAFFIC CONTROL INSTALLATIONS.~~**

- ~~(a) All devices, signs, signals, markings or insignia shall conform to the manual and specifications adopted by the Texas Transportation Commission, as set forth in Transportation Code, Section 544.001 and Transportation Code, Section 544.002.~~
- ~~(b) Except for speed limit signs, The Airport Board is authorized to establish all traffic control devices, signs, signals, markings and insignias on the Airport as presently located, erected or installed on the premises of the Airport, are hereby adopted, affirmed and ratified. The Executive Director shall conduct~~

~~studies and investigations relating to all such traffic control devices, signs, signals, markings and insignia, and in accordance with such studies, make changes deemed necessary. This includes declaring a parking ban for specified areas of the Airport in the interest of traffic safety or security. Any changes, when effected, shall be entered upon an official record to be maintained by the Executive Director.~~

~~(c) Based upon the authority vested in the Cities of Dallas and Fort Worth by Transportation Code, Section 545.356 and Transportation Code, Section 545.363, the speed limits upon the streets, ways, passages and vehicular routes within the boundaries and confines of the Airport are set, affirmed and ratified as described in Appendix I of this Code. Unless otherwise provided, the maximum speed limit on streets, ways, passages and vehicular routes within the boundaries and confines of the Airport shall be thirty (30) miles per hour. The streets, ways, passages and vehicular routes, and their corresponding block numbers within the boundaries and confines of the Airport, are set, affirmed, and ratified as described in Appendix I of this Code. In compliance with the above authority, the Airport Board directs the Executive Director to perform engineering and traffic investigations to ensure the prima facie maximum speed limits set forth in Appendix I are reasonable and safe under the conditions found to exist at all intersections and Airport Roadways. The delegation of authority herein granted shall not extend to establishing or changing speed limits, but shall be established by the Airport Board according to the requirements of State Law as delegated to the Cities by Legislative enactment.~~

## **SEC. 2-3-2-2. DEFINITIONS.**

The definition of a term in this chapter shall apply only to this chapter.

**ABANDONED VEHICLE** shall have the meaning assigned in Section 683.002 of the Texas Transportation Code.

**ADMINISTRATOR** shall mean the Vice President of ~~Operation~~**the Transportation Business Unit** of the Dallas-Fort Worth International Airport Board ~~and includes his designated representatives, agents or Airport Board employees.~~

**AIR OPERATIONS AREA or "AOA"** shall mean the area of the Dallas-Fort Worth International Airport bounded by a fence or to which access is otherwise restricted and which is primarily used or intended to be used for landing, taking-off or surface maneuvering of aircraft. The AOA does not include those leasehold areas within or having direct access to the AOA which are subject to security requirements imposed on the lessee or tenant under appropriate federal regulations or agreement incorporated in a signed lease.

**AIRCRAFT RESCUE AND FIRE FIGHTER ROAD (AARF) or EMERGENCY ACCESS ROADS** shall mean roads on the AOA that are maintained to support emergency responses.

**AUTHORIZATION or AUTHORIZED** shall mean acting under or pursuant to a written contract, permit, authorization or other evidence of right issued by the ~~CEO~~~~Executive Director~~ or his designee.

**BADGE** shall mean an identification card issued by the Airport to identify a person with access authorization.

~~**CRUISING** shall mean operating a motor vehicle so as to pass the same location 3 times within a 2-hour period.~~

**DISABLED PARKING PLACARD** shall mean the placard issued by the state under section 681.002 of the Texas Transportation Code, as amended.

**DISABLED PERSON** shall mean a person who has a permanent or temporary disability within the meaning of Section 681.001 in the Texas Transportation Code, as amended, and who has applied for and received:

- (a) a disabled person or disabled veteran license plate from the state;
- (b) a disabled parking placard from the state; or
- (c) a license plate or placard bearing the international symbol of access issued by a U.S. state or by a state or province of a foreign country.

**DISABLED PERSON LICENSE PLATE** shall mean the specially designed license plate of a vehicle, issued by the state to a permanently disabled person under Section 504.201 of the Texas Transportation Code, as amended.

**DISABLED VETERAN LICENSE PLATE** shall mean the specially designed license plate of a vehicle, issued by the state to a disabled veteran under Section 504.202 of the Texas Transportation Code, as amended.

~~**DPS** shall mean the Dallas-Fort Worth International Airport Board Department of Public Safety.~~

**ESCORT** shall mean to accompany and monitor the activities of an individual who does not have unescorted access authority into or within a sterile area, secured area or SIDA.

**INTERNATIONAL SYMBOL OF ACCESS** shall have the meaning defined in Section 681.001 of the Texas Transportation Code, as amended.

**JUNKED VEHICLE** shall have the meaning defined in Section 683.071 of the Texas Transportation Code.

**MOVEMENT AREA** shall mean the area of the AOA utilized for taxiing, takeoff, and landing of aircraft and includes adjacent undeveloped areas. The movement area does not include loading ramps and parking area ramps.

**NON-MOVEMENT AREA** shall mean the area that includes all aircraft parking areas, loading ramps and aircraft maintenance ramps.

**OPERATOR** shall mean any person in control of a vehicle, including a railroad train or a vehicle being towed.

**OWNER** shall mean a person in whose name the legal title of an aircraft or a motor vehicle is held or vested.

**PARK** or **PARKING** shall mean to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

**PARKING** and **ACCESS CHARGES** are specified in the Dallas-Fort Worth International Airport Board Schedule of Charges.

**PARKING BAN** shall mean certain hours or times during which standing, parking, or stopping of a vehicle is prohibited along the curb of designated street as indicated by signs.

**REGULATED VEHICLE** means a taxicab or prearranged service vehicle.

**RESTRICTED AREA** shall mean any area locked or posted by the Airport to either prohibit or limit entry or access to specific authorized persons.

**STAND** or **STANDING** shall mean to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

**STOP** or **STOPPING** shall mean:

(a) when required, to completely cease movement; and,

(b) when prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic control sign or signal.

**UNATTENDED VEHICLE** shall mean a vehicle that is stopped or parked and whose driver and passengers have exited the vehicle and moved more than 50 feet away from the vehicle leaving, it unoccupied.

**VEHICLE** shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land.

**VEHICULAR PARKING AREA** shall mean those portions of the Airport designated and made available temporarily or permanently by the Airport Board for the parking of vehicles.

**ARTICLE II.  
ENFORCEMENT.**

**SEC. 2-5-2-3. LAW ENFORCEMENT.**

~~(a) Composition of Police Force.~~

~~The police force of DFW International Airport shall consist of the Chief of Police and such number of officers as the Airport Board authorizes.~~

~~(b) Chief of Police.~~

~~(1) shall be responsible for the proper administration and operations of the police department;~~

~~(2) shall have the authority to appoint peace officers for specific duties at the Airport.~~

~~(c) Duties and Powers of Police Officers.~~

~~Law enforcement officers are charged with maintaining peace and order, and protecting the citizens of the DFW Airport. The Department of Public Safety shall provide continuous patrol services, response to citizens' calls for assistance, investigate criminal offenses and security violations, apprehend offenders, provide traffic enforcement and enforce all codes and laws, local, state and federal, the enforcement of which it is charged with.~~

Texas peace officers commissioned by the Airport Board shall have primary law enforcement authority within the boundaries of the Airport.

**SEC. 2-6. PARKING ENFORCEMENT.**

In addition to DPS law enforcement officers, the Administrator, ~~his designated and the representatives and agents designated by the Administrator,~~ shall have enforcement authority ~~in this Chapter as to civil offenses related to parking or stopping a vehicle in terminal parking facilities, on the upper or lower level roadways adjacent to passenger terminals, at the central queue, and Consolidated Rental Car Facility.~~

**SEC. 2-7-2-4. TOWING.**

(a) Any vehicle which is abandoned or junked, or parked in violation of this Code, and represents an operational hazard at the Airport, may be booted, removed or towed away and impounded, all at the operator's or owner's expense and without liability for any damage to the vehicle. Such expense shall be a lien against the vehicle and payment in full shall be a prerequisite to the reclaiming of the vehicle by the operator or owner.

~~(b) The method of disposition of abandoned or junked motor vehicles or other vehicles shall be as set forth in the Transportation Code Chapter 683.~~

(eb) Any boat, trailer, storage compartment or other like property left in any terminal, remote, or employee parking facility on the Airport without authorization from the Executive Director/CEO will be towed away and impounded all at the operator's or owner's expense and without liability for any damage to the vehicle.

~~(d) Law Enforcement Officers of The Department of Public Safety are authorized to remove or impound vehicles found in violation of this chapter which represent an operational hazard or that impede the efficient operations of any Airport Roadway or the Air Operations Area.~~

~~(e) The Administrator, DPS, and their designated representatives are authorized to impound any vehicle that is in violation of parking or stopping of vehicles found:~~

~~(1) in terminal parking facilities;~~

~~(2) on the upper or lower level roadways adjacent to passenger terminals;~~

~~(3) at the central queue; or~~

~~(4) at the Consolidated Rental Car Facility.~~

### **ARTICLE III. LANDSIDE TRAFFIC.**

#### **SEC. 2-10. OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

~~No person shall operate a vehicle on any Airport roadway in violation of an official traffic control device except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer, a traffic or parking controller.~~

#### **SEC. 2-5. SPEED LIMITS.**

The speed limits upon the streets, ways, passages and vehicular routes within the boundaries and confines of the Airport are set, affirmed and ratified as described in Appendix I of this Code. Unless otherwise provided, the maximum speed limit on streets, ways, passages and vehicular routes within the boundaries and confines of the Airport shall be thirty (30) miles per hour. The streets, ways, passages and vehicular routes, and their corresponding block numbers within the boundaries and confines of the Airport, are set, affirmed, and ratified as described in Appendix I of this Code.

**~~SEC. 2-11. CRUISING.~~**

~~(a) A person commits an offense if he drives a regulated vehicle and he:~~

~~(1) engages in cruising within 500 feet of any Airport Terminal, bus stop, rental car facility, parking facility or any other location designed to assist Airport customers locate alternate means of transportation to or from the Airport; and,~~

~~(2) does not possess a valid dispatch authorization or other form of permission from the Administrator.~~

~~(b) Enforcement;~~

~~(1) Enforcement action may be taken under this section any time after a police officer has determined that the driver of a vehicle has passed the same location more than 3 times within a 2-hour period.~~

**ARTICLE IV.III.  
AIRSIDE TRAFFIC.**

**~~SEC. 2-20. CONTROL OF VEHICLES.~~**

~~The control of all vehicular traffic on the AOA shall be governed by applicable federal and state laws and these rules and regulations.~~

**SEC. 2-21.2-6. AUTHORITY TO OPERATE ON THE AOA.**

~~(a) No person shall enter by foot or other conveyance or operate any motor vehicle on the AOA, unless it is directly related to an aviation activity on the Airport, the business of the Airport Board, or the business of a tenant, an authorized subtenant or authorized user of the Airport.~~

~~(a)~~ A person commits an offense if he is on the AOA and:

(1) does not display evidence of authorization issued by the Airport Board ~~Executive Director or his designee~~; or

(2) is not under authorized escort as described in Chapter 9.

(eb) A person commits an offense if he operates a motor vehicle on the AOA and:

(1) does not have a valid government issued driver's license in his possession;

(2) does not have a license in his possession that is appropriate for the type of vehicle being operated; or,

(3) does not display or refuses to present a driver's license upon demand by a Peace Officer.

#### ~~SEC. 2-22. YIELD TO AIRCRAFT.~~

~~A person commits an offense if he operates a vehicle and fails to yield the right-of-way to any aircraft in motion.~~

#### ~~Sec. 2-23. AIRCRAFT MOVEMENT AREA.~~

~~(a) A person commits an offense if he operates a motor vehicle or travels by foot or by any conveyance and crosses the non-movement area boundary marking from the non-movement area into the movement area, unless in support of airport operations.~~

~~(b) A person commits an offense if he operates a motor vehicle or travels on foot or by any conveyance and crosses the runway holding position marking of an active runway without first having received clearance to proceed from the FAA control tower.~~

~~(c) It is a defense to prosecution for a violation of this subsection if the person is being escorted by an authorized SIDA badge holder who is responsible for receiving clearance from the FAA control tower.~~

#### ~~SEC. 2-24. SPEED LIMIT AND TRAFFIC CONTROL.~~

~~A person commits an offense if he operates any motor vehicle, other than an emergency vehicle:~~

~~(a) in the Non-Movement Area at a speed in excess of twenty (20) miles per hour; or~~

~~(b) on the ARFF service roads in excess of forty-five (45) miles per hour.~~

#### **SEC. 2-25.2-7. RECKLESS DRIVING.**

A person commits an offense if he operates a motor vehicle on the AOA in a willful or wanton disregard for the safety of persons or property.

**SEC. 2-26.2-8. OBEDIENCE TO SIGNS.**

A person commits an offense if while on foot or operating any vehicle on the AOA:

- (a) he disregards a posted regulatory sign, special sign, signal, marking or device used to regulate, warn, or guide traffic; or
- (b) fails to comply with directions given by the control tower, a law enforcement officer, or a person designated by the Airport to control traffic.

**SEC. 2-27.2-9. PARKING ON THE AOA.**

A person commits an offense if he parks a motor vehicle, vehicle, trailer, or other equipment on the AOA:

- (a) in a manner contrary to any posted regulatory signs, traffic control devices or pavement markings; or
- (b) in any manner that prevents the passage or movement of aircraft, vehicles, trailers or pedestrians; or
- (c) in any manner that obstructs access to fuel shutoff valves, fire suppression equipment, or other emergency systems; or
- (d) that is inoperable or undergoing maintenance; or
- (e) that the Administrator or his designee instructed the person to remove from the AOA.

**SEC. 2-28.2-10. MOTOR VEHICLE ACCIDENTS.**

Any person operating a motor vehicle on the AOA which is involved in an accident resulting in injury to any person or damage to another's property shall:

- (a) immediately stop at the scene or as close as possible;
- (b) render aid if necessary;
- (c) exchange driver, vehicle, and insurance information if necessary; and
- (d) notify the DFW Airport DPS and the Airport Operations Center.

**SEC. 2-29.2-11. DRIVING UNDER THE INFLUENCE.**

A person commits an offense if he operates a motor vehicle on the AOA and:

- (a) has any detectable amount of alcohol in the person's system;

- (b) has any detectable amount of a dangerous drug in the person's system; or,
- (c) does not have the normal use of his mental or physical faculties by reason of the introduction of a controlled substance, a drug, a combination of two or more substances or any other substance into the body.

**SEC. ~~2-30.2-12.~~ SAFETY BELTS.**

- (a) A person commits an offense if the person:
  - (1) is operating or riding in a vehicle,
  - (2) is occupying a seat that is equipped with a safety belt, and
  - (3) is not secured by a safety belt while the vehicle is being operated in either the movement area or non-movement area of the Air Operations Area.
- (b) In this section, "safety belt" and "secured" have the meanings assigned by Section 545.412 of the Texas Transportation Code, ~~as currently enacted.~~
- (c) It is a defense to prosecution under this section that:
  - (1) ~~T~~the person is engaged in servicing an aircraft and is driving or riding in a vehicle located within 25 feet of that aircraft;
  - (2) ~~T~~the person is driving or riding in a vehicle within a baggage make-up area and the person is present for the purpose of positioning equipment;
  - (3) ~~T~~the person is an emergency service provider performing his official duties;
  - (4) ~~T~~the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt; or
  - (5) ~~T~~the person presents to the court, not later than the 10<sup>th</sup> day after the date of the offense, a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt.

**ARTICLE ~~V.~~IV.  
PARKING VIOLATIONS.**

**SEC. ~~2-40.2-13.~~ OBEDIENCE TO SIGNS.**

- (a) A person commits an offense, ~~if,~~ as the operator of a vehicle, he stops, stands, or parks a vehicle within the boundaries of the Airport in violation of an official

sign, curb marking, or street marking prohibiting, regulating, or restricting the parking, stopping, or standing of vehicles, except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer.

(b) A person commits an offense if he:

- (1) is not a disabled person or transporting a disabled person and stops, stands, or parks a vehicle with a valid disabled person license plate, a disabled veteran license plate, a disabled parking placard, or a license plate or placard bearing the international symbol of access in a parking space or area designated specifically for the disabled; ~~or,~~
- (2) stops, stands, or parks a vehicle that does not display a valid disabled person license plate, a disabled veteran license plate, a disabled parking placard, or a license plate or placard bearing the international symbol of access in a parking space or area designated specifically for the disabled; ~~or,~~
- (3) stops, stands, or parks a vehicle in such a manner that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

~~**SEC. 2-41. NO PARKING.**~~

~~A person commits an offense if as the operator of a vehicle, he parks a vehicle within the boundaries of the Airport in a no parking zone designated by an official sign.~~

~~**SEC. 2-42. UNAUTHORIZED ZONES.**~~

~~A person commits an offense if:~~

- ~~(a) as the operator of a vehicle he stops, stands, or parks in a zone designated by the Airport for the use of a specified transportation provider and the vehicle he is driving does not display a valid permit or other proof of authorization issued by the Airport; or,~~
- ~~(b) as the operator of an authorized Limo, Taxi, Terminal Link, Shared Ride vehicle, or other courtesy vehicle he stops, stands, or parks in a zone for which his vehicle is not authorized.~~

~~**SEC. 2-43. LIMITED PARKING.**~~

~~A person commits an offense if as the operator of a vehicle he stops, stands, or parks a vehicle in violation of an official sign which designates a time limit for parking.~~

~~**SEC. 2-44-2-14. FIRE LANE.**~~

A person commits an offense if the person stops, stands, or parks a vehicle in a fire lane except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer.

**SEC. 2-45.2-15. FAILURE TO PARK IN MARKED SPACE.**

A person commits an offense if, in an Airport operated parking area, he parks a vehicle in a marked parking space and fails to park within the lines as designated.

**SEC. 2-46.2-16. EMPLOYEE PARKING AREAS.**

A person commits an offense if he operates, parks, or stands a motor vehicle within an Airport operated parking area designated for employee parking unless a valid permit, decal, or other authorization issued by the Airport is displayed on the vehicle in a manner established by the Administrator.

**SEC. 2-47.2-17. PARKING BY AIR OPERATION AREAS FENCE.**

A person commits an offense if he parks a vehicle or leaves other property within ten (10) feet of an AOA fence.

**SEC. 2-48.2-18. PASSENGER LOADING ZONES – NO UNATTENDED VEHICLE.**

~~(a) The Airport Board may establish zones for loading or unloading passengers where no unattended vehicles are permitted. Such zones shall be designated with appropriate control devices, signs, signals, markings or insignia.~~

~~(b) A person commits an offense if the person parks, stops, or stands any vehicle and leaves it unattended in any Ppassenger Lloading or Nno Uunattended Vvehicle zone.~~

**SEC. 2-49.2-19. IMPEDING FLOW OF TRAFFIC.**

A person commits an offense if he parks, stops or stands a vehicle in any Airport Rroadway, Ccrosswalk, Ssidewalk, Ddriveway, Air Operations Area, Ttaxiway, Pparking Aarea, Ppassenger Lloading Zzone, material Lloading Zzone, at the Centralexi Qqueue, or in front of or near any entrance or exit to any building at the Airport so as to block, obstruct or impede the free passage of any vehicles or pedestrians.

**SEC. 2-50.2-20. MATERIAL LOADING ZONES.**

~~(a) The Airport Board may establish Loading Zones for the loading and unloading of material at the Airport. Loading zones shall be designated with appropriate control devices or signs and may designate specific times for the activity.~~

~~(b)~~ A person commits an offense if he:

- (1) stops, stands or parks any vehicle in a ~~L~~loading ~~Z~~zone other than for unloading and delivery, pickup and loading of material by a vehicle authorized by the ~~Airport Board Executive Director~~ for such use; or,
- (2) stops, stands or parks any delivery vehicle authorized by the ~~Airport Board Executive Director~~ in a ~~L~~loading ~~Z~~zone and exceeds the time limit or specified time window established by the Airport Board and posted in such ~~L~~loading ~~Z~~zone.

#### **SEC. 2-21. FAILURE TO PAY PARKING AND ACCESS CHARGES**

A person commits an offense by failing to pay accrued parking or access charges at the Airport exits. This offense includes, but is not limited to, tow truck operators who remove vehicles from the Airport without paying the charges accrued by the vehicle being removed.

#### **SEC. ~~2-51.2-22.~~ PARKING DEFENSES.**

(a) Law Enforcement and Emergency Service Vehicles.

~~(1)~~ It is a defense to prosecution under this Chapter that a vehicle in violation was owned or operated by a law enforcement agency, fire department or Emergency Medical Service provider and parked to support the performance of official duties.

(b) Authorized persons.

(1) It is a defense to prosecution under this Chapter that a vehicle in violation:

~~(a)~~ ~~(A)~~ was parked in a limited parking space and had parking authorization, in a form approved by the ~~Executive Director~~ ~~CEO~~ and authorization was placed to be clearly visible on either the front windshield or rear window of the vehicle; or,

~~(b)~~ ~~(B)~~ stopped, stood, or parked at the direction of a law enforcement officer, a traffic or parking controller, or an official traffic control device.

### **ARTICLE ~~VI.~~V. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.**

#### **SEC. ~~2-60.2-23.~~ PARKING VIOLATIONS MADE CIVIL OFFENSES.**

Every violation ~~of Article V~~ of this chapter governing the stopping, standing, or parking of a vehicle is a civil offense.

~~SEC. 2-61. GENERAL AUTHORITY AND DUTY OF THE ADMINISTRATOR.~~

~~The Administrator or his designated representative shall implement and enforce this section and may by written order establish such rules or regulations, not inconsistent with this section, as the Administrator determines are necessary to discharge his duty under, or to effect the policy of, this section.~~

**SEC. 2-24. HEARING REQUIREMENT.**

A person charged with a stopping, standing, or parking offense is entitled to a hearing within 15 calendar days of issuance of the citation.

**SEC. 2-62-2-25. HEARING OFFICERS; POWERS, DUTIES, AND FUNCTIONS.**

- (a) Hearing officers shall be appointed by the Administrator, ~~or his designated representative~~, to administratively adjudicate all parking violations for which a parking citation has been issued under this chapter of this Code.
- (b) Hearing officers shall have the following powers, duties, and functions:
  - (1) to administer oaths;
  - (2) to accept admissions to, and to hear and determine contests of, parking violations under this section;
  - (3) to issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court;
  - (4) to assess civil fines, penalties, and other costs for a parking violation in accordance with ~~SEC.2-70 of this section~~chapter;
  - (5) to waive penalties assessed for a parking violation in accordance with ~~Sec.2-70 of this section~~chapter; and
  - (6) to preside over, hear evidence, and make findings at an immobilization or impoundment hearing in accordance with this ~~section~~chapter.

**SEC. 2-63-2-26. PARKING CITATIONS; FORM.**

- (a) A parking citation serves as the summons and complaint for purposes of this ~~section~~chapter.

(b) A parking citation must be on a form prescribed by the Administrator ~~or his designated representative~~, and must include the following information:

- (1) the nature, date, time, and location of the alleged parking violation;
- (2) the license plate number of the illegally parked vehicle, or if not visible or legible, the vehicle identification number or the inspection tag number;
- (3) the make of the illegally parked vehicle; ~~and~~
- (4) ~~all other information required by state law. the date, time, and location of the administrative adjudication hearing, to be set not later than 15 calendar days after the date of issuance of the parking citation;~~
- (5) ~~a notification that the person charged with the parking violation has the right to an instanter hearing any business day before the scheduled administrative adjudication hearing; and~~
- (6) ~~a notification that failure to timely appear at either an instanter hearing or a scheduled administrative adjudication hearing is considered an admission of liability for the parking violation charge and will result in the assessment of appropriate civil fines, penalties, and costs and may result in the immobilization, towing, and impoundment of the vehicle for which the citation was issued.~~

~~(c) The original or any copy of a parking citation is a record kept in the ordinary course of Airport Board business and is prima facie evidence of the facts contained in the parking citation.~~

**SEC. 2-64.2-27. SERVICE OF A PARKING CITATION; PRESUMPTION OF SERVICE.**

- (a) A parking citation must be served personally upon the operator of a vehicle, ~~who is~~ ~~if the operator is~~ present at the time of service. If the operator is not present, or cannot otherwise be personally served, the parking citation must be ~~served upon the registered owner of the vehicle by affixing the parking citation affixed~~ to the vehicle in a conspicuous place.
- (b) An operator of a vehicle who is not the vehicle's owner, but who uses or operates the vehicle with the express or implied permission of the owner, shall be considered the owner's agent authorized to receive a parking citation required to be served upon the registered owner or operator of a vehicle in accordance with the provisions of this section.

- (c) If the owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the parking violation while the issuing officer is preparing the parking citation, or refuses service of the parking citation, this fact shall be noted on the original and all copies of the parking citation.
- (d) The original parking citation must be signed by the issuing officer who shall affirm the truth of the facts set forth in the citation. An electronic signature satisfies the signature requirement.
- (e) The original and all copies, including all electronic copies, of a parking citation are prima facie evidence that the parking citation was issued and that an attempt at service was made in accordance with the provisions of this section.

**SEC. 2-65.2-28. LIABILITY OF THE VEHICLE OWNER AND OPERATOR; PRESUMPTION OF LIABILITY.**

- (a) Except as provided in subsection (b), the registered owner and the operator of a vehicle, when not the same, shall both be liable to the Airport Board for a parking violation charge, except that the operator of a vehicle shall be solely liable if the owner can prove that the vehicle was operated without the owner's express or implied consent. ~~A vehicle owner who pays any civil fines, penalties, or costs pursuant to this section shall have the right to recovery from the vehicle operator.~~
- (b) A vehicle owner who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines, penalties, and costs imposed by the Airport Board on a rented or leased vehicle if, within 30 days after receiving written notice of a parking violation, the vehicle owner provides in affidavit form the true name, address, driver's license number and state or country of issuance of the person in possession of the vehicle at the time the parking citation was issued, ~~or~~ and a true copy of the lease or rental agreement in effect at the time the parking citation was issued.
- ~~(c)~~ A lessor of a vehicle who fails to ~~comply with subsection (b)~~ provide such information and documentation shall be treated as any other vehicle owner and shall be liable with the vehicle operator for a parking violation charge.
- ~~(d)~~(c) It is a defense to any charge of a parking violation that, at the time of the violation, the illegally parked vehicle was reported to a police department as having been stolen prior to the time of the violation and had not yet been recovered.
- ~~(e) In any hearing to administratively adjudicate a parking citation, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who stopped, stood, or parked the vehicle at the time and place of~~

~~the parking violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle showing the name of the person to whom the license plate was issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.~~

**SEC. 2-66.2-29. ANSWERING A PARKING CITATION.**

- (a) A person who has been issued a parking citation shall answer to the charge of the parking violation by the date shown on the citation. An answer may be made in any of the following ways:
- (1) an admission of liability with payment of the applicable civil fine, and any additional penalties and costs;
  - (2) a denial of liability made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date;
  - (3) an admission of liability with an explanation made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date;
  - (4) a request for permission from a hearing officer to adjudicate by mail; or electronic mail;
  - (5) a request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the Administrator, or his designated representative, an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs.
- (b) The Administrator, or his designated representative, shall issue a receipt for any amounts paid under this ~~paragraph~~section. After presentation of the receipt, all amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.
- (c) Payment of the civil fine and any additional penalties and costs may be made in person or by mailing to the Airport Board the parking citation accompanied by payment of the amount shown on the citation. Payment by mail may be made only by money order, check, or in a manner prescribed by the Administrator ~~or his designated representative~~. Payment of the civil fine and all penalties and costs assessed pursuant to this section shall operate as a

final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal.

**SEC. 2-67-2-30. ADJUDICATION BY MAIL, ELECTRONIC MAIL, OR THROUGH THE ONLINE CITATION APPEAL SYSTEM.**

- (a) If a person charged with a parking violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail, electronic mail, or through the online citation appeal system, which adjudication must be completed within 90 calendar days of the date of the citation.
- (b) Letters, memoranda, affidavits, photographs, and other documentary materials shall be admissible as evidence for the purposes of adjudication by mail, electronic mail or through the online citation appeal system. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.
- (c) Failure of the person charged to proceed with an adjudication by mail, electronic mail or through the online citation appeal system, after requesting and receiving permission to adjudicate by mail, electronic mail or through the online citation appeal system, is an admission by the person charged of liability for the parking violation and shall subject the person who requested the adjudication by mail, electronic mail or through the online citation appeal system, to the appropriate civil fines, penalties, and costs assessed by the hearing officer.
- (d) If a hearing officer determines that an adjudication cannot proceed by mail, electronic mail or through the online citation appeal system, the hearing officer shall advise the person charged by first class mail that the person must appear to answer the charge at a hearing.

**SEC. 2-68-2-31. HEARINGS FOR DISPOSITION OF A PARKING CITATION; NOTICE OF DECISION ~~PARKING CITATION AS PRIMA FACIE EVIDENCE.~~**

- (a) Every hearing for the adjudication of a parking violation charge under this section shall be held before a hearing officer.
- (b) At a hearing, the parking citation is prima facie proof of its contents. ~~and the~~ The officer or other authorized person who issued the parking citation is not required to be present ~~at a scheduled administrative hearing; except, that the issuing officer or other authorized person shall be present at a scheduled administrative adjudication hearing if~~ unless requested at least three days in advance of the hearing by the person charged or by the hearing officer.

(c) At a hearing, the hearing officer shall hear and consider evidence presented by the Airport Board and by the person charged. The ~~formal~~Texas rules of evidence do not apply to a hearing under this section, and the hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this section or other applicable law.

(d) At the conclusion of an instanter or a scheduled administrative adjudication hearing, the hearing officer shall immediately render an order or decision **as to liability for the violation. The person charged shall also be notified of the right to appeal to municipal court, that failure to pay can result in immobilization and impoundment of the vehicle, and that the debt may be placed on the person's credit report for seven years or until the debt is paid.;** either by:

~~(1) finding the person charged liable for the parking violation, assessing the applicable civil fine and any penalties and other costs in accordance with this section, and notifying the person of the right to appeal to municipal court; or,~~

~~(2) finding the person charged not liable for the parking violation.~~

~~(e) An order of a hearing officer may be filed with the Administrator or his designated representative. The order may be recorded using computer printouts, microfilm, microfiche, or similar data processing techniques.~~

**~~SEC. 2-69. FAILURE TO ANSWER A PARKING CITATION OR APPEAR AT A HEARING.~~**

~~(a) The failure of any person charged with a parking violation to answer to the charge within 15 calendar days after the date of issuance of the parking citation or to appear at any hearing, including a hearing on appeal, when required to appear is an admission of liability for the parking violation, and the hearing officer, or the municipal court in the case of an appeal, shall issue an order of liability and assess against the person charged with the violation the appropriate civil fines, penalties, and other costs.~~

~~(b)~~(e) If the person charged with a parking violation fails to answer the charge or to appear at a scheduled hearing, then ~~W~~within 7 calendar days after filing an order of liability issued under this section, a hearing officer shall notify the registered owner or operator of the vehicle in writing of the order. The notice must be sent by first class mail to the last address of the registered owner on record with the Texas Department of Transportation, or to the address of the registered owner or operator last known to the hearing officer. **The notice must include a statement:**

- ~~(1) of the amount of civil fines, penalties, and costs assessed;~~
- ~~(2) of the right to appeal to municipal court; and~~
- ~~(3) that failure to pay can result in immobilization and impoundment of the vehicle and the debt being placed on the debtor's credit report for seven years or until such time as the debt is paid.~~

**SEC. 2-70-2-32. CIVIL FINE SCHEDULE.**

~~(a) The following is the schedule of civil fines for parking violations of this Code that are made~~ All civil offenses under this sectionchapter shall be punishable by a civil penalty of \$58.00, except for the following offenses:

Violation	Civil PenaltyFine
<del>Obedience to Signs</del>	<del>\$ 58.00</del>
<del>HandicapDisabled Parking Space</del>	<del>\$ 500.00</del>
<del>No Parking</del>	<del>\$ 58.00</del>
<del>Unauthorized Zone</del>	<del>\$ 58.00</del>
<del>Limited Parking — 1hr/2hr</del>	<del>\$ 58.00</del>
<del>Parking in a Fire Lane</del>	<del>\$ 68.00</del>
<del>Failure to Park in Marked Space</del>	<del>\$ 58.00</del>
<del>Employee Parking Areas (no decal/expired decal)</del>	<del>\$ 58.00</del>
<del>Parking by AOA Fence</del>	<del>\$ 58.00</del>
<del>Passenger Loading Zones (No Unattended Vehicle)</del>	<del>\$ 58.00</del>
<del>Impeding Flow of Traffic</del>	<del>\$ 58.00</del>
<del>Loading Zone</del>	<del>\$ 58.00</del>
<del>Boot Fee</del>	<del>\$ 100.00</del>

~~(b) Civil penalties for failure to pay parking fees shall be in addition to the parking fees themselves. When a vehicle is booted, a fee of \$100.00 shall also be assessed.~~

~~(b)(c) If a civil finepenalty is assessed, it must be in accordance with this section. A civil finepenalty may not be waived or modified by a hearing officer, or by a municipal court on appeal, except that additional penalties and other costs may be added in accordance with this section.~~

~~(e)(d) An additional penalty in an amount equal to the original civil finepenalty will be assessed if a vehicle owner or operator or the agent of the owner or operator fails to:~~

- ~~(1) answer to a parking violation charge within 15 calendar days after the date of issuance of the parking citation or fails to appear at any hearing scheduled after 15 calendar days from the date of the parking citation;~~
- ~~or~~

(2) after being found liable, pay all civil fines, fees, and costs assessed for a parking violation within the time designated by the hearing officer.

~~(d)~~(e) A penalty assessed under subsection (c) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:

(1) through no fault of the vehicle owner or operator, or agent of the vehicle owner or operator:

(aA) no notice of the parking violation was received as required by this ~~section~~chapter;

(bB) no notice of the hearing officer's order was received as required by this ~~section~~chapter; or,

(cC) payment of the civil ~~fine~~penalty assessed for the parking violation was not posted in a timely manner;

(2) the penalty was assessed in error; or,

(3) the vehicle was at the time of the violation stopped, standing, or parked in response to a medical emergency.

### **SEC. ~~2-71.2-33.~~ ENFORCEMENT OF ORDER.**

In addition to the enforcement remedies allowed by state law, Aa hearing officer's order may be enforced by:

(a) impounding the vehicle that is the subject of the order when it is found within the boundaries of the Airport, if the person charged has committed three or more parking violations in any calendar year that have not been resolved either by a finding of no liability or by payment of all civil fines, penalties, and costs assessed by the hearing officer;

(b) placing a boot on the vehicle that is the subject of the order when it is found within the boundaries of the Airport, if the person charged has committed three or more parking violations in any calendar year that have not been resolved either by a finding of no liability or by payment of all civil fines, penalties, and costs assessed by the hearing officer;

~~(c) imposing an additional penalty to a civil fine not paid within the designated period;~~

~~(d)~~(c) canceling or denying any permit to park or operate a transportation service at the Airport; ~~or, and~~

~~(e)~~(d) reporting the debt to a credit reporting bureau ~~to remain on the debtor's credit report for seven years or until such time as the debt is paid, or any other civil remedy available at law.~~

**SEC. 2-72-2-34. REMOVAL OF IMMOBILIZATION DEVICE.**

(a) The registered owner of an immobilized or impounded vehicle, or other authorized person, may secure the release of the vehicle upon:

(1) payment of the amount of the civil fine and late fees, if any, for each delinquent parking citation plus the applicable boot fees and ~~/or~~ towing and storage fees; or,

(2) the posting of a cash bond in the amount of such civil fines, late fees, boot fees and ~~/or~~ towing and storage fees to ensure appearance at the immobilization/impoundment hearing.

(b) Payment of the civil fines, late fees, boot fees, and any towing and storage fees shall constitute a waiver of the right to contest such civil fines and fees.

(c) It shall be unlawful for any person, other than an officer or employee of the Airport Board acting in the course and scope of his duties under this section, to remove or attempt to remove or to tamper in any manner with an immobilization device (boot) installed on any vehicle pursuant to this section.

(d) It shall be unlawful for any person, except under the direction of a peace officer, or an employee of the Airport Board, to tow, move, or to cause to be towed or moved any vehicle on which a boot is then installed pursuant to this section from the place where it was booted.

(e) It shall be unlawful for any person, other than a peace officer or employee of the Airport Board acting in the course and scope of his duties, to remove or relocate any notice placed upon a booted vehicle under this section.

(f) An offense under this section shall be a criminal offense punishable upon conviction by a criminal fine not to exceed Five Hundred Dollars (\$500). ~~To the extent that any conduct declared to be unlawful under this section also constitutes a violation of an applicable state law, then it shall be punishable as provided by state law.~~

**SEC. 2-73-2-35. IMMOBILIZATION/IMPOUNDMENT HEARING.**

- (a) The registered owner of a vehicle that is immobilized or impounded for the purpose of enforcing a hearing officer's order shall have the right to a prompt immobilization/impoundment hearing before a hearing officer.
- (b) The request for an immobilization/impoundment hearing must be made in writing to the Administrator, or his designated representative, on a form provided for that purpose, within 3 calendar days from the date the vehicle was immobilized or impounded, whichever occurred first.
- (c) An immobilization/impoundment hearing must be held within 48 hours after the Administrator, or his designated representative, receives the request for a hearing, excluding Saturdays, Sundays, and Airport Board holidays, at the parking adjudication office or at such other convenient and reasonable place as the hearing officer may designate.
- (d) The issue to be determined at the immobilization/impoundment hearing is whether the immobilization or impoundment of the vehicle was authorized by this ~~section~~ **chapter**.
- (e) The immobilization or impoundment of a vehicle is valid if it complies with the requirements of this ~~section~~ **chapter**, unless the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:
  - (1) the vehicle was registered to or operated by another person at the time the unresolved parking violations occurred;
  - (2) the vehicle was being operated without the owner's express or implied consent at the time the unresolved parking violations occurred; **or**
  - (3) through no fault of the owner, notice of the unresolved parking violations was never received as required by this section; **and**
  - (4) ~~one or more citations for the unresolved parking violations are defective and, if the defective citations are dismissed, it would leave no more than two unresolved parking violations within the calendar year;~~ **or,**
  - (5) ~~at the time of immobilization or impoundment of the vehicle, the registered owner had no more than two unresolved parking violations within the calendar year.~~
- ~~(f) The determination of the hearing officer at the immobilization or impoundment hearing is final and is not subject to appeal.~~
- ~~(g)~~(f) If the hearing officer determines that immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towage, storage, and

impoundment of the vehicle and any other amount paid to redeem the vehicle shall be refunded, including any civil fines, penalties, and costs for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any civil fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded.

**SEC. 2-74.2-36. APPEAL FROM HEARING.**

- (a) A person determined by a hearing officer, ~~at either an instant or scheduled administrative adjudication~~ a hearing, or by failure to answer a parking citation or appear at a hearing in the time required, to be ~~liable for in violation of a parking violation ordinance~~ may appeal this determination to the municipal court in the manner and within the time allowed by state law. ~~by filing a petition within 30 calendar days after the hearing officer's order is filed with the Administrator or his designated representative.~~
- (b) ~~Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing.~~ The officer or other authorized person who issued the parking citation is not required to be present at the appeal hearing unless requested by the person charged or by the municipal court.
- (c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding for the purpose of affirming or reversing the hearing officer's order. ~~The decision from the municipal court is final.~~
- (d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the Administrator, ~~or his designated representative,~~ an amount equal to all civil fines, penalties, and costs assessed against the person charged. The Administrator, ~~or his designated representative,~~ shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal.

**SEC. 2-75.2-37. DISPOSITION OF CIVIL FINES, PENALTIES, AND COSTS.**

All civil fines, penalties, and costs ~~assessed~~ ~~collected by the Airport Board~~ under this ~~section~~ ~~chapter~~ shall be paid into the Airport Board's general fund for the use and benefit of the Airport Board.

## Chapter 3

### MISCELLANEOUS OFFENSES ~~Miscellaneous Offenses~~

#### ARTICLE I. IN GENERAL.

Sec. 3-1. General State Law.

Sec. 3-2. Definitions.

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Sec. ~~3-7.3-5~~. Urinating or Defecating in Public.

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Sec. ~~3-11.3-9~~. Camping, Swimming, Picnicking, etc.

Sec. ~~3-12.3-10~~. Noise.

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Sec. ~~3-14.3-12~~. Food, etc.

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### **ARTICLE III. PERMITS REQUIRED.**

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Sec. ~~3-31~~3-28. Distribution of Literature.

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Sec. ~~3-34~~3-31. Picketing.

### **ARTICLE I. GENERAL OFFENSES.**

#### **SEC. 3-1. GENERAL STATE LAW.**

The provisions of this Chapter shall not be construed as limitations upon the civil or criminal laws of this State which are in full force and effect within the areas under the jurisdiction of the Airport Board.

#### **SEC. 3-2. DEFINITIONS.**

**ANIMAL** shall mean any nonhuman vertebrate.

**"AUTHORIZATION"**, **"DECAL"**, or **"DEVICE"** shall mean any permit, badge, parking decal or other authorization issued by the ~~Executive Director~~CEO.

**AUTHORIZED THERAPY ANIMAL** shall mean any animal individually trained and authorized to do work or perform tasks for the purpose of relieving stress of individual members of the public. For purposes of this Chapter, "authorized" means the animal has met the Airport Board's therapy animal program requirements and has been approved by the ~~Executive Director~~CEO to be a therapy animal at the Airport.

**AUTHORIZED THERAPY ANIMAL HANDLER** shall mean any individual trained and authorized to handle a therapy animal that is trained to do work or perform tasks for the purpose of relieving stress of individual members of the public. For purposes of this Chapter, "authorized" means the person has met the Airport Board's therapy animal program requirements and has been approved by the ~~Executive Director~~CEO to be a therapy animal handler at the Airport.

**ELECTRONIC SMOKING DEVICE** shall mean any battery powered device that provides doses of nicotine to be inhaled by the user by way of a vaporized solution.

**GARBAGE** means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**LITTER** shall mean "Garbage", "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as prohibited, tends to create a danger to public health, safety and welfare.

**LITERATURE** shall mean books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines, or any other like item.

**PICKETING** means the stationing, parading, patrolling and/or assembling of one or more persons to apprise the public vocally or by standing or marching with signs, banners, or other means, of an opinion or a message or to discourage entry thereto by non-striking workers or by customers.

**PUBLIC AREA** shall mean any interior area to which the general public routinely has access.

**REFUSE** shall mean all solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.

**RESIDES** shall mean intent to establish a temporary or permanent domicile.

**RETAIL OR SERVICE ESTABLISHMENT** shall mean any establishment which sells goods, food or services to the general public but excludes any private club operated by an Airport tenant within its leasehold and to which access is limited to a membership other than the general public.

**RUBBISH** shall mean solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**SERVICE ANIMAL** shall mean:

- (a) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; or
- (b) any trained animal used by a governmental agency in police or rescue work.

**SOLICITATION AND RECEIPT OF FUNDS DONATIONS** shall mean a face to face request for an immediate physical, in-person donation of money or anything of value, except as part of a commercial transaction authorized by the Airport Board pursuant to leases, permits or other agreements.

**SURVEY** shall mean the act of repeated in-person polling or questioning of persons for the purpose of obtaining information related to, and/or securing opinions or viewpoints on, issues, candidacies, products or services.

## **ARTICLE II. GENERAL OFFENSES.**

### **SEC. 3-5.3-3. ANIMALS.**

- (a) A person commits an offense if while having care, custody, and control of an animal, he brings the animal, other than a service animal or an animal traveling by air, into any terminal or terminal extension located on the Airport.
- (b) A person commits an offense if while having care, custody, and control of an animal, he brings an animal traveling by air, other than a service animal, into the sterile area of a terminal building or terminal extension and removes it from its transport carrier, except in areas designated by the Airport Board as animal relief areas.
- (c) A person commits an offense if while having care, custody, and control of an animal he fails to restrain the animal at all times in an enclosed pen, carrier, or structure, or by a tether or leash while on Airport property.

- (1) No animal may be restrained by a tether or leash unless the animal is in the immediate possession of and accompanied by the person in care, custody, and control of the animal.
- (2) Nothing in this section shall prevent any trained animal used by a governmental agency in police or rescue work from being unleashed in the course of its official duties.
- (d) It is a defense to prosecution under this section that the person is an authorized therapy animal handler engaged in activities related to the Airport Board's therapy animal program and the animal is an authorized therapy animal.

**SEC. 3-6.3-4. DEFECATION OF BY ANIMALS.**

- (a) A person commits an offense if while having care, custody, and control of an animal he knowingly permits, or by insufficient control, allows the animal to defecate on Airport property and does not remove and dispose of any excretion the animal may deposit on Airport property in a sanitary and lawful manner.
- (b) This section does not apply to a law enforcement dog being used in law enforcement activities or to a service dog that is specially trained to assist a person with a disability and is in the custody or control of that disabled person at the time it defecated.

**SEC. 3-7.3-5. URINATING OR DEFECATING IN PUBLIC.**

- (a) A person commits an offense if he urinates or defecates:
  - (1) in or on a public street, alley, sidewalk, yard, park, building, structure, plaza, public or utility right-of-way, or other public place; or
  - (2) in public view.
- (b) It is a defense to prosecution under this section if the person was in a restroom.

**SEC. 3-8.3-6. THROWING OR DEPOSITING LITTER.**

A person commits an offense if he places, throws, deposits, or discharges litter, on the Airport, except in public or private receptacles for collection or at such places and under such conditions as the Airport Board prescribes.

**SEC. 3-9.3-7. PROHIBITING THE POSTING OF NOTICES AND SIGNS ON POLES, TREES, STRUCTURES AND VEHICLES; PRESUMPTIONS.**

- (a) A person commits an offense if he posts or causes to be posted any notice, poster, paper, sign, or device, designed to attract the attention of the public, to any lamp-post, utility pole, telephone pole, tree, structure, building, or vehicle on Airport property.
- (b) Whenever any notice, poster, paper, sign, or device is posted, or caused to be posted, in violation of subsection (a) of this section, it is presumed the person whose address or telephone number listed or who is otherwise identified is the person who committed the violation, either personally or through an agent or employee.
- (c) It is a defense to prosecution under subsection (a) of this section that the notice poster, paper, or device was posted in a manner and location authorized or required by the airport operator, a lease holder within its leased area, or by state or federal law.

**SEC. 3-10-3-8. OBSTRUCTION TO AVIATION.**

A person commits an offense if he:

- (a) operates or releases any kite, balloon, model aircraft, model rocket, parachute, or other such device upon or above the Airport without written permission from the ~~Executive Director~~CEO; or
- (b) allows foreign object debris to remain on a portion of the AOA that he is obligated to keep clean pursuant to a Ground Handling/Maintenance Permit of a lease, sublease or contract with a tenant or subtenant of airline

**SEC. 3-11-3-9. CAMPING, SWIMMING, PICNICKING, ETC.**

A person commits an offense if he uses Airport premises for the purpose of camping, athletic games or contests, fishing, swimming, hunting or picnicking in a place not specifically designated for that purpose or without a permit issued by the ~~Executive Director~~CEO.

**SEC. 3-12-3-10. NOISE.**

A person commits an offense if he knowingly makes unreasonably loud or raucous noises, considering the location, inside terminals or other Airport buildings.

**SEC. 3-13-3-11. TABLES AND CHAIRS.**

A person commits an offense if he places or maintains a table, bench, chair, stool, easel, tripod or other item designed or adapted to serve a similar purpose on Airport premises unless such space has been leased from the Airport Board by that person or is authorized by another section of this code.

**SEC. 3-14.3-12. FOOD, ETC.**

A person commits an offense if he sells or distributes any food product at the Airport except from premises leased to that person by the Airport Board for that purpose, or pursuant to a permit issued by the ~~Executive Director~~CEO.

**SEC. 3-15.3-13. PINS, ETC.**

A person commits an offense if he pins, ties, or otherwise attaches any items on the clothing, luggage, body or vehicle of any person at the Airport, without such person's consent.

**SEC. 3-16.3-14. OBSTRUCTION OF PASSAGE.**

A person commits an offense if he knowingly obstructs the free passage of other persons along Airport roadways, sidewalks or into, out of, or within Airport buildings.

**SEC. 3-17.3-15. FRAUDULENT MISREPRESENTATION.**

A person commits an offense if he fraudulently misrepresents any material fact in making application for any permit, authorization or device issued by the ~~Executive Director~~CEO.

**SEC. 3-18.3-16. UNAUTHORIZED TRANSFER OF AUTHORIZATION.**

A person commits an offense if he sells, conveys, grants or transfers any decal, device, permit or other authorization granted by the ~~Executive Director~~CEO to another person, without prior written consent of the ~~Executive Director~~CEO.

**SEC. 3-19.3-17. UNAUTHORIZED USE OF AUTHORIZATION.**

A person commits an offense if he possesses or controls any decal, authorization or device not issued to him by the ~~Executive Director~~CEO or which has previously been reported as lost or stolen.

**SEC. 3-20.3-18. TEMPORARY OR PERMANENT RESIDENCE.**

(a) A person commits an offense if he resides in or upon Airport premises.

(b) This section does not apply to any space expressly designated by the ~~Executive Director~~CEO for such purposes or any period of time during which an Airport patron awaits connecting flights for which he holds a valid ticket.

**SEC. 3-21.3-19. SMOKING.**

(a) A person commits an offense if he smokes or possesses a burning tobacco product, weed, other plant product, or uses an electric smoking device:

- (1) in a Public Area of a passenger terminal on the Airport;
- (2) in a Retail or service establishment located within an Airport passenger terminal;
- (3) in any establishment or area marked with a no smoking sign if the sign complies with Subsection (b).

(b) The person in control of a retail or service establishment located in an Airport passenger terminal shall post a conspicuous sign at the main entrance to the establishment or no smoking area. The sign shall contain the words "No Smoking, DFW Airport Regulations", and the universal symbol for no smoking. For enforcement purposes, "DFW Airport Regulations" refers to the Code.

(c) The Airport Board and the ~~Executive Director~~CEO shall have authority to designate "Smoking Areas" within the Airport.

**SEC. 3-22.3-20. POSSESSION OR CONSUMPTION OF AN ALCOHOLIC BEVERAGE.**

(a) A person commits an offense if he is in possession of an alcoholic beverage on the Air Operations Area unless he is:

- (1) an airline employee serving an alcoholic beverage in performance of his duties; or
- (2) an employee of an airline or a contracted delivery person delivering alcohol to an aircraft or a terminal building.

(b) A person commits an offense if the person consumes an alcoholic beverage on the Air Operations Area unless he is a ticketed passenger on an aircraft where alcoholic beverages are served by airline personnel.

**SEC. 3-23.3-21. REFLECTIVE GARMENTS.**

(a) A person commits an offense if he fails to wear a highly visible reflective garment, such as a reflective safety vest, at all times while he is within the movement or non-movement area of the Air Operations Area.

(b) It is a defense to prosecution under this section that:

- (1) The person is inside an aircraft cargo compartment at the time the garment is not being worn;

- (2) The person is inspecting or performing maintenance on a motorized belt, conveyor, ground equipment engine, electrical equipment, or other high energy source;
- (3) The person is a member of the Airport Board Department of Public Safety engaged in performance of his official duties or is a Transportation Security Inspector or Federal Aviation Administration Inspector acting in an official capacity;
- (4) The person is under lawful escort;
- (5) The person is present due to a public safety emergency, as declared by a government official or determined by the ~~Executive Director~~CEO or Airport Board Department of Public Safety; or
- (6) The person is attending an event and is separated from routine airport operations.

### **SEC. 3-22. FAILURE TO RETURN SECURITY CREDENTIALS**

A person commits an offense if he fails to return to the Airport Board all Board-issued security credentials upon cessation or termination of employment at the Airport or upon notice from the Airport Board that such security credentials have been revoked. It is not a defense to prosecution that such security credentials were lost or stolen unless the person pays to the Airport Board the fee charged for lost or stolen security credentials.

## **ARTICLE III. PERMITS REQUIRED.**

### **SEC. ~~3-25~~3-23. PERMITS.**

No person may engage in activity described in Distribution of Literature, Solicitation of Funds, Surveys, or Picketing of this Chapter without a permit issued by the ~~Executive Director~~CEO.

### **SEC. ~~3-26~~3-24. PERMIT APPLICATIONS.**

An application shall be submitted to the ~~Executive Director~~CEO at least three (3) business days in advance of the first day sought for the activity, and shall include the following:

- (a) the full name and street address of the applicant;
- (b) the full name and mailing address of the person or organization sponsoring, conducting or promoting the activity;

- (1) whether the sponsoring organization is a branch or division of a national organization and, if so, the organizations name and street address;
  - (2) if the sponsoring organization is a Texas corporation, a copy of its Corporate Charter, as amended, shall be furnished; if it is a foreign corporation, a copy of its Authorized Certificate to do business in the State of Texas shall accompany the application;
- (c) the date, or dates and hours of the activity;
- (d) the exact Airport location for which the request is made;
- (e) the purpose or subject thereof;
- (f) the approximate number of persons who will participate in such activity.

**SEC. 3-27.3-25. WHEN PERMITS ISSUED.**

- (a) The Permit will be issued within three (3) business days of receipt of the application; however, the permit application may be denied or a permit granted revoked if one or more of the statements in the application is found to be untrue.
- (b) When permits are granted, the following rules and standards will apply:
- (1) Time: Permits will be issued for a period of not more than thirty (30) days.
  - (2) Location: Permittees, other than the Airport Board or a representative of the Airport Board, will not be permitted to conduct the activity for which the Permit is issued:
    - (a) in Airport roadways;
    - (b) inside airline gate departure lounges;
    - (c) in areas restricted to airline or Airport personnel;
    - (d) in restrooms;
    - (e) in premises leased to a concessionaire;
    - (f) in stairwells, staircases, elevators or escalators;
    - (g) in baggage claim areas;

- (h) in any area temporarily or permanently restricted for security or construction reasons to necessary personnel;
- (i) within ten (10) feet of any ticket counter, departure lounge check-in counter, baggage check-in counter or security screening check point;
- (j) to any person waiting in line at those areas listed above or loading or unloading baggage from a public or private vehicle;
- (k) inside any passenger terminal building if prohibited by this Code; or
- (l) in parking garages or parking areas.

(3) Manner of operation:

- (a) a person may not engage in any permitted activity unless he wears a badge, nameplate, card, or other personal identification on his upper torso and clearly visible to the public. That identification must state the true and correct legal name of the person and the organization or cause represented; and
- (b) a person conducting any permitted activity shall, in that connection, obey the Code and all applicable state and federal laws.
- (c) tables may not be utilized in the conduct of permitted activity; however, luggage carriers no larger than that used to hold a medium-sized suitcase may be utilized for transporting or temporary storage of materials in accordance with Tables and Chairs of this Chapter. Luggage carriers must be attended at all times. A luggage carrier shall be deemed unattended if it is outside the view of the permitted person or persons.

**SEC. 3-28-3-26. APPEAL, DENIAL, OR REVOCATION OF PERMITS.**

~~(a) When an application for a permit hereunder is refused or revoked, the Executive Director/CEO will, within five (5) business days of the denial or revocation, furnish the Applicant a written explanation of the reason for the denial or revocation. Within five (5) business days of receipt of the explanation, the Applicant may submit a written request to the Executive Director that the Board seek a judicial determination that the Permit was properly denied or revoked. Within five (5) business days following receipt of such request, the Board must apply to either the United States District Court for the Northern District of Texas or the appropriate Texas District Court for a judicial determination that the application was properly denied or revoked.~~

~~The Board has the burden of showing that the Application was properly denied or that the Permit was properly revoked.~~

~~(b) Upon a judicial determination, an interim permit will be issued and continue in force pending an appeal.~~

~~(c) If the issue for judicial determination is not heard and decided on the merits by the Court or otherwise mutually agreed upon by the parties within ten (10) business days after the complaint or petition is filed, then an interim permit shall be deemed issued under this section by operation of law, and all activities proposed to be carried on in the Application for the original Permit may be carried on as if the original Permit had been issued, subject to the same restrictions and obligations under this Code as other permitted activities. The interim permit shall be valid pending a decision in the district court, or any appeal thereof.~~

~~(d) It shall be a defense to a charge of distributing literature without a permit that an appeal or judicial determination hereunder is pending.~~

#### **ARTICLE IV. VIOLATIONS.**

##### **SEC. ~~3-30.3-27.~~ VIOLATION OF PERMIT.**

A permittee commits an offense if he violates any condition described in Article III of this Chapter or any prohibitions described for said permitted activity.

##### **SEC. ~~3-31.3-28.~~ DISTRIBUTION OF LITERATURE.**

(a) A person commits an offense if he distributes literature on the Airport without a permit issued by the ~~Executive Director~~CEO.

(b) No literature may be disseminated in the secure or sterile area of an Airport Terminal.

(c) Nothing herein prohibits the distribution of literature by or on behalf of the Airport Board on Airport property.

##### **SEC. ~~3-32.3-29.~~ SOLICITATION OF ~~FUNDS~~DONATIONS.**

(a) A person commits an offense if he solicits, ~~seeks, or begs contributions~~ donations for himself or on behalf of another without a permit from the Airport Board ~~issued by the Executive Director~~.

(b) No person may ~~engage in the solicitation and receipt of funds~~solicit donations within a passenger terminal at the Airport.

**SEC. 3-33.3-30. SURVEYS.**

- (a) No person may conduct a survey within a passenger terminal.
- (b) Nothing herein prohibits a survey by or on behalf of an Airport tenant in that part of an Airport passenger terminal exclusively leased to that tenant.
- (c) Nothing herein prohibits the conduct of a survey by or on behalf of the Airport Board on Airport property.

**SEC. 3-34.3-31. PICKETING.**

- (a) A person commits an offense if he pickets on the Airport without a permit issued by the ~~Airport Board~~ ~~Executive Director~~.
- (b) A person commits an offense if he pickets inside an Airport terminal building.
- (c) Permittees may not carry pickets, devices, or similar signs with a dimension that exceeds the Permittee's height or width. Any conflict between this rule and applicable State law shall be resolved in favor of State law, provided that State law impresses more stringent requirements on the conduct regulated hereby.

## **CHAPTERChapter 4**

### **GROUND TRANSPORTATION RULES AND REGULATIONSCommercial Ground Transportation**

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## ARTICLE I. GENERAL PROVISIONS.

### ~~SEC. 4-1. STATEMENT OF POLICY.~~

~~It is the policy of the Airport Board and the Cities of Dallas and Fort Worth to promote and provide adequate and efficient regulated services at the Airport. To this end, rules and regulations for regulated services at the Airport are developed to protect the public health and safety, to promote the public convenience and necessity, and to facilitate efficient utilization of the roadway system and terminal curbside space while respecting the concept of free enterprise.~~

### SEC. 4-24-1. GENERAL AUTHORITY FOR ENFORCEMENT

The Administrator, and representatives, agents and Airport employees designated by the Administrator, shall implement and enforce this chapter, and may by written order establish procedures, ~~not inconsistent~~ with this chapter, as determined as necessary by the Administrator to discharge the Administrator's duties under, or to effect the ~~policy~~purpose of, this chapter.

### ~~SEC. 4-3. EXEMPTIONS.~~

~~(a) Except when the vehicle has been issued a decal pursuant to this chapter, these Rules and Regulations do not apply to a vehicle or to a person operating a vehicle that is:~~

~~(1) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;~~

~~(2) entering the Airport for the sole purpose of terminating a trip that lawfully originated outside of the Airport.~~

~~(b) These Rules and Regulations, except for SEC. 4-24 through 4-33, do not apply to a vehicle or to a person operating a vehicle that is owned by the federal or state government or by a political subdivision of the state.~~

~~(c) A person or vehicle exempted under this subsection is subject to a fee, in an amount to be designated by the Airport Board Schedule of Charges, as amended, for operating at the Airport, using the holding stands, or obtaining an authorization decal.~~

### SEC. 4-44-2. DEFINITIONS.

The definition of a term in ~~the Rules and Regulation~~ this chapter applies to each grammatical variation of the term, ~~Unless the context requires a different definition.~~

**ADMINISTRATOR** means the Vice President of ~~Operation~~ the Transportation Business Unit of the Dallas/Fort Worth International Airport Board, ~~and includes representatives, agents or Airport Board employees designated by the Administrator.~~

~~**AIRPORT** means all of the land, improvement, facilities, and developments within the boundaries of the Dallas/Fort Worth International Airport.~~

~~**AIRPORT BOARD OR BOARD** means the Dallas/Fort Worth International Airport Board.~~

**CENTRAL QUEUE** means the location from which ~~regulated taxicabs~~ vehicles are dispatched to specific locations on the Airport.

~~**COMPLIANCE PROGRAM** means the program established by the Administrator to ensure compliance with Chapter 4 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board.~~

~~**CRUISING** means driving a regulated vehicle within 1000 feet of a terminal, hotel, or terminal area on the Airport without a dispatch authorization or other form of permission from the Administrator.~~

~~**DEPARTMENT OF PUBLIC SAFETY** means the Department of Public Safety of the Dallas/Fort Worth International Airport Board.~~

~~**DEPARTMENT OF OPERATIONS** means the Department of Operations of the Dallas/Fort Worth International Airport Board.~~

~~**DESTINATION** means an exact and separate place, point, or address.~~

**DRIVER** means an individual granted permission by the Administrator to drive or operate in control of a regulated vehicle.

~~**EMPLOYEE** means any person, sole proprietorship, partnership, corporation, association, stockholder, joint venture, or independent contractor in the service of another, under any contract of hire whether express or implied, oral or written.~~

~~**CEO** means the Chief Executive Officer of the Dallas/Fort Worth International Airport Board, or his designee.~~

**HOLDER** means an individual, ~~sole proprietorship, partnership, corporation, joint venture~~ or other legal entity granted operating authority to provide regulated service at the Airport, ~~or the holder's designated agent.~~

**HOLDING STAND** means all authorized queuing, loading, and holding areas as designated by the Administrator.

~~**INDEPENDENT CONTRACTOR** means a taxicab or pre-arranged services driver who has contracted with a holder.~~

**LAWFUL ORDER** means a verbal or written directive issued by the Administrator or the Administrator's duly authorized representative in the performance of the Administrator's duties in the enforcement of ~~the Rules and Regulations authorized by~~ this chapter.

~~**LEGAL RESIDENT** means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.~~

**LIMOUSINE** means a full size luxury vehicle or other vehicle approved by the Administrator.

**ON-DEMAND** means a ~~taxicab~~ transportation service that has not been pre-arranged ~~by Airport patrons traveling from the Airport to their destination.~~

**OPERATE** means to drive or to be in control of a ~~regulated~~ vehicle.

**OPERATING AUTHORITY** means permission granted by the Administrator to operate a regulated service at the Airport, ~~including exceptions from normal authorization procedures granted by the Administrator.~~

**OPERATOR**, with respect to a vehicle, means the same as ~~DRIVER~~. ~~driver or owner of a regulated vehicle or~~ **OPERATOR**, with respect to a service, means the holder of an operating authority under which the vehicle is operated.

**OWNER** means the person to whom state license plates for a vehicle have been issued or the person who leased the vehicle.

**PERSON** means an individual, ~~firm, partnership, corporation, sole proprietorship, government, association, company, or an agency, trust, partnership of two or more persons having a joint or common economic interest~~ or other legal entity.

**PRE-ARRANGED** means an appointment made by a ~~R~~regulated ~~S~~service with a passenger to provide service, that was initiated by a person contacting the regulated service by telephone, correspondence or other oral, written, or electronic communication including mobile applications.

~~**PREARRANGED SERVICE** means a passenger transportation service operated for hire on a prearranged basis using limousines, taxicabs, or other vehicles authorized by the Administrator.~~

**REGULATED SERVICE** means a taxicab or prearranged service and includes, but is not limited to, a facility from which the service is operated, regulated vehicles used in the operation of the service, a driver, and a person who owns, controls, or operates the service.

**REGULATED VEHICLE** means a taxicab or prearranged service vehicle.

**RULES AND REGULATIONS** means the Ground Transportation rules and regulations established under Chapter 4, Ground Transportation Rules and Regulations, of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended.

~~**SCHEDULE OF CHARGES** means the Dallas/Fort Worth International Airport Board Schedule of Charges, as amended.~~

**SEATING CAPACITY** means the number of passengers capable of being transported in a vehicle based upon the number of manufacturer installed seat belts, as required by law.

**SERVICE AREA** means for prearranged services, the area made up of the counties of Dallas, Tarrant, Southeast Denton and Southwest Collin; for taxicab service, the area made up of the counties of Dallas, Tarrant, Rockwall, Kaufman, Ellis, Johnson, Parker, Wise, Denton, and Collin.

~~**TAXICAB** means a vehicle as approved by the Administrator, with a minimum of three doors and a seating capacity of not less than five nor more than eight, including the driver, used to transport persons for hire that uses a taximeter or trip meter to compute a fare, and typically operates on irregular routes, irregular schedules, and on an on-demand or pre-arranged basis.~~

~~**TAXICAB SERVICE** means a passenger transportation service operated for hire on an on-demand or pre-arranged basis that uses dispatches taxicabs in the operation of the service that includes a twenty-four hours per day, seven days per week dispatching system.~~

**TAXIMETER OR TRIP METER** means a measuring device that mechanically or electronically computes a fare based upon the distance traveled, the time the vehicle is engaged, and any other basis for charges ~~which are specified in the operating authority or rates authorized by the Administrator.~~

**TERMINAL AREAS** means the roadways, parking lots, holding stands, and sidewalks servicing the arrival and departure areas of all Airport terminals and the Airport hotels.

**TNC CONTRACTOR** means a driver authorized to use a TNC's digital network pursuant to Texas Occupations Code Chapter 2402.

**TRANSPORTATION BUSINESS UNIT** means the Transportation Business Unit of the Dallas/Fort Worth International Airport Board.

**TRANSPORTATION NETWORK COMPANY (or TNC)** is defined in Texas Occupations Code Chapter 2402.

**VEHICLE** shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land, except aircraft and railroad rolling equipment or other devices running only on stationary rails or tracks.

#### **SEC. 4-53. ESTABLISHMENT OF RULES AND REGULATIONS.**

- (a) Before submitting a proposal to the Airport Board to adopt, amend or repeal a rule or regulation, the Administrator shall hold a public hearing on the proposal. The Administrator shall fix the time and place of the hearing and shall notify each holder and such other persons as the Administrator determines may be interested in the subject matter of the hearing.
- (b) After the Airport Board acts upon the proposal, the Administrator shall notify the holders and such other interested persons of the action and shall post a notice in the Airport Board Ground Transportation Regulation Office, for a minimum of ten days. The action shall become effective immediately upon approval by the Airport Board.

#### **SEC. 4-64. ESTABLISHMENT OF PROCEDURES.**

The Administrator may by written order establish procedures not inconsistent with the Rules and Regulations, which the Administrator determines are necessary to discharge the Administrator's duty to implement the Rules and Regulations.

### **ARTICLE II. OPERATING AUTHORITY.**

#### **SEC. 4-74-5. OPERATING AUTHORITY REQUIRED.**

- ~~(a) A~~ No person ~~or owner~~ shall ~~not~~ operate a regulated service or represent to a passenger that a regulated vehicle is available for hire at the Airport without an approved operating authority issued by the Administrator. The Administrator may place conditions and ~~or~~ limitations on the operating authority as determined necessary to effect the ~~policy~~ purpose of this chapter.

~~(b) A person or owner shall not transport a passenger for hire or solicit the transport of a passenger for hire by a regulated service at the Airport unless the person driving the vehicle, or another who employs or contracts with the person driving the vehicle, holds an approved operating authority issued under this chapter or through another form of permission from the Administrator.~~

~~(c) A person shall not engage or hire a regulated service vehicle which the person knows does not have an operating authority or another form of permission from the Administrator.~~

~~(d) A holder's operating authority is not transferable.~~

~~(e) An operating authority may be issued for a period not to exceed one year and shall expire annually on the date designated in the operating authority.~~

#### **SEC. 4-84-6. INSURANCE.**

During the authorized period of operating authority, a holder shall procure and keep in full force automobile liability insurance that meets or exceeds the insurance requirements of the City in which the holder is authorized, ~~or that meets or exceeds the insurance requirements of the State of Texas in the case of TNCs. Insurance required under this section shall:~~

~~(a) include a cancellation rider under which the insurance company providing coverage is required to notify the Administrator in writing not fewer than thirty days before canceling, failing to renew or making a material change to the insurance policy;~~

~~(b) name as additional insured the Airport Board and the Cities of Dallas and Fort Worth and their officers and employees.~~

#### **SEC. 4-94-7. APPLICATION FOR ISSUANCE, RENEWAL, AMENDMENT OR TEMPORARY AMENDMENT OF OPERATING AUTHORITY.**

To request issuance, renewal, ~~amendment~~ or ~~temporary~~ amendment of an operating authority, a person or holder shall submit a written application with any fees required in a manner established by the Administrator. The Administrator may ~~require~~~~request~~ a person or holder to provide such information as the Administrator considers necessary for the implementation and enforcement of this chapter, for the protection of ~~the~~ public safety, or to meet any ~~other~~ local, state, or federal laws, rules, regulations, or guidelines. The applicant shall be the person who will own, control, or operate the proposed service. ~~TNCs shall be authorized by the Texas Department of Licensing and Regulation to operate in the State of Texas. All other~~The applicants shall be authorized to operate as a regulated service in the City of Dallas or the City of Fort Worth, and shall provide a copy of that city's document authorizing the service.

(a) The Administrator shall establish:

- (1) qualifications and/or criteria for issuing regulated service operating authority;
- (2) procedures for renewal of operating authority; and
- (3) procedures for amending operating authority.

(b) An applicant for taxicab operating authority shall:

- (1) be authorized to operate a taxicab or for hire transportation service in the City of Dallas or the City of Fort Worth and shall provide a copy of that city's operating authority permit.

(c) An applicant for prearranged services (other than TNCs) operating authority shall:

- (1) be authorized to operate a prearranged service in the City of Dallas or the City of Fort Worth and shall provide a copy of that city's operating authority permit.

(d) The Administrator shall deny issuance of a regulated service operating authority if:

- (1) the applicant failed to comply with all requirements;
- (2) the applicant or any person holding an ownership interest in the application has been convicted twice, suspended twice, or convicted once and suspended once, of a violation of ~~these Rules and Regulation~~ this chapter within the preceding two years;
- (3) the applicant made a false statement as to a material matter in the application for operating authority;
- (4) the applicant or any person holding an ownership interest in the application has been convicted of a city, state, or federal law that would reasonably tend to indicate that the applicant is not fit to perform a regulated service; or
- (5) the applicant has had a regulated service operating authority or driver permit revoked within a two-year period prior to the date of application.

**SEC. 4-104-8.       SUSPENSION     AND     REVOCAION     OF     OPERATING  
AUTHORITY.**

- (a) The Administrator may suspend or revoke a regulated service operating authority if the Administrator determines that the holder has:
- (1) made a false statement as to a material matter in the application for issuance or renewal of the applicant's operating authority;
  - (2) failed to comply with provisions of ~~the Rules and Regulation~~**this chapter**, a lawful order, or a procedure established by the Administrator;
  - (3) failed to comply with the terms and conditions set forth in the operating authority;
  - (4) been convicted of a violation of another city, state or federal law or regulation which would reasonably tend to indicate lack of fitness of the holder to perform a regulated service; or
  - (5) failed to pay all fees required by this chapter in a manner approved by the Administrator.
- (b) The Administrator may suspend a holder's operating authority for a period not to exceed sixty days. At the end of the suspension period, the holder may resume operating at the Airport after providing verification to the Administrator that the deficiency causing the suspension has been corrected by the holder. Failure to correct a deficiency within the time period established by the Administrator may result in revocation of a holder's operating authority.
- (c) A holder whose operating authority has been revoked shall not reapply for an operating authority before the expiration of twenty-four months from the date of revocation or, in the case of an appeal, the date the appeal hearing officer affirms the revocation.

**SEC. 4-114-9. APPEAL OF DENIAL, SUSPENSION OR REVOCATION.**

If the Administrator denies issuance, renewal, amendment, suspends, or revokes a regulated service operating authority, the action is final unless, within ten days from the date of receiving written notice of the action, the affected applicant or holder files an appeal in accordance with this chapter.

**SEC. 4-124-10. FEES.**

- (a) All regulated service fees shall be ~~published established~~ in ~~accordance with~~ the Schedule of Charges.

- (b) Should a holder allow the payment of any fee required under this chapter to become delinquent, a late payment charge shall be collected in accordance with the Schedule of Charges, and ~~for~~ the holder's operating authority may be suspended or revoked.
- (c) All fees shall be paid in a manner established by the Administrator.
- (d) No refund of fees shall be made.

**SEC. ~~4-134-11.~~ ADVERTISEMENT OF REGULATED SERVICE.**

- (a) A person commits an offense if the person advertises or causes to be advertised the ~~O~~operation of a regulated service at the airport that does not have operating authority ~~G~~granted under this chapter, when the advertisement is reasonably calculated to be seen by ~~P~~persons seeking such service at the airport.
- (b) It is a defense to prosecution under ~~SEC. 4-13(a)~~this section that the person was the publisher of the ~~A~~advertising material and had no knowledge that the service was not permitted under this ~~C~~chapter.

**SEC. ~~4-144-12.~~ HOLDER'S RECORDS AND REPORTS.**

- (a) Each holder shall maintain at a single location such categories of its business records of its service as the Administrator may require.
- (b) The method used in maintaining the records shall be approved by the Administrator, and the Administrator may require maintenance of certain records which the Administrator determines necessary for monitoring the activities, operations, service or safety record of a holder.
- (c) A holder shall maintain a record of the driver of each regulated service vehicle operated under the holder's operating authority. The records shall include the name of each driver who has operated the regulated service vehicle and the dates and times of each driver's operation of the vehicle.
- (d) A holder shall make such records available for inspection by the Administrator or provide the Administrator with information contained in those records upon request.

**ARTICLE III.  
DRIVER PERMIT.**

**SEC. ~~4-154-13.~~ DRIVER PERMIT REQUIRED.**

- (a) **Except for TNC Contractors, a** person shall not operate at the Airport without a valid driver permit issued by the City of Dallas or the City of Fort Worth.
- (b) A holder of an operating authority shall not allow a person to operate a vehicle with an Airport authorization decal at the Airport that is owned, controlled, or operated by the holder unless the person has a valid driver permit issued by the City of Dallas or the City of Fort Worth.
- (c) It is not a defense to prosecution that the person was operating a vehicle granted a certificate issued by the ~~TX-DOT~~ **Texas Department of Transportation.**

**SEC. 4-164-14. DISPLAY OF PERMIT.**

While on duty, a driver shall conspicuously display the driver permit in a manner established by the Administrator.

- (a) While on duty, a driver shall allow the Administrator, Airport Board official, or a peace officer to examine the driver permit upon request.
- (b) A driver permit is invalid unless presented with a valid Texas Driver's License of the appropriate class.

**SEC. 4-174-15. SUSPENSION OF A DRIVER OPERATING AUTHORITY BY THE ADMINISTRATOR.**

- (a) If the Administrator determines that a driver has failed to comply with any provision of the Rules and Regulations, the Administrator may suspend the driver's authorization to operate at the Airport for a definite period of time not to exceed six months.
- (b) The Administrator shall notify the holder and the city in which the driver is permitted of a suspension of the driver and include in the notice:
  - (1) the reason for the suspension;
  - (2) the date the suspension begins;
  - (3) the duration of the suspension.

**SEC. 4-184-16. REVOCATION OF A DRIVER OPERATING AUTHORITY.**

- (a) The Administrator may revoke a driver's authorization to operate at the Airport if the Administrator determines that the driver:

- (1) operated a regulated vehicle inside the Airport during a period in which the driver was suspended;
  - (2) operated a regulated vehicle for a person not holding a valid operating authority;
  - (3) received either a suspension in excess of ten days within the twelve month period preceding the conduct, or three times within the twenty-four month period preceding the conduct;
  - (4) engaged in conduct that could reasonably be determined to be detrimental to the public safety; or
  - (5) failed to submit payment of any regulated service fees as ~~established~~published in accordance with the Schedule of Charges and in a manner approved by the Administrator.
- (b) The Administrator shall notify the holder and the city in which the driver is permitted of a revocation of the driver and include in the notice:
- (1) the reason for the revocation; and
  - (2) the date the revocation begins.; and

**ARTICLE IV.  
MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.**

**SEC. 4-194-17. HOLDER'S AND DRIVER'S DUTY TO COMPLY.**

- (a) A holder shall comply with the terms and conditions of the holder's operating authority, lawful orders of the Administrator, ~~this chapter~~~~the Rules and Regulations~~, and other laws applicable to the operation of a regulated service. It is not a defense to prosecution that the trip originated in another city.
- (b) A driver shall comply with ~~the Rules and Regulation~~this chapter, other laws applicable to the operation of a motor vehicle in this State, lawful orders of the Administrator, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharge of the holder's duty under the holder's operating authority and ~~the Rules and Regulation~~this chapter. It is not a defense to prosecution that the trip originated in another city.
- ~~(c) A holder and driver shall comply with the Compliance Program as established by the Administrator~~

**SEC. 4-204-18. HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.**

- (a) A holder shall establish policy and take action to discourage, prevent, ~~or~~and correct violations of ~~the Rules and Regulationsthis chapter~~, procedures, and lawful orders of the Administrator by drivers who are operating a vehicle under the holder's operating authority.
- (b) A holder shall not allow a driver to operate a vehicle under the holder's operating authority if the holder knows or has reasonable cause to suspect that the driver has failed to comply with ~~the Rules and Regulationsthis chapter~~ or other applicable law, or the lawful orders of the Administrator.
- (c) All holders shall be responsible for training all drivers employed by or contracting with the holder in:
  - (1) ~~Rules and Regulationsthe requirements of this chapter~~; and
  - (2) all procedures established by the Administrator regarding the operation of a regulated vehicle at the Airport.

**SEC. 4-214-19. HOLDER'S SERVICE RESPONSIBILITIES.**

- (a) A holder shall provide regulated service for passengers at the Airport in accordance with service levels and standards approved by the Administrator.
- (b) A holder shall cooperate with the Administrator in all phases of regulated service operations to provide prompt, efficient, and economical service and shall respond promptly to specific requests by the Administrator for regulated service during periods of shortage.
- (c) A holder shall respond to all customer complaints regarding Airport service within ten days from receipt of the complaint and advise the Administrator of any and all action taken in response to the complaint.
- (d) A holder shall provide each driver with any and all forms as required by this chapter. All forms are subject to approval by the Administrator.
- (e) The Administrator may establish procedures to monitor the regulated services at the Airport including, but not limited to the following:
  - (1) condition of regulated vehicles;
  - (2) constancy of service at the Airport;
  - (3) adherence to ~~all Rules and Regulationsthis chapter~~;
  - (4) driver conduct;
  - (5) passenger complaints; and

- (6) holding stand management.

**SEC. 4-224-20. INFORMATION TO BE SUPPLIED UPON REQUEST OF THE ADMINISTRATOR.**

In addition to any other information required by this chapter, a holder shall submit to the Administrator, upon request, the following:

- (a) a current list of vehicles operating under the holder's operating authority;
- (b) the names of the current officers, owners, and/or managers of the regulated service; and
- (c) any other information determined necessary by the Administrator for the effective control and collection of fees associated with regulated service at the Airport.

**SEC. 4-234-21. FALSIFICATION AND NONTRANSFERABILITY OF AUTHORIZATION.**

- (a) A driver permit, badge, decal, entry or dispatch ticket, emblem or any other item assigned to one person or vehicle is not transferable to another person, vehicle, or holder.
- (b) A person, holder or driver commits an offense if the person, holder or driver:
  - (1) forges, alters, or counterfeits a driver permit, badge, decal, entry or dispatch ticket, emblem, trip meter device or any other item required by ~~the Rules and Regulations~~ this chapter or other applicable law;
  - (2) possesses a forged, altered, or counterfeited driver permit, badge, decal, entry or dispatch ticket, emblem, trip meter device or any other item required by ~~the Rules and Regulations~~ this chapter or other applicable law; or
  - (3) possesses more than one decal, entry or dispatch ticket, emblem or any other item required by ~~the Rules and Regulations~~ this chapter or other applicable law, unless authorized by the Administrator.

**ARTICLE V.**

**GENERAL SERVICE RULES AND REGULATIONS.**

**SEC. 4-244-22. REGULATIONS FOR USE OF HOLDING STANDS.**

- (a) Except for TNC Contractor vehicles, aA vehicle is unauthorized on a holding stand if the vehicle is not equipped with a decal issued by the Administrator.
- (b) A vehicle on a holding stand without authorization from the Administrator may be removed from the holding stand and impounded with all towing and storage fees to be paid by the vehicle owner.
- (c) While on duty at the Airport, a driver shall queue only on designated holding stands as authorized by the Administrator.
- (d) While using a designated holding stand, a driver shall not:
  - (1) leave the vehicle except to provide such assistance to a passenger as is reasonably necessary after being engaged, provided the driver remains within the designated holding stand, unless otherwise authorized by the Administrator; or
  - (2) perform or allow to be performed repairs or maintenance on the vehicle.
- (e) A driver shall not utilize the holding stand while off duty.
- (f) A driver shall:
  - (1) remain at a designated holding stand only long enough to load or discharge passengers and then expeditiously progress to the next holding stand, as authorized by the Administrator, or exit the Airport; and
  - (2) enter a holding stand only at those times authorized by the Administrator.

**SEC. 4-254-23.      LOADING AND DISCHARGING OF PASSENGERS.**

- (a) A driver may transport only a person who is a paying passenger, unless the person is an employee of the holder that employs or contracts with the driver and has received approval from the Administrator to be in the regulated vehicle or the person is a governmental inspector acting in an official capacity.
- (b) A driver may not transport at the same time a number of passengers exceeding the designated seating capacity of a regulated vehicle.
- (c) A driver shall load passengers and baggage into a regulated vehicle only at designated holding stands.

(d) A driver shall discharge passengers in a manner authorized by the Administrator.

**SEC. 4-264-24. PRE-ARRANGED TRIP INFORMATION.**

When entering the terminal areas other than an approved holding stand, a driver operating on a pre-arranged basis shall possess and present to the Administrator on request, written, electronic or mobile application documentation indicating the following information:

(a) If documentation is written or electronic:

- (1) name of the customer;
- (2) flight information as requested by the Administrator; and
- (3) location of pick-up to include terminal and curb location.

(b) If documentation is contained in a mobile application:

- (1) name of the customer; and
- (2) location or pick-up to include terminal and curb location.

~~**SEC. 4-27. CRUISING.**~~

~~A person commits an offense if the person engages in cruising at the Airport. It is a defense to prosecution if a driver:~~

- ~~(a) has a passenger to be discharged at the terminal or hotel;~~
- ~~(b) has trip authorization by the Administrator;~~
- ~~(c) is in the process of leaving the Airport by the most direct route; or~~
- ~~(d) is in the process of driving to the central queue by the most direct route.~~

**SEC. 4-284-25. SOLICITATION OF PASSENGERS.**

(a) A person commits an offense if the person:

- (1) solicits or attempts to solicit passengers; or
- (2) accepts payment from a driver, holder, or person in return for giving preferential treatment in directing passengers to the driver's or holder's regulated service.

- (b) It is a defense to prosecution for a violation of this subsection if the owner of the regulated service has made a contractual agreement or other prior arrangement with the management of the other business and has been approved by the Administrator.

**SEC. 4-294-26. CONDUCT OF DRIVER.**

A driver shall:

- (a) act in a reasonable, prudent and courteous manner;
- (b) maintain a sanitary and well-groomed appearance;
- (c) not respond to a dispatched call assigned to another driver or company;
- (ed) not consume, possess or be under the influence of:
  - (1) any alcoholic beverage;
  - (2) any controlled substance; or
  - (3) any substance that could adversely affect the driver's ability to operate a motor vehicle;
- (de) not monitor or possess equipment to monitor transmissions of a regulated service other than the holder under whose operating authority the driver is operating;
- (ef) not interfere with the Administrator in the performance of the Administrator's duties;
- (fg) not gather, congregate, or otherwise obstruct entrances or passageways of any terminal, hotel, Airport building, holding stand, or Airport roadway in a manner that impedes the movement of a person or vehicle;
- (gh) comply with lawful orders of the Administrator issued in the performance of the Administrator's duties;
- (hi) not deposit any bottle, can, trash, debris, junk, food, or other object around any holding stand, building or Airport roadway except in an authorized trash receptacle;
- (ij) not file a false report or make a false statement to the Administrator; and
- (jk) not allow another person to drive or operate a regulated vehicle assigned to the driver unless such a person has authorization from the Administrator to

operate under the holder's operating authority which the vehicle is regulated and the person has written authority from the holder.

- (l) not operate a regulated vehicle within 1,000 feet of a terminal, hotel, or terminal area on the Airport without a dispatch authorization or other form of permission from the Administrator.

**SEC. 4-304-27. RETURN OF PASSENGER'S PROPERTY.**

Upon finding property in a regulated vehicle left by a passenger, the driver shall comply with the procedures established for lost property by the Administrator.

**SEC. 4-314-28. NOT-FOR-HIRE STATUS OF VEHICLES.**

- (a) Each regulated vehicle operated on the Airport is presumed to be on duty and ready to serve the general public for hire.
- (b) The Administrator shall establish a procedure whereby a driver (other than a TNC Contractor) will indicate that the driver and the driver's vehicle are not for hire. If a driver is off-duty and does not intend to provide regulated service at the Airport, the driver shall comply with the procedure established by the Administrator.
- (c) A driver who is not for hire shall not queue a vehicle on or within five hundred feet of a holding stand or along or in the one-hour parking zones of the Airport roadways and parking lots unless authorized by the Administrator.

**SEC. 4-324-29. TAXICAB SERVICE.**

(a) Representation of Availability of Taxicab

- (1) A driver may not represent that the taxicab is engaged when in fact it is not engaged.
- (2) A driver may not represent that the taxicab is not engaged when in fact it is engaged.

(b) Refusal to Transport Passengers

While operating a taxicab, a driver shall not refuse to transport a person who requests service unless:

- (1) the person is disorderly;
- (2) the driver is engaged in answering a previous request for service;

(3) the driver has reason to believe that the person is engaged in unlawful conduct; or

(4) the driver is in fear of the driver's personal safety.

(c) Transport Passengers by Direct Route

A taxicab driver shall transport a passenger to the passenger's destination by the most direct and expeditious route available unless otherwise directed by the passenger.

(d) Holding Stands Designated for Taxicabs

In addition to the regulations for use of holding stands, a driver shall not:

(1) interfere with the orderly progression of taxicabs from the rear to the front of any holding stand;

(2) assign or sell the driver's position in a holding stand to another;

(3) interfere with a taxicab entering a holding stand on which there is a vacant space; or

(4) engage a passenger without first progressing through the holding stand in a manner established by the Administrator unless otherwise instructed to do so by the Administrator.

**SEC. 4-334-30. PREARRANGED SERVICE.**

~~Pre-arranged Service~~

(a) All prearranged service shall be operated on a pre-arranged basis. All arrangements for prearranged service shall be made prior to the regulated vehicle entering into the terminal area or approved holding stand of the Airport.

(b) A driver furnishing prearranged service shall not accept any passenger at the Airport except those for whom service has been pre-arranged and documented.

**ARTICLE VI.  
FARES.**

**SEC. 4-344-31. RATES OF FARE FOR TAXICAB.**

- (a) A driver, holder, or owner shall not quote, request, or charge a fare for operating a taxicab at the Airport that is inconsistent with the rates authorized by the City in which they are permitted.
- (b) The driver, holder, or owner shall display the approved Airport rates of fare and any authorized incentive fares on and ~~at~~ within a taxicab in a manner prescribed by the Administrator.
- (c) A driver, holder, or owner shall charge only a fare as computed by the taximeter or trip meter unless otherwise authorized by this section.
- (d) A taximeter or trip meter shall be activated at all times while transporting a passenger.

**SEC. 4-354-32. FARE COLLECTION PROCEDURES FOR TAXICABS.**

- (a) Before changing the taximeter or trip meter to indicate that the taxicab is vacant, a driver shall call the attention of the passenger to the amount of fare registered on the taximeter or trip meter.
- (b) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:
  - (1) the name of the holder under whose authority the taxicab is operated;
  - (2) the taxicab number;
  - (3) the itemized list of charges;
  - (4) the total amount of fare paid;
  - (5) the date of payment;
  - (6) the driver's name; and
  - (7) the driver permit number.

The receipt may be submitted to the payer electronically if the payer agrees to accept an electronic receipt.

**SEC. 4-364-33. RATES OF FARE FOR PREARRANGED SERVICES OTHER THAN TNC SERVICES.**

- (a) A driver or holder shall not charge a fare for operating a prearranged service at the Airport that is inconsistent with the rates authorized by the holder's operating authority.

- (b) A holder desiring to amend the holder's operating authority to effect a change in the approved rates of fare shall submit a written request to the Administrator.
- (c) The rates listed in the holder's operating authority shall be strictly adhered to, and no change in rates may be implemented without written approval of the Administrator.
- (c) The Administrator may require a holder to display rates within a prearranged service vehicle in a manner prescribed by the Administrator.
- (d) Upon request by a person paying a fare, a driver or holder shall give the person a legible receipt that indicates the name, address and phone number of the regulated service and the amount of fare.

**ARTICLE VII.  
REGULATED VEHICLE STANDARDS AND INSPECTION.**

**SEC. 4-374-34. STANDARDS.**

- (a) All taxicabs serving the Airport shall comply with taxicab standards concerning condition, age, equipment, signs, and markings as determined by the City issuing the operating authority.
- (b) The Administrator may establish standards concerning safety, condition, age, size, emissions; manufacturer's suggested retail price, appearance, equipment, signs, and markings for vehicles operated in a regulated service **other than TNC Services.**

**SEC. 4-384-35. INSPECTION.**

- (a) The holder of a regulated service operating authority shall maintain all regulated vehicles used in the service in a condition such that each vehicle is mechanically sound and road-worthy, the exterior and interior are clean, and **(except for TNC Contractor vehicles)** appear new or substantially like new while meeting the standards approved by the City issuing the operating authority.
- (b) **Except for TNCs,** a holder shall have each vehicle to be used in a regulated service authorized and inspected by the City issuing the operating authority.
  - (1) A holder, owner, or driver shall make a regulated vehicle available for inspection when ordered by the Administrator.

- (2) If a holder, owner, or driver fails to make a regulated vehicle available for inspection or if the Administrator determines that a regulated vehicle is not in compliance with ~~the Rules and Regulationsthis~~ **chapter**, the Administrator may order the regulated vehicle removed from service until it is made available for inspection and ~~or~~ brought into compliance.
- (c) The Administrator may order a regulated vehicle be removed from service any time the regulated vehicle falls below standards established by the Administrator and ~~or~~ **(except for TNC Contractor vehicles)** the City of Dallas or the City of Fort Worth.
- (d) The holder or owner shall notify the Administrator of any regulated vehicle removed from service under the holder's operating authority, and shall be responsible for removing from the vehicle any decals that would distinguish the vehicle as a regulated vehicle.

**SEC. 4-394-36. FALSE REPRESENTATION.**

A person commits an offense if the person:

- (a) represents that a vehicle is a regulated vehicle if the vehicle is not in fact a regulated vehicle authorized to operate at the Airport; or
- (b) operates a vehicle at the Airport that is not a regulated vehicle if the vehicle is marked, painted, advertised, or equipped in a way that is likely to result in mistaking the vehicle for a regulated vehicle.

**SEC. 4-404-37. DECALS.**

- (a) The holder, **or the owner** of each regulated vehicle shall obtain from the Administrator, after the vehicle has been authorized by the City of Dallas or the City of Fort Worth, an authorization decal indicating the vehicle's authority to operate at the Airport. The decal shall be attached to each vehicle in a manner and location approved by the Administrator. The decal is the property of the Airport. The fee for a decal shall be charged in accordance with the Schedule of Charges.
- (b) The Administrator may remove an authorization decal if at any time a vehicle fails to meet the standards established by the City in which they are authorized for appearance, condition, age, safety, or equipment. The fee for reissuance of a decal which has been removed, lost, or stolen shall be ~~established~~ **published** in ~~accordance with~~ the Schedule of Charges.
- (c) A holder commits an offense if a ~~vehicleperson operated~~ under its operating authority:

- (1) operates a regulated vehicle at the Airport with an expired Airport authorization decal;
- (2) operates a regulated vehicle with no decal affixed to it, except for the sole purpose of terminating a trip that lawfully originated outside the Airport;
- (3) attaches a decal to a vehicle not authorized to operate as a regulated vehicle at the Airport;
- (4) queues a vehicle on a designated holding stand as authorized by the Administrator with an expired decal or with no decal affixed to it;
- (5) interferes with the Administrator in the removal of a decal;
- (6) covers, conceals or attempts to cover or conceal a decal;
- (7) forges, alters, or counterfeits a decal required by this chapter; or
- (8) possesses a forged, altered, or counterfeited decal required by this chapter.

**SEC. 4-414-38. EQUIPMENT.**

(a) It is the responsibility of the holder ~~of a regulated vehicle~~ to ascertain the following equipment is in, on, and ~~or~~ operable for each regulated vehicle operated **under the holder's authority**:

- (1) decal(s) required by this chapter;
- (2) any other equipment required by the City of Dallas or the City of Fort Worth;
- (3) any other equipment required to comply with all federal and state motor vehicle laws;
- (4) any other special equipment that the Administrator determines to be necessary; and
- (5) all regulated vehicles shall accept all major credit cards as prescribed by the Airport Board unless exempted by the Administrator. **When accepting a credit card payment, an operating authority or driver must use a secure credit card processing method that encrypts**

information transmitted to authenticate a credit card payment transaction for approval.

~~(a) When accepting a credit card payment, an operating authority or driver must use a secure credit card processing method that encrypts information transmitted to authenticate a credit card payment transaction for approval.~~

- (b) All regulated vehicles and all equipment in the regulated vehicles shall comply with all applicable federal and state motor vehicle safety standards.
- (c) A regulated vehicle may not be salvaged or reconditioned.
- (d) All temporary regulated vehicles shall comply with the requirements of this section and any other standards established by the Administrator.

#### **SEC. 4-424-39. TAXICAB EQUIPMENT.**

Unless otherwise specified in the operating authority under which a taxicab is operated and in addition to other equipment required by ~~the Rules and Regulations~~ **this chapter**, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each taxicab:

- (a) seat belts for each passenger, the number of which is determined by the designated seating capacity;
- (b) a taximeter or trip meter,
- (c) equipment to indicate when a taxicab is operating for hire and when it is not for hire;
- (d) a top light;
- (e) a driver identification permit holder in a location as established by the Administrator; and
- (f) a personalized rate sheet, as approved by the Administrator, displayed in a location as established by the Administrator.

#### **SEC. 4-434-40. TAXIMETER.**

- (a) ~~a~~ **A** taximeter shall accurately register in legible figures total miles, paid miles, number of fare units, number of trips, extras, and total fare for a trip. Figures denoting the fare shall be illuminated when the taximeter is activated. The taximeter shall be permanently mounted in a conspicuous location approved by the Administrator.;

- (b) ~~a~~A taximeter shall be equipped to indicate whether the taxicab is engaged or vacant with a tamper-proof system connecting the taximeter to a light on top of the taxicab that, when lighted, is visible from all directions. The system shall be designed so that the light is automatically illuminated while the taximeter is registering a fare.;
- (c) ~~i~~f the taximeter employs a flag, the flag shall project above the dashboard so as to be easily seen from outside the taxicab when in the non-earning position.;
- (d) ~~t~~The taximeter or its driver system shall be sealed at all points at which components, if manipulated, could affect the function or accuracy of the taximeter.;
- (e) ~~t~~The design of a taximeter is subject to approval by the Administrator to assure that it complies with this section.;
- (f) ~~e~~Each taximeter shall be maintained in good operating condition and be tested and sealed at least once each year in a manner approved by the Administrator to assure compliance with weights and measures laws.;
- (g) ~~t~~The Administrator may order a taximeter to be tested at any time, and a holder, owner, or driver of a taxicab shall make the taxicab available for taximeter testing when so ordered.;
- (h) ~~t~~The holder, owner, or driver of a taxicab shall be responsible for paying the cost of testing a taximeter.;
- (i) ~~a~~A person commits an offense if the person operates a taxicab that is:
  - (1) not equipped with a taximeter or trip meter; or
  - (2) equipped with a taximeter or trip meter that:
    - (a) has been tampered with or altered; or
    - (b) incorrectly registers or computes taxicab fares because of alterations to the taxicab odometer, including, but not limited to, changes in the gears, tires, or wheels of the taxicab.

**ARTICLE VIII.  
ENFORCEMENT.**

**SEC. 4-444-41. AUTHORITY TO INSPECT.**

The Administrator may inspect a regulated service operating at the Airport to determine whether the service complies with ~~the Rules and Regulations~~ this chapter or other applicable laws.

**SEC. 4-454-42. REMOVAL OF EVIDENCE OF AUTHORIZATION.**

When a holder's operating authority or a driver permit is suspended, revoked, or denied, or whenever a vehicle fails to pass inspection, the Administrator may remove or require the surrender of all evidence of authorization as a holder, driver, or regulated vehicle including, but not limited to, removal or surrender of operating authority, driver permits, decals, signs, insignia, radios, top lights, and ~~or~~ taximeters.

**SEC. 4-464-43. ASSISTANCE BY DEPARTMENT OF PUBLIC SAFETY.**

- (a) Upon specific request of the Administrator, officers of the Department of Public Safety may assist the Administrator in the enforcement of the Rules and Regulations.
- (b) A Department of Public Safety officer, upon observing a violation of this chapter or the procedures established by the Administrator, may take necessary enforcement action.

**SEC. 4-474-44. CORRECTION ORDER.**

- (a) If the Administrator determines that a holder is in violation of the terms of the holder's operating authority, ~~the Rules and Regulations~~ this chapter, a procedure established by the Administrator, a lawful order of the Administrator, or other law, the Administrator shall notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Administrator shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Administrator may order the holder to immediately cease use of the equipment.
- (b) If the Administrator determines that a violation is an imminent and serious threat to the public health or safety, the Administrator may order the holder to correct the violation immediately. If the holder fails to comply, the Administrator shall promptly take or cause to be taken such action the Administrator considers necessary to enforce the order immediately.
- (c) The Administrator shall include in a correction order issued under this section:
  - (1) identification of the violation;
  - (2) the date of issuance of the correction order;

- (3) the time period within which the violation shall be corrected;
- (4) a warning that failure to comply with the correction order may result in suspension or revocation of operating authority, imposition of a fine, or both; and
- (5) a statement indicating that the correction order may be appealed to the CEO.

**SEC. 4-484-45. SERVICE OF NOTICE.**

(a) A holder shall designate and maintain a representative to:

- (1) receive service of notice required under ~~the Rules and Regulation~~**this chapter** to be given a holder; and
- (2) serve notice required under ~~the Rules and Regulation~~**this chapter** to be given a driver employed by or contracting with a holder.

(b) Notice required under ~~the Rules and Regulation~~**this chapter** shall be given in the following manner:

- (1) a holder shall be personally served with the notice in a manner established by the Administrator, including but not limited to, serving holder's designated representative or by certified United States mail, five-day return receipt requested, to the holder's designated representative; or
- (2) a driver operating under a holder's operating authority shall be personally served by the Administrator, including but not limited to, serving holder's designated representative for the driver by certified United States mail, five-day return receipt requested.

(c) A person operating in violation of ~~these Rules and Regulation~~**this chapter**, other than a driver or holder permitted under this chapter, may be personally served by the Administrator or by certified United States mail, five-day return receipt requested.

(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for a notice that is mailed is the date of receipt.

**SEC. 4-494-46. APPEALS.**

- (a) If the Administrator denies issuance or renewal of operating authority, suspends or revokes operating authority, or issues a correction order, the action is final unless, within ten days from the date of receiving the written notice of the action, the affected applicant, holder, or driver files an appeal, in writing, with the CEO specifying the reasons for the appeal.
- (b) The CEO shall establish an appeal hearing procedure that will give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the ruling shall be based on a preponderance of evidence presented at the hearing.
- (c) The decision rendered through the appeal hearing procedure is final.

**SEC. 4-504-47. CRIMINAL OFFENSES.**

- (a) A person commits an offense if the person violates or attempts to violate a provision of this chapter applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each time an offense occurs. An offense committed under this chapter is punishable by imposition of a fine not to exceed the maximum allowable by law.
- (b) Prosecution for an offense ~~under SEC. 4-50 (a)~~ does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

**SEC. 4-514-48. ADMINISTRATIVE FINES.**

- (a) The Administrator or CEO shall have the authority to levy an administrative fine against a holder, or owner who violates any provision of the Rules and Regulations.
- (b) The fines shall be ~~established~~published in ~~accordance with~~the Schedule of Charges, ~~as amended~~.
- (c) Delinquent or past due fines shall be cause for the Administrator or CEO to immediately suspend any permit, operating authority, or written authorization of any holder, owner, or driver until such fines are paid in full, or take any other legal action deemed necessary to recover delinquent or past due fines.

## **Chapter 5**

### **Courtesy Vehicles ~~Rules and Regulations~~**

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Sec. 5-34. Criminal Offenses.

Sec. 5-35. Administrative Fines.

~~Section 1~~**ARTICLE I.**  
~~General Provisions~~**GENERAL PROVISIONS.**

~~Section 1-1.~~ **Statement of Policy**

~~It is the policy of the Dallas/Fort Worth International Airport Board and the Cities of Dallas and Fort Worth to promote and provide adequate and efficient courtesy vehicle operations at Dallas/Fort Worth International Airport. To this end, rules and regulations for courtesy vehicle operations at the Airport are developed to protect the public health and safety, to promote the public convenience and necessity, and to facilitate efficient utilization of the roadway system and terminal curbside space while respecting the concept of free enterprise.~~

~~Section~~**SEC. 1-2.5-1. General Authority For Enforcement****AUTHORITY FOR ENFORCEMENT.**

The Administrator, and representatives, agents, and Airport employees designated by the Administrator, shall implement and enforce this chapter, and may by written order establish procedures, ~~not~~ inconsistent with this chapter, as determined ~~as~~ necessary by the Administrator to discharge the Administrator's duties under, or to effect the ~~policy~~purpose of, this chapter.

~~Section 1-3.~~ **Exemptions**

- ~~I.~~ Except when the vehicle has been issued a decal pursuant to this chapter, these Rules and Regulations do not apply to a vehicle or to a person operating a vehicle that is:
  - ~~A.~~ owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
  - ~~B.~~ provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between work stations, with the employees reimbursing the employer or employee association in the amount calculated only to offset the reasonable expenses of operating the vehicle;
  - ~~C.~~ entering the Airport for the sole purpose of terminating a trip that lawfully originated outside of the Airport;

~~D. — originating a trip that has been pre-arranged by a passenger and authorized by the Administrator, or~~

~~E. — owned by the federal or state government or by a political subdivision of the state.~~

~~II. — A person or vehicle exempted under this subsection is subject to a fee, in an amount to be designated by the Dallas/Fort Worth International Airport Board Schedule of Charges, as amended, for operating at the Airport, using the holding stands, or obtaining an authorization decal.~~

## **Section ~~1-4.5-2.~~ DEFINITIONS.**

The definition of a term in the Rules and Regulations applies to each grammatical variation of the term. Unless the context requires a different definition:

~~I. — Administrator~~ **ADMINISTRATOR** means the ~~Director~~ Vice President of ~~Operations of the Transportation Business Unit of the Dallas/Fort Worth International Airport Board, and includes representatives, agents or Airport employees designated by the Administrator.~~

~~II. — Airport~~ means all of the land, improvements, facilities, and developments within the boundaries of the Dallas/Fort Worth International Airport.

~~III. — Airport Board or Board~~ means the Dallas/Fort Worth International Airport Board.

~~IV. — Consolidated Rental Car Facility~~ **CONSOLIDATED RENTAL CAR FACILITY** means the single facility at the Airport from which vehicles are rented by those persons having a concession and lease agreement with the Board for that purpose.

~~V. — Conviction~~ **CONVICTION** means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

~~VI. — Contract Courtesy Vehicle~~ **CONTRACT COURTESY VEHICLE** means a vehicle hired or contracted by a hotel, motel, or auto rental company used for the transportation of passengers and property owned by those passengers to, on, or from the Airport.

~~VII. — Courtesy Vehicle~~ **COURTESY VEHICLE** means a vehicle operated by a hotel, motel, or auto rental company used for transportation of passengers and property owned by those passengers to, on, or from the Airport, not for hire or direct compensation by a passenger, including contract courtesy vehicles.

~~VIII. — Cruising~~ means driving a courtesy vehicle within 1000 feet of a terminal, hotel, or terminal area on the Airport without a dispatch authorization or other form of permission from the Administrator.

~~IX.—Department of Public Safety means the Department of Public Safety of the Dallas/Fort Worth International Airport Board.~~

~~X.—Department of Operations means the Department of Operations of the Dallas/Fort Worth International Airport Board.~~

~~XI.—DriverDRIVER~~ means an individual ~~who drives or operates a courtesyan~~ individual in control of a vehicle.

~~XII.—Employee means any person, partnership, corporation, association, stockholder, joint venturer, or independent contractor in the service of another, under any contract of hire whether express or implied, oral or written.~~

~~XIII.—Executive Director means the Chief Executive Officer of the Dallas/Fort Worth International Airport Board, or his designee.~~

~~XIV.—HeadwayHEADWAY~~ means the time interval between vehicles of the same operator arriving at or driving through any area of a given terminal.

~~XV.—HolderHOLDER~~ means an individual, ~~partnership, corporation, joint venture~~ or other legal entity granted operating authority to provide courtesy vehicle service at the Airport, ~~or the holder's designated agent.~~

~~XVI.—Holding StandHOLDING STAND~~ means all authorized queuing, loading and holding areas as designated by the Administrator.

~~XVII.—Lawful OrderLAWFUL ORDER~~ means a verbal or written directive issued by the Administrator or the Administrator's duly authorized representative in the performance of the Administrator's duties in the enforcement of ~~the Rules and Regulations authorized by~~ this chapter.

~~XVIII.—Legal Resident means a citizen of the United States or a person residing in the United States in accordance with federal Immigration laws.~~

~~XIX.—Off-Airport Rental Car CompanyOFF-AIRPORT RENTAL CAR COMPANY~~ means a person who accesses the Airport for the purpose of supplying rental car services to persons using the Airport but who does not have a lease agreement with the Airport Board covering the use and occupancy of facilities at the Airport from which vehicles may be rented.

~~XX.—OperateOPERATE~~ means to drive or to be in control of a ~~courtesy~~ vehicle.

~~XXI.—Operating AuthorityOPERATING AUTHORITY~~ means permission granted by the Administrator to operate a courtesy vehicle service at the Airport.

~~XXII.—OperatorOPERATOR~~, with respect to a vehicle, means the same as DRIVER. OPERATOR, with respect to a service, means ~~driver or owner of a courtesy~~

~~vehicle or~~ the holder of an operating authority under which the vehicle is operated.

~~XXIII. Owner~~**OWNER** means, when used in connection with a vehicle, the person to whom state license plates for a vehicle have been issued or the person who leased the vehicle.

~~XXIV. Person~~**PERSON** means an individual, ~~firm, partnership, corporation, sole proprietorship, government, association, company, or an agency, trust, partnership of two or more persons having a joint or common economic interest or other legal entity.~~

~~XXV. Rules and Regulations~~ means ~~the courtesy vehicle services rules and regulations established under Chapter 5, Courtesy Vehicle Rules and Regulations, of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended.~~

~~XXVI. Schedule of Charges~~ means ~~the Dallas/Fort Worth International Airport Board Schedule of Charges, as amended.~~

~~XXVII. Terminal Areas~~**TERMINAL AREAS** means the roadways, parking lots, curbside zones, and sidewalks servicing the arrival and departure areas of all Airport terminals and the Airport hotels.

#### ~~Section 1-5. Establishment of Rules and Regulations~~

- ~~I. Before submitting a proposal to the Airport Board to adopt, amend or repeal a rule or regulation, the Administrator shall hold a public hearing on the proposal. The Administrator shall fix the time and place of the hearing and shall notify each holder and such other persons as the Administrator determines may be interested in the subject matter of the hearing.~~
- ~~II. After the Airport Board acts upon the proposal, the Administrator shall notify the holders and such other interested persons of the action and shall post a notice in the Airport Board Ground Transportation Regulation Office for a minimum of ten days. The action shall become effective immediately upon approval by the Airport Board.~~

#### ~~Section 1-6. Establishment of Procedures~~

~~The Administrator may by written order establish procedures not inconsistent with the Rules and Regulations which the Administrator determines are necessary to discharge the Administrator's duty to implement the Rules and Regulations.~~

### **Section 2ARTICLE II. Operating AuthorityOPERATING AUTHORITY.**

#### **SectionSEC. 2-1.5-3. Operating Authority RequiredOPERATING AUTHORITY**

## REQUIRED.

- ~~I. A No person or owner shall not operate a courtesy vehicle service at the Airport without an approved operating authority issued by the Administrator. The Administrator may place conditions and/or limitations on the operating authority as determined necessary to effect the policy purpose of this chapter.~~
- ~~II. A person shall not engage or hire a courtesy vehicle which the person knows does not have an operating authority or another form of permission from the Administrator.~~
- ~~III. A holder's operating authority is not transferable.~~
- ~~IV. An operating authority may be issued for a period not to exceed one year and shall expire annually on the date designated in the operating authority.~~

### Section ~~SEC. 2-25-4.~~ Insurance

- I. During the authorized period of operating authority, a holder shall procure and keep in full force automobile liability insurance that meets or exceeds the insurance requirements and standards established by ~~the Administrator, this section and that does not violate the ownership/operational control prohibition described in this section.~~
  - A. ~~Insurance required under this section shall:~~
    - ~~1. be carried with an insurance company licensed, approved, or authorized to do business in the State of Texas and which, if the holder is authorized by the City of Dallas, has a rating acceptable to the City of Dallas and which, if the holder is authorized by the City of Fort Worth, has a rating acceptable to the City of Fort Worth, or if the holder is authorized by a city other than Dallas or Fort Worth, which has a rating acceptable to the City of Dallas or the City of Fort Worth, whichever is less, and is acceptable to the Administrator;~~
    - ~~2. include a cancellation rider under which the insurance company providing coverage is required to notify the Administrator in writing not fewer than thirty days before canceling, failing to renew or making a material change to the insurance policy;~~
    - ~~3. include a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority;~~
    - ~~4. name as additional insured the Airport Board and the Cities of Dallas and Fort Worth and their officers and employees;~~

- ~~5. provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence or the equivalent, for each motor vehicle used by the holder;~~
- ~~6. have a provision requiring the insurance company to pay every claim on a first-dollar basis; and~~
- ~~7. not contain bodily injury exclusions.~~

~~B. Aggregate limits of liability are prohibited.~~

~~C. A holder may self-insure if the Administrator determines that the holder can furnish protection of the same character and amount as if the insurance were carried by an insurance company. In considering authorization of self-insurance, the Administrator shall consider the financial fitness and the past record of management responsibility of the holder and may establish maximum coverage limits for which the holder may self-insure. If at any time the Administrator determines that a self-insured holder is unable to provide adequate self-insurance, the Administrator by written notice shall order the holder to acquire insurance from an insurance company and the holder shall comply with the order not more than thirty days after the notice is served.~~

~~D. Insurance required by this section shall not be obtained from an assigned risk pool.~~

~~E. No person with any direct or indirect ownership interest in the holder's courtesy vehicle service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the courtesy vehicle service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.~~

~~II. If a courtesy vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the Administrator receives satisfactory proof that all evidence of operation as a courtesy vehicle has been removed from the vehicle, and that the vehicle has in fact been removed from service.~~

~~III. Operating authority shall not be granted or renewed unless the applicant or holder furnishes the Administrator with such proof of insurance as the~~

~~Administrator considers necessary to determine whether the applicant or holder is adequately insured under this section.~~

- ~~IV. A copy of documents establishing compliance with insurance requirements shall be on file with the Administrator at all times, in a manner established by the Administrator.~~
- ~~V. Failure to maintain minimum insurance standards, or failure to keep proof of insurance on file with the Administrator, shall result in the immediate suspension of the holder's operating authority. If an operating authority is suspended for failure to maintain insurance or to keep on file proof of insurance, the permit shall not be reinstated until satisfactory proof of insurance meeting minimum requirements is submitted to and confirmed by the Administrator.~~
  - ~~A. A person commits an offense if the person operates a courtesy vehicle service while the person's operating authority is suspended under this subsection, whether or not the action is appealed.~~
  - ~~B. A fee for reinstatement of an operating authority after a suspension under this subsection shall be in accordance with the Schedule of Charges.~~
- ~~VI. If a holder does not obtain new insurance within forty-five days after the holder's insurance is canceled, the Administrator may revoke the holder's operating authority.~~

~~Section~~**SEC. 2-3-5-5. Application for Issuance, Renewal, or Amendment of Operating Authority****APPLICATION FOR ISSUANCE, RENEWAL, OR AMENDMENT OF OPERATING AUTHORITY.**

To request issuance, renewal, or amendment of an operating authority, a person or holder shall submit a written application with any fees required in a manner established by the Administrator. The Administrator may ~~request~~**require** a person or holder to provide such information as the Administrator considers necessary for the implementation and enforcement of this chapter, for the protection of ~~the~~ public safety, or to meet any ~~other~~ local, state, or federal laws, rules, regulations, or guidelines. The applicant ~~must~~**shall** be the person who will own, control, or operate the proposed service.

~~I.~~**(a)** The Administrator shall establish:

~~A.~~**(1)** qualifications and ~~for~~ criteria for issuing courtesy vehicle service operating authority;

~~B.~~**(2)** procedures for renewal of operating authority; and

~~C.~~**(3)** procedures for amending operating authority.

~~II. Within forty-five days from the date of receipt of a request for issuance, renewal or amendment of an operating authority, the Administrator shall approve or deny the request.~~

III.(b) The Administrator shall deny issuance of a courtesy vehicle service operating authority if:

~~A.(1) the Administrator determines that~~ the public convenience and necessity do not require or are not otherwise served by the proposed service;

~~B.(2)~~ the applicant failed to comply with all requirements;

~~C.(3)~~ the applicant or any person holding an ownership interest in the application has been convicted twice, suspended twice, or convicted once and suspended once, of a violation of ~~these Rules and Regulationsthis chapter~~ within the preceding two years;

~~D.(4)~~ the applicant made a false statement as to a material matter in the application for permit;

~~E.(5)~~ the applicant or any person holding an ownership interest in the application has been convicted of a city, state, or federal law that would reasonably tend to indicate that the applicant is not fit to perform a courtesy vehicle service; or

~~F.(6)~~ the applicant has had a courtesy vehicle service operating authority revoked within a two-year period prior to the date of application.

**Section ~~SEC. 2-4.5-6.~~ Suspension and Revocation of Operating Authority ~~SUSPENSION AND REVOCATION OF OPERATING AUTHORITY.~~**

I.(a) The Administrator may suspend or revoke a courtesy vehicle service operating authority if the Administrator determines that the holder has:

~~A.(1)~~ made a false statement as to a material matter in the application for issuance or renewal of the applicant's operating authority;

~~B.(2)~~ failed to comply with provisions of ~~the Rules and Regulationsthis chapter~~, a lawful order, or a procedure established by the Administrator;

~~C.(3)~~ failed to comply with the terms and conditions set forth in the operating authority;

~~D.(4)~~ been convicted of a violation of another city, state or federal law or regulation which would reasonably tend to indicate lack of fitness of the holder to perform a courtesy vehicle service; or

~~E.~~(5) failed to pay all fees required by this chapter in a manner approved by the Administrator.

~~H.~~(b) The Administrator may suspend a holder's operating authority for a period not to exceed sixty days. At the end of the suspension period, the holder may resume operating at the Airport after providing verification to the Administrator that the deficiency causing the suspension has been corrected by the holder. Failure to correct a deficiency within the time period established by the Administrator may result in revocation of a holder's operating authority.

~~III.~~(c) A holder whose operating authority has been revoked shall not reapply for an operating authority before the expiration of twenty-four months from the date of revocation or, in the case of an appeal, the date the appeal hearing officer affirms the revocation.

~~Section~~**SEC. 2-5-5-7. Appeal of Denial, Suspension or Revocation****APPEAL OF DENIAL, SUSPENSION OR REVOCATION.**

If the Administrator denies issuance, renewal, amendment, suspends, or revokes a courtesy vehicle service operating authority, the action is final unless, within ten days from the date of receiving written notice of the action, the affected applicant or holder files an appeal in accordance with this chapter.

~~Section~~**SEC. 2-6-5-8. Fees****FEES.**

~~I.~~(a) All courtesy vehicle service fees shall be ~~established~~**published** in ~~accordance with~~ the Schedule of Charges.

~~II.~~(b) Should a holder allow the payment of any fee required under this chapter to become delinquent, a late payment charge shall be collected in accordance with the Schedule of Charges and/or the holder's operating authority may be suspended or revoked.

~~III.~~(c) All fees will be paid in a manner established by the Administrator.

~~IV.~~(d) No refund of fees shall be made.

~~Section~~**SEC. 2-7-5-9. Advertisement of Courtesy Vehicle Service****ADVERTISEMENT OF COURTESY VEHICLE SERVICE.**

~~I.~~(a) A person commits an offense if the person advertises or causes to be advertised the operation of a courtesy vehicle service at the Airport that does not have operating authority granted under this chapter, when the advertisement is reasonably calculated to be seen by persons seeking such service at the Airport.

~~II.~~(b) It is a defense to prosecution under ~~this subsection (I)~~ that the person was

the publisher of the advertising material and had no knowledge that the service was not permitted under this chapter.

**~~Section~~SEC. 2-8.5-10. ~~Holder's Records and Reports~~HOLDER'S RECORDS AND REPORTS.**

- I.(a) Each holder shall maintain at a single location such categories of its business records of its service as the Administrator may prescribe.
- II.(b) The method used in maintaining the records must be approved by the Administrator, and the Administrator may require maintenance of certain records which the Administrator determines necessary for monitoring the activities, operations, service or records of a holder.
- III.(c) A holder shall maintain a record of the driver of each courtesy vehicle operated under the holder's operating authority. The records shall include the name of each driver who has operated the courtesy vehicle and the dates and times of each driver's operation of the vehicle.
- IV.(d) A holder shall make such records available for inspection by the Administrator or provide the Administrator with information contained in those records upon request.

**~~Section 3~~  
~~Reserved~~**

**~~Section 4~~ARTICLE III.  
~~Miscellaneous Holder and Driver Regulations~~MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.**

**~~Section~~SEC. 4-1.5-11. ~~Holder's and Driver's Duty to Comply~~HOLDER'S AND DRIVER'S DUTY TO COMPLY.**

- I.(a) A holder shall comply with the terms and conditions of the holder's operating authority, lawful orders of the Administrator, ~~this chapter~~~~the Rules and Regulations~~, and other laws applicable to the operation of a courtesy vehicle service. It is not a defense to prosecution that the courtesy trip originated in another city.
- II.(b) A driver shall comply with ~~this chapter~~~~the Rules and Regulations~~, other laws applicable to the operation of a motor vehicle in this State, lawful orders of the Administrator, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharge of the holder's duty under the holder's operating authority and ~~this chapter~~~~the Rules and Regulations~~. It is not a defense to prosecution that the trip originated in another city.

**Section ~~SEC. 4-2-5-12.~~ Holder's Duty to Enforce Compliance by Drivers**  
**HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.**

- I.(a) A holder shall establish policy and take action to discourage, prevent, ~~or~~ and correct violations of ~~this chapter~~ ~~the Rules and Regulations~~, procedures, and lawful orders of the Administrator by drivers who are operating a vehicle under the holder's operating authority.
- II.(b) A holder shall not allow a driver to operate a vehicle under the holder's operating authority if the holder knows or has reasonable cause to suspect that the driver has failed to comply with ~~this chapter~~ ~~the Rules and Regulations~~ or other applicable law, or the lawful orders of the Administrator.

**Section 4-3. Reserved**

**Section ~~SEC. 4-4-5-13.~~ Holder's Service Responsibilities**  
**HOLDER'S SERVICE RESPONSIBILITIES.**

- I.(a) A holder shall provide courtesy vehicle service for passengers at the Airport in accordance with service levels and standards approved by the Administrator.
- II.(b) A holder shall cooperate with the Administrator in all phases of ground transportation operations to provide prompt, efficient, and economical service and shall respond promptly to specific requests by the Administrator for courtesy vehicle service during periods of shortage.
- III.(c) A holder shall respond to all customer complaints regarding Airport service within ten days from receipt of the complaint and advise the Administrator of any and all action taken in response to the complaint.
- IV.(d) The Administrator may establish procedures to monitor the service levels of courtesy vehicles at the Airport including, but not limited to the following:
  - A.(1) condition of courtesy vehicle service vehicles;
  - B.(2) constancy of service at the Airport;
  - C.(3) adherence to ~~this chapter~~ ~~all Rules and Regulations~~;
  - D.(4) driver conduct; and
  - E.(5) passenger complaints.

**Section ~~SEC. 4-5-5-14.~~ Information to be Supplied Upon Request of the Administrator**  
**INFORMATION TO BE SUPPLIED UPON REQUEST OF THE ADMINISTRATOR.**

In addition to any other information required by this chapter, a holder shall submit to the Administrator, upon request, the following:

- I.(a) a current list of vehicles operating under the holder's operating authority;
- II.(b) a current financial statement which includes a balance sheet/income statement;
- III.(c) the names of the current officers, owners, and/or managers of the courtesy vehicle service; and
- IV.(d) any other information determined necessary by the Administrator for the effective control of courtesy vehicle service at the Airport.

**Section ~~4-6.5-15.~~ Falsification and Nontransferability of Authorization**  
**FALSIFICATION AND NONTRANSFERABILITY OF AUTHORIZATION.**

- I.(a) A badge, decal, entry ticket or any other item assigned to one person or vehicle is not transferable to another person, vehicle, or holder.
- II.(b) A person, holder or driver commits an offense if the person, holder or driver:
  - A.(1) forges, alters, or counterfeits a badge, decal, entry ticket, emblem or any other item required by ~~this chapter~~ the Rules and Regulations or other applicable law;
  - B.(2) possesses a forged, altered, or counterfeited badge, decal, entry ticket, emblem or any other item required by ~~this chapter~~ the Rules and Regulations or other applicable law; or
  - C.(3) possesses more than one badge, decal, entry ticket, emblem or any other item required by ~~this chapter~~ the Rules and Regulations or other applicable law, unless authorized by the Administrator.

**Section ~~5~~ARTICLE IV.**  
**General Service Rules and Regulations**  
**GENERAL SERVICE RULES AND REGULATIONS.**

**Section ~~5-1.5-16.~~ Regulations for Use of Holding Stands**  
**REGULATIONS FOR USE OF HOLDING STANDS.**

- I.(a) A vehicle is unauthorized on a holding stand if the vehicle is not equipped with a decal issued by the Administrator.
- II.(b) A vehicle on a holding stand without authorization from the Administrator may be removed from the holding stand and impounded with all towing and

storage fees to be paid by the vehicle owner.

III.(c) While on duty at the Airport, a driver shall queue only on designated holding stands as authorized by the Administrator.

IV.(d) While using a designated holding stand, a driver shall not:

A.(1) leave the vehicle except to provide such assistance to a passenger as is reasonably necessary after being engaged, provided the driver remains within the designated holding stand, unless otherwise authorized by the Administrator;

B.(2) perform or allow to be performed repairs or maintenance on the vehicle; or

G.(e) A driver shall not utilize the holding stand while off duty.

V.(f) A driver shall:

A.(1) remain at a designated holding stand only long enough to load or discharge passengers and then expeditiously progress to the next holding stand, as authorized by the Administrator, or exit the Airport; and

B.(2) enter a holding stand only at those times authorized by the Administrator.

**Section ~~SEC. 5-2-5-17.~~ Loading and Discharging of Passengers ~~LOADING AND DISCHARGING OF PASSENGERS.~~**

I.(a) A driver may not transport at the same time a number of passengers exceeding the designated seating capacity of a courtesy vehicle.

II.(b) A driver shall load passengers and baggage into a courtesy vehicle only at designated holding stands.

III.(c) A driver shall discharge passengers in a manner authorized by the Administrator.

**Section ~~SEC. 5-3-5-18.~~ Rental Car Companies ~~RENTAL CAR COMPANIES.~~**

I.(a) No Rental Car Company shall provide a courtesy vehicle service between the terminal areas and the Consolidated Rental Car Facility. No Rental Car Company shall deliver rental vehicles to the terminal areas or accept return of rental vehicles at the terminal areas, except as expressly permitted in writing by the Administrator.

II.(b) The operator of a Courtesy Vehicle or Contract Courtesy Vehicle picking up and dropping off persons at the Airport on behalf of an Off-Airport Rental Car

Company shall pick up and drop off those persons only ~~at the Consolidated Rental Car Facility and~~ at such point or points ~~at or within the Consolidated Rental Car Facility~~ as are designated by the Administrator, ~~except as otherwise expressly permitted in writing by the Administrator.~~

**~~Section 5-4. Cruising~~**

~~A person commits an offense if the person engages in cruising at the Airport. It is a defense to prosecution if a driver:~~

- ~~I. has a passenger to be discharged at the terminal or hotel;~~
- ~~II. has trip authorization by the Administrator; or~~
- ~~III. is in the process of leaving the Airport by the most direct route.~~

**~~Section~~SEC. 5-5-5-19. ~~Solicitation of Passengers~~SOLICITATION OF PASSENGERS.**

~~I.(a)~~ A person commits an offense if the person:

~~A.(1)~~ solicits or attempts to solicit passengers; or

~~B.(2)~~ accepts payment from a driver, holder, or person in return for giving preferential treatment in directing passengers to the driver's or holder's courtesy vehicle service.

~~II.(b)~~ It is a defense to prosecution for a violation of this subsection if the owner of the courtesy vehicle service has made a contractual agreement or other prior arrangement with the management of the other business and has been approved by the Administrator.

**~~Section~~SEC. 5-6-5-20. ~~Conduct of Driver~~CONDUCT OF DRIVER.**

A driver shall:

~~I.(a)~~ act in a reasonable, prudent and courteous manner;

~~II.(b)~~ maintain a sanitary and well-groomed appearance;

~~III.(c)~~ not respond to a dispatched call assigned to another driver or company;

~~IV.(d)~~ not consume, possess or be under the influence of:

~~A.(1)~~ any alcoholic beverage;

~~B.(2)~~ any controlled substance; or

~~C.~~(3) any substance that could adversely affect the driver's ability to operate a motor vehicle;

~~V.~~(e) not monitor or possess equipment to monitor transmissions of a courtesy vehicle service company other than the holder under whose operating authority the driver is operating;

~~VI.~~(f) not interfere with the Administrator in the performance of the Administrator's duties;

~~VII.~~(g) not gather, congregate, or otherwise obstruct entrances or passageways of any terminal, hotel, Airport building, holding stand, or Airport roadway in a manner that impedes the movement of a person or vehicle;

~~VIII.~~(h) comply with lawful orders of the Administrator issued in the performance of the Administrator's duties;

~~IX.~~(i) not deposit any bottle, can, trash, debris, junk, food, or other object around any holding stand, building or Airport roadway except in an authorized trash receptacle; ~~and~~

~~X.~~(j) not file a false report or make a false statement to the Administrator, ~~and~~

(k) not operate a regulated vehicle within 1,000 feet of a terminal, hotel, or terminal area on the Airport without a dispatch authorization or other form of permission from the Administrator.

~~Section~~**SEC. 5-7.5-21. Return of Passenger's Property****RETURN OF PASSENGER'S PROPERTY.**

Upon finding property in a courtesy vehicle left by a passenger, the driver shall comply with the procedures established for lost property by the holder under whose operating authority the driver operates.

~~Section~~**SEC. 5-8.5-22. Not-in-Service Vehicles****NOT-IN-SERVICE VEHICLES.**

~~I.~~(a) Each courtesy vehicle operated on the Airport is presumed to be on duty and ready to serve the general public.

~~II.~~(b) The Administrator shall establish a procedure whereby a driver will indicate that the driver and the driver's vehicle are not in service. If a driver is operating a vehicle that is not in service and does not intend to provide courtesy vehicle service at the Airport, the driver shall comply with the procedure established by the Administrator.

~~III.~~(c) A driver who is operating a vehicle that is not in service shall not queue the vehicle on or within five hundred feet of a holding stand or along or in the one-hour parking zones of the Airport roadways and parking lots unless authorized by

the Administrator.

**Section-6  
Reserved**

**Section-7ARTICLE V.  
Vehicle Standards and InspectionVEHICLE STANDARDS AND INSPECTION.**

**SectionSEC. 7-1.5-23. StandardsSTANDARDS.**

The Administrator may establish standards concerning safety, condition, age, emissions, appearance, equipment, signs, and markings for vehicles operated in a courtesy vehicle service.

**SectionSEC. 7-2.5-24. InspectionINSPECTION.**

I.(a) The holder of a courtesy vehicle service operating authority shall maintain all courtesy vehicles used in the service in a safe mechanical condition and shall maintain the interior and exterior of the vehicles in good repair.

II.(b) The holder shall have each vehicle to be used in a courtesy vehicle service inspected in a manner approved by the Administrator before operating authority is issued and at such other times as may be ordered by the Administrator. Inspection shall determine safety, condition, age, appearance, equipment, signs and markings, and compliance with all state and federal laws Including those regulating emission of air contaminants.

A.(1) A holder, owner, or driver shall make a courtesy vehicle available for inspection when ordered by the Administrator.

B.(2) If a holder, owner or driver fails to make a courtesy vehicle available for inspection or if the Administrator determines that a courtesy vehicle is not in compliance with ~~this chapterthe Rules and Regulations~~, the Administrator may order the courtesy vehicle removed from service until it is made available for inspection and ~~or~~ brought into compliance.

C.(3) If the Administrator determines that inspection of the mechanical condition or safety equipment of a vehicle by a certified mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.

III.(c) The fee for each inspection by the Administrator of each vehicle operated under a holder's operating authority shall be ~~established~~**published** in ~~accordance with~~ the Schedule of Charges.

IV.(d) The Administrator shall designate the time and place for annual inspection of

courtesy vehicles operated under the holder's operating authority. If the Administrator determines that a courtesy vehicle should be inspected by a third party, the applicant or holder shall bear the reasonable cost of inspection.

~~V.~~(e) A holder may contract for maintenance but shall be responsible for assuring that all courtesy vehicles operated under the holder's operating authority are maintained in safe operating condition.

~~VI.~~(f) The Administrator may order a courtesy vehicle be removed from service any time the courtesy vehicle falls below standards established by the Administrator.

~~VII.~~(g) The owner of a courtesy vehicle authorized to operate in a courtesy vehicle service shall notify the Administrator of any change in ownership of the vehicle within ten business days of the change.

~~VIII.~~(h) The holder or owner shall notify the Administrator of any courtesy vehicle removed from service under the holder's operating authority, and shall be responsible for removing from the vehicle any decals that would distinguish the vehicle as a courtesy vehicle.

~~Section~~**SEC. 7-3.5-25. False RepresentationFALSE REPRESENTATION.**

A person commits an offense if the person:

~~I.~~(a) represents that a vehicle is a courtesy vehicle if the vehicle is not in fact a courtesy vehicle authorized to operate at the Airport; or

~~II.~~(b) operates a vehicle at the Airport that is not a courtesy vehicle in a courtesy vehicle service if the vehicle is marked, painted, advertised, or equipped in a way that is likely to result in mistaking the vehicle for a courtesy vehicle.

~~Section~~**SEC. 7-4.5-26. DecalsDECALS.**

~~I.~~(a) The holder, owner, or driver of each courtesy vehicle shall obtain from the Administrator, after passing inspection, an authorization decal indicating the vehicle's authority to operate at the Airport. The decal must be attached to each vehicle in a manner and location approved by the Administrator. The decal is the property of the Airport. The fee for a decal shall be charged in accordance with the Schedule of Charges.

~~II.~~(b) The Administrator may cause a decal to be removed from a vehicle which at any time fails to meet the standards for appearance, condition, age, safety or equipment. The fee for reissuance of a decal which has been removed, lost, or stolen shall be ~~established~~published in ~~accordance with~~the Schedule of Charges.

~~III.~~(c) A person commits an offense if the person:

- ~~A.~~(1) operates a courtesy vehicle at the Airport with an expired **Airport authorization** decal;~~or~~
- ~~(2)~~ operates a courtesy vehicle at the Airport with no decal affixed to it, except for the sole purpose of terminating a trip that lawfully originated outside the Airport;
- ~~B.~~(3) attaches a decal to a vehicle not authorized to operate as a courtesy vehicle at the Airport;
- ~~C.~~(4) queues a vehicle on a designated holding stand as authorized by the Administrator with an expired decal or with no decal affixed to it;
- ~~D.~~(5) interferes with the Administrator in the removal of the decal;
- ~~E.~~(6) covers, conceals or attempts to cover or conceal the decal;
- ~~F.~~(7) forges, alters, or counterfeits a decal required by this chapter; or
- ~~G.~~(8) possesses a forged, altered, or counterfeited decal required by this chapter.

**Section SEC. 7-5.5-27. EquipmentEQUIPMENT.**

- ~~I.~~(a) It is the responsibility of the holder,~~owner, and/or driver of a courtesy vehicle~~ to ascertain the following equipment is in, on, and~~or~~ operable for each courtesy vehicle operated **under the holder's authority**:
  - ~~A.~~(1) an air conditioner;
  - ~~B.~~(2) a heater;
  - ~~C.~~(3) a fire extinguisher (minimum one quart capacity) located within the driver's reach;
  - ~~D.~~(4) evidence of insurance;
  - ~~E.~~(5) decal(s) required by this chapter;
  - ~~F.~~(6) any other equipment required to comply with all federal and state motor vehicle laws; and
  - ~~G.~~(7) any other special equipment that the Administrator determines to be necessary.
- ~~H.~~(b) All courtesy vehicles and all equipment in the courtesy vehicles must comply with all applicable federal and state motor vehicle safety standards.

~~III.(c)~~ All temporary courtesy vehicles must comply with the requirements of this section and any other standards established by the Administrator.

~~Section 8~~**ARTICLE VI.**  
~~Enforcement~~**ENFORCEMENT.**

~~Section SEC. 8-1-5-28.~~ **Authority to Inspect****AUTHORITY TO INSPECT.**

The Administrator may inspect a courtesy vehicle service operating at the Airport to determine whether the service complies with ~~this chapter~~~~the Rules and Regulations~~ or other applicable laws.

~~Section SEC. 8-2-5-29.~~ ~~Removal of Evidence of Authorization~~**REMOVAL OF EVIDENCE OF AUTHORIZATION.**

When a holder's operating authority is suspended, revoked, or denied or whenever a vehicle fails to pass inspection, the Administrator may remove or require the surrender of all evidence of authorization as a holder or courtesy vehicle including, but not limited to, removal or surrender of operating authority and ~~for~~ decals.

~~Section SEC. 8-3-5-30.~~ ~~Assistance by Department of Public Safety~~**ASSISTANCE BY DEPARTMENT OF PUBLIC SAFETY.**

~~I.(a)~~ Upon specific request of the Administrator, officers of the Department of Public Safety may assist the Administrator in the enforcement of the Rules and Regulations.

~~II.(b)~~ A Department of Public Safety officer, upon observing a violation of this chapter or the procedures established by the Administrator, may take necessary enforcement action.

~~Section SEC. 8-4-5-31.~~ ~~Correction Order~~**CORRECTION ORDER.**

~~I.(a)~~ If the Administrator determines that a holder is in violation of the terms of the holder's operating authority, ~~this chapter~~~~the Rules and Regulations~~, a procedure established by the Administrator, a lawful order of the Administrator, or other law, the Administrator shall notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Administrator shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Administrator may order the holder to immediately cease use of the equipment.

~~II.(b)~~ If the Administrator determines that a violation is an imminent and serious threat to the public health or safety, the Administrator may order the holder to correct the violation immediately. If the holder fails to comply, the Administrator

shall promptly take or cause to be taken such action the Administrator considers necessary to enforce the order immediately.

III.(c) The Administrator shall include in a correction order issued under this section:

A.(1) identification of the violation;

B.(2) the date of issuance of the correction order;

C.(3) the time period within which the violation must be corrected;

D.(4) a warning that failure to comply with the correction order may result in suspension or revocation of operating authority, imposition of a fine, or both; and

E.(5) a statement indicating that the correction order may be appealed to the ~~Executive Director~~CEO.

**Section SEC. 8-5-5-32. ~~Service of Notice~~SERVICE OF NOTICE.**

I.(a) A holder shall designate and maintain a representative to:

A.(1) receive service of notice required under ~~this chapter~~~~the Rules and Regulations~~ to be given a holder; and

B.(2) serve notice required under ~~this chapter~~~~the Rules and Regulations~~ to be given a driver employed by or contracting with a holder.

II.(b) Notice required under ~~this chapter~~~~the Rules and Regulations~~ shall be given in the following manner:

A.(1) a holder must be personally served with the notice in a manner established by the Administrator, including but not limited to, serving holder's designated representative or by certified United states mail, five-day return receipt requested, to the holder's designated representative; or

B.(2) a driver operating under a holder's operating authority must be personally served by the Administrator, including but not limited to, serving holder's designated representative for the driver by certified United States mail, five-day return receipt requested.

III.(c) A person operating in violation of ~~these Rules and Regulation~~~~this chapter~~, other than a driver or holder permitted under this chapter, may be personally served by the Administrator or by certified United states mail, five-day return receipt requested.

IV.(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for a notice that is mailed is the date of receipt.

**Section SEC. 8-6.5-33. Appeals APPEALS.**

I.(a) If the Administrator denies issuance or renewal of operating authority, suspends or revokes operating authority, or issues a correction order, the action is final unless, within ten days from the date of receiving the written notice of the action, the affected applicant or holder files an appeal, in writing, with the ~~Executive Director~~CEO specifying the reasons for the appeal.

II.(b) The ~~Executive Director~~CEO shall establish an appeal hearing procedure that will give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the ruling shall be based on a preponderance of evidence presented at the hearing.

III.(c) The decision rendered through the appeal hearing procedure is final.

**Section SEC. 8-7.5-34. Criminal Offenses CRIMINAL OFFENSES.**

I.(a) A person commits an offense if the person violates or attempts to violate a provision of this chapter applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each time an offense occurs. An offense committed under this chapter is punishable by imposition of a fine not to exceed the maximum allowable by law.

II.(b) Prosecution for an offense ~~under subsection (I)~~ does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

**Section SEC. 8-8.5-35. Administrative Fines ADMINISTRATIVE FINES.**

I.(a) The Administrator or ~~Executive Director~~CEO shall have the authority to levy an administrative fine against a holder, owner or driver who violates any provision of the Rules and Regulations.

II.(b) The fines shall be ~~established~~published in accordance with the Schedule of Charges, ~~as amended~~.

III.(c) Delinquent or past due fines shall be cause for the Administrator or ~~Executive Director~~CEO to immediately suspend any permit, operating authority, or written authorization of any holder, owner, or driver until such fines are paid in full, or take any other legal action deemed necessary to recover delinquent or past due fines.

## Chapter 8 Commercial Activities

### ARTICLE I. GENERAL COMMERCIAL ACTIVITIES.

- Sec. 8-1. ~~Soliciting Commercial Activity.~~
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- Sec. 8-4. News Racks.

### ARTICLE II. FOOD ESTABLISHMENTS.

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- Sec. ~~8-11.8-5.~~ Designation of Health Authority.
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- Sec. ~~8-17.8-11.~~ Options.

### ARTICLE III. POOLS AND SPAS.

~~Sec. 8-20. — Public Swimming Pool and Spa Permit Program Inspections Intent.~~

- Sec. ~~8-21.8-12.~~ Designation of Health Authority.
- Sec. ~~8-22.8-13.~~ State Regulations Adopted.
- Sec. ~~8-23.8-14.~~ Definitions.
- Sec. ~~8-24.8-15.~~ Public Swimming Pool and Spa Permits.

Sec. ~~8-25-8-16~~. Inspections.

Sec. ~~8-26-8-17~~. Public Pool/Spa Manager Certification.

**ARTICLE I.  
GENERAL COMMERCIAL ACTIVITIES.**

**~~SEC. 8-1. SOLICITING.~~**

- ~~(a) A person commits an offense if he solicits funds or anything of value for any purpose at the Airport without a permit from the Airport Board except as provided in Chapter 3, ARTICLES III and IV of the Code and, to the extent of any operations outside the Airport boundaries, without a permit from any city in or through which such operations are conducted if such operations are lawfully regulated by such city.~~
- ~~(b) A person commits an offense if he sells or offers for sale any article or merchandise on the Airport without a permit, concession, or franchise from the Airport Board.~~
- ~~(c) A person commits an offense if he solicits any business or trade, including transportation of persons or baggage for hire on the Airport without a permit, concession or franchise from the Airport Board and, to the extent of any operations outside the Airport boundaries, without a license, permit or franchise from any city through which said business or trade is conducted if lawfully regulated by the ordinances of any such city.~~
- ~~(d) It shall be unlawful for a parking company, off-airport parking company, off-airport valet parking company, or a service related to the storing or staging of vehicles, to transport or offer to transport its customers or its customers' vehicles within the boundaries of the Airport without a permit, concession, or franchise from the Airport Board.~~

**SEC. 8-1. COMMERCIAL ACTIVITY.**

A person commits an offense if he conducts any commercial activity at the Airport without a permit, license, lease or other agreement with the Airport Board, except for the operation of aircraft. Commercial activity at the Airport includes the delivery of goods at the Airport for compensation (including rentals), the performance of services at the Airport for compensation, or the solicitation or facilitation of either type of business, regardless of how or where the solicitation or facilitation occurs. Commercial activity at the Airport specifically includes, but is not limited to, the transport of people or baggage from the Airport for compensation, and the transport of vehicles to or from the Airport for compensation. It also specifically includes the transport of people, baggage

or vehicles to or from the Airport as a courtesy incidental to the parking business, the rental car business, or the hotel business.

## **SEC. 8-2. ADVERTISING.**

A person commits an offense if he posts, distributes or displays any signs, advertisements, handbill, circular or printed or written matter of a commercial nature at the Airport or electronically advertises products or services available at the Airport without a concession or permit granted by the ~~Executive Director~~CEO.

## **SEC. 8-3. COMMERCIAL PHOTOGRAPHY AND MOVING PICTURE PRODUCTION.**

- (a) A person commits an offense if, he takes still or motion pictures for commercial use or public exhibition, publication, or display on any portion of the Airport grounds without a permit.
- (b) A person commits an offense if he produces any motion picture, television program or commercial advertisement on any portion of the Airport grounds without a permit.
- (c) No permits are needed for the taking of still or motion pictures or videotaping by:
  - (1) Airport users for personal non-commercial purposes; or,
  - (2) news media in covering news events or filming documentary productions at the Airport.
- (d) An application shall be submitted to the ~~Executive Director~~Airport Board at least five (5) business days in advance of the first day sought for photographic or other similar production, and shall include the following:
  - (1) the full name and street address of the applicant;
  - (2) the full name and street address of the organization sponsoring, conducting, or promoting the production;
  - (3) whether the producing organization is a branch or division of a national organization and, if so, the name and street address thereof;
  - (4) if the producing organization is a Texas corporation, a copy of its ~~Corporate Charter~~certificate of incorporation, as amended, shall be furnished; if it is a foreign corporation, a copy of its ~~Authorized~~ Certificate to do business in the State of Texas shall accompany the application;

- (5) the purpose of the production;
  - (6) the date or dates and hours of the production;
  - (7) the location(s) proposed for such production; and
  - (8) the total number and size of production equipment required for the production and total number of personnel.
- (e) The permit will be issued within three (3) business days of receipt of the application; however, the permit application may be denied or a permit granted hereunder revoked if one or more of the statements in the application is found to be untrue.
- (f) Time, location and manner: When permits are granted, the following rules and standards will apply:
- (1) location: Permittees shall be escorted by Airport Board Personnel at all times and shall only be permitted to conduct the permitted activity in those locations specified in the permit.
  - (2) Permits will be issued for a period of not more than thirty (30) days.
  - (3) manner of operation:
    - (aA) a person may not engage in such production unless he carries such permit granted under this section at all times while conducting production activities.
    - (bB) a person conducting production activities hereunder shall, in that connection, obey all applicable state and federal laws and all applicable ~~R~~rules and ~~R~~regulations of the ~~Dallas/Fort Worth International~~–Airport Board. Unless specified in the permit, ~~P~~permittees will not be permitted to conduct the activity for which the permit is issued:
      - (1i) in Airport roadways,
      - (2ii) inside airline gate departure lounges,
      - (3iii) in areas restricted to airline or Airport personnel,
      - (4iv) in restrooms,
      - (5v) in premises leased to a concessionaire,

(6vi) in stairwells, staircases, elevators or escalators,

(7vii) in baggage claim areas, or

(8viii) in any area temporarily or permanently restricted for conducting or promoting the production.

#### **SEC. 8-4. NEWSRACKS.**

A person commits an offense if he sells or distributes any publication on the Airport premises by means of newspaper stand, racks or other similar devices, except by franchise, concession or permit granted by the ~~Executive Director~~ **Airport Board**.

### **ARTICLE II. FOOD ESTABLISHMENTS.**

#### ~~SEC. 8-10. FOOD PROTECTION AND SANITATION.~~

~~This section is intended to provide for the sale of only sound, properly labeled food; to establish sanitary standards for food protection and service by adopting by reference the Texas Board of Health's "Texas Food Establishment Rules" by requiring a permit for operation of food establishments and by requiring food service manager certification in food sanitation from a designated health authority.~~

#### **SEC. 8-11-8-5. DESIGNATION OF HEALTH AUTHORITY.**

The Airport Board shall by resolution designate from time to time a health authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department's function.

#### **SEC. 8-128-6. STATE REGULATIONS ADOPTED.**

(a) The following statutory provisions are hereby adopted by reference: Texas Board of Health's "Texas Food Establishment Rules" 25 TAC sections 229.161-229.171, 229.173-229.175; Health and Safety Code, Chapter 431- "Texas Food, Drug and Cosmetic Act"; and Health and Safety Code Chapter 341- "Minimum Standards of Sanitation and Health Protection."

(b) A certified copy of each rule manual (above) shall be kept on file in the office of the ~~Director of~~ **Airport Concessions Department**.

#### **SEC. 8-13-8-7. DEFINITIONS.**

All definitions in the "Texas Food Establishment Rules" are hereby incorporated by reference. In addition, the following definitions shall be understood.

**HEALTH AUTHORITY** ~~or REGULATORY AUTHORITY~~ shall be understood to mean the representatives of any health department or health agency designated by the Airport Board to enforce the provisions herein by resolution of the Airport Board.

**SERVICE OF NOTICE** shall mean a notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit.

~~**OWNERSHIP OF BUSINESS** shall mean the owner or operator of the business. Each new business owner or operator shall comply with these Rules and Regulations.~~

**FOOD ESTABLISHMENT** shall mean all places where food or drink are stored, sold, commercially prepared, or otherwise handled, whether offered for sale, given in exchange, or given away for use as food or furnished for human consumption. The location of commercially packaged single portion non-potentially hazardous snack items and wrapped candy sold over the counter, or by vending machine, is excluded.

**SEC. 8-14.8-8. FOOD PERMITS.**

- (a) Requirement: A person commits an offense if he operates a food establishment at the Airport without possessing a current and valid health permit issued by the health authority designated by resolution of the Airport Board.
- (b) Posting: A valid permit shall be posted in public view in a conspicuous place at the food establishment for which it is issued.
- (c) Non-transference (Change of ownership): Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business the new business owner will be required to meet current standards as defined herein and ~~State~~Texas law before a permit will be issued.
- (d) Multiple permits: A separate permit shall be required for every type food establishment and temporary food establishment whether situated in the same building or at a separate location-, ~~E~~except that:
  - (1) lounge operations located in the same building operating under the same liquor license will not require a separate permit unless potentially hazardous food is being served; and
  - (2) establishments with minimal food handling involving limited preparation of potentially hazardous food (such as a snack bar) and under

common ownership may be grouped under one permit. All establishments with extensive food handling ~~and~~/or open potentially hazardous foods will be required to have a separate permit.

- (e) Suspension of permit: The health authority may suspend any permit to operate a food establishment if the operation of the establishment does not comply with the requirements of ~~these Rules and Regulations~~this chapter, ~~State~~Texas laws, or the operation of the food establishment otherwise constitutes an imminent health hazard. Before a permit is suspended, the holder of the permit, or the person in charge, shall be notified in writing that their permit may be suspended and that they are entitled to a hearing, if a request for hearing is made in writing to the authority within ten (10) days from the date the notice of suspension is received. If no written request for hearing is filed within ten (10) days, the permit will be suspended. The health authority may end the suspension any time if reasons for suspension no longer exist. When a permit is suspended, food service operations shall immediately cease.
- (f) Revocation of permit: The health authority may, after providing notice and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the health authority in the performance of its duties. Prior to revocation, the health authority shall notify the holder of the permit, or the person in charge, in writing of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the health authority by the holder of the permit within the ten (10) day period. If no written request for hearing is filed within the ten (10) days, revocation will be final.
- (g) Service of notices: Notices shall be served in accordance with ~~SEC. 8-13~~,the definition of "service of notice", above. A copy of the notice shall be filed in the records of the health authority and in the office of the ~~Director~~Vice President of Airport Concessions, or to such other person as may be designated by the Airport Board.
- (h) Hearings: The hearings provided for in these rules shall be conducted by the health authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the health authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the office of the ~~Director of~~Airport Concessions Department and the holder of the permit, license, or certificate.
- (i) Right of appeal: Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the health authority issuing the order being appealed.

- (j) Application after revocation: When a revocation of a permit has become final, the holder of the revoked permit may make written application to the health authority for a new permit.
- (k) Permit fees: Health permit fees, as established by the health authority, are due and payable directly to the health authority in the amounts and at the times specified by the health authority.

**SEC. 8-15.8-9. INSPECTIONS.**

- (a) Pre-operational inspection: The health authority shall inspect any food establishment prior to its beginning operation to determine compliance with ~~these rules~~ this chapter.
- (b) On-going operations: The health authority shall be entitled to inspect any food establishment at any time without prior notice in order to determine compliance with ~~these rules~~ this chapter.

**SEC. 8-16.8-10. FOOD MANAGER CERTIFICATION.**

- (a) Requirements: A person commits an offense if he operates a food establishment at the Airport without a manager, or person in charge, who possesses a valid and current food manager's certificate, or equivalent, approved by the health authority designated by resolution of the Airport Board. A certified manager, or person in charge, must be on duty during all hours of operation of any nonexempt food service establishment employing six (6) or more employees; provided that, only one certified manager, or person in charge, shall be required to be on duty during all hours of operation in each terminal building for food establishments under common ownership and operation. Only one certified manager, or person in charge, shall be required to be on duty during all hours of operation at each hotel.
- (b) Manager's certification: Upon written application and presentation of evidence of satisfactory completion of a food manager's course, equivalent training or examination as approved by the health authority, the health authority shall issue a food manager's certificate valid for three (3) years from the date of training or evaluation unless sooner revoked. Suspension or revocation of an establishment's health permit by the health authority shall constitute cause for revocation of that manager's certification. Whenever the food service operator holding the manager's certificate terminates employment, is terminated, or is transferred to another food establishment, the person owning, operating or managing the food establishment shall be allowed sixty (60) days from the date of termination or transfer of the certificate holder, to comply with this section.

- (c) Exemptions from certificate requirement: Temporary food establishments and persons participating as volunteer food handlers performing charitable activities for periods of fourteen (14) days or less may be exempted from the requirement for manager's certificate. Exemptions are within the discretion of the health authority.

**SEC. 8-17.8-11. OPTIONS.**

Notwithstanding the provisions of ~~SEC. 8-14(d) and SEC. 8-16(a)~~, this chapter which provide for grouping of food establishments under one permit, and one certified manager for food establishments under common ownership and operation, each business owner shall have the option to waive the grouping provisions and obtain one permit for each food establishment or temporary food establishment, and/or to maintain one certified manager, or person in charge, for each food establishment location.

**ARTICLE III.  
POOLS AND SPAS.**

~~**SEC. 8-20. PUBLIC SWIMMING POOL AND SPA PERMIT PROGRAM  
INSPECTIONS INTENT.**~~

~~This section is intended to provide for pool safety and sanitation and to establish sanitary standards for public swimming pools and spas by adopting by reference the Texas Minimum Standards of Sanitation and Health Protection Measures and Design Standards for Public Swimming Pool Construction by requiring a permit for operation of public swimming pools and/or public spas.~~

**SEC. 8-21.8-12. DESIGNATION OF HEALTH AUTHORITY.**

The Airport Board shall by resolution designate from time to time a health authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department's function.

**SEC. 8-22.8-13. STATE REGULATIONS ADOPTED.**

- (a) The following statutory provisions are hereby adopted by reference: Texas Department of Health Minimum Standards of Sanitation and Health Protection Measures, Chapter 341, Subchapter D, Section 341.064 and Design Standards for Public Swimming Pool Construction, 25 TAC, Chapter 337, Section 337.71 through 337.96.
- (b) A certified copy of each rule manual (above) shall be kept on file in the office of the ~~Director of Airport Real Estate Commercial Development Department~~.

**SEC. 8-23.8-14. DEFINITIONS.**

All definitions in the Texas Minimum Standards and Health Protection Measures and Design Standards for Public Swimming Pool Construction are hereby incorporated by reference. In addition, the following definitions shall be understood.

**HEALTH AUTHORITY** ~~or REGULATORY AUTHORITY~~ shall be understood to mean the representatives of any health department or health agency designated by the Airport Board to enforce the provisions herein by resolution of the Airport Board.

**SERVICE OF NOTICE** provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit.

~~**OWNERSHIP OF BUSINESS** shall mean the owner or operator of the business. Each new business owner or operator shall comply with these Rules and Regulations.~~

**PUBLIC SWIMMING POOL** shall mean an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports or therapeutic purposes.

**SEC. 8-24.8-15. PUBLIC SWIMMING POOL AND SPA PERMITS.**

- (a) Requirement: A person commits an offense if he operates a public swimming pool ~~and/or~~ public spa at the Airport without possessing a current and valid health permit issued by the health authority designated by resolution of the Airport Board.
- (b) Posting: A valid permit shall be posted in public view in a conspicuous place at the public swimming pool ~~and/or~~ public spa.
- (c) Non-transference (Change of ownership): Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business the new business owner will be required to meet current standards as defined herein and State law before a permit will be issued.
- (d) Separate permits: A separate permit shall be required for every public swimming pool ~~and/or~~ public spa, whether situated in the same building or at a separate location.
- (e) Suspension of permit: The health authority may suspend any permit to operate a public swimming pool ~~and/or~~ public spa if the operation of the establishment does not comply with the requirements of ~~these Rules and Regulation~~ this chapter, ~~State~~ Texas laws or the operation of the establishment otherwise constitutes an imminent health hazard. Before a permit is suspended, the holder of the permit or the person in charge, shall be

notified in writing that their permit may be suspended and that they are entitled to a hearing if a request for hearing is made in writing to the authority within ten (10) days from the date the notice of suspension is received. If no written request for hearing is filed within ten (10) days, the permit will be suspended. The health authority may end the suspension any time if reasons for suspension no longer exist. When a permit is suspended, use of the public swimming pool ~~and~~/or public spa shall immediately cease.

- (f) Revocation of permit: The health authority may, after providing notice and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the health authority in the performance of its duties. Prior to revocation, the health authority shall notify the holder of the permit, or the person in charge, in writing of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the health authority by the holder of the permit within the ten (10) day period. If no written request for hearing is filed within the ten (10) days, revocation will be final.
- (g) Service of Notices: Notices shall be served in accordance with ~~SEC. 8-23~~ the definition of "service of notice", above. A copy of the notice shall be filed in the records of the health authority and in the office of the ~~Director~~Vice President of ~~Airport Real Estate~~Commercial Development, or to such other person as may be designated by the Airport Board.
- (h) Hearings: The hearings provided for in these rules shall be conducted by the health authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the health authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the office of the ~~Director~~Vice President of ~~Airport Real Estate~~Commercial Development and the holder of the permit, license, or certificate.
- (i) Right of appeal: Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the health authority issuing the order being appealed.
- (j) Application after revocation: When a revocation of a permit has become final, the holder of the revoked permit may make written application to the health authority for a new permit.
- (k) Permit fees: Health permit fees, as established by the health authority, are due and payable directly to the health authority in the amounts and at the times specified by the health authority.

**SEC. 8-25-8-16. INSPECTIONS.**

- (a) Pre-operational inspection: The health authority shall inspect any public swimming pool and/or public spa prior to its beginning operation to determine compliance with these rules.
- (b) On-going operations: The health authority shall be entitled to inspect any public swimming pool and/or public spa at any time without prior notice in order to determine compliance with these rules.

**SEC. 8-26.8-17. PUBLIC POOL/SPA MANAGER CERTIFICATION.**

- (a) Requirement: A person commits an offense if he operates a public swimming pool and/or spa at the Airport without a manager or person in charge, who possesses a valid and current pool/spa manager's certificate or equivalent, approved by the health authority designated by resolution of the Airport Board. Pool and/or spa managers shall have at least one certified pool manager employed to maintain the pools/spas per location.
- (b) Manager's certification: Upon written application and presentation of evidence of satisfactory completion of a pool/spa manager's course, equivalent training or examination as approved by the health authority, the health authority shall issue a pool/spa manager's certificate valid for one (1) year from the date of training or evaluation unless sooner revoked. Suspension or revocation of an establishment's health permit by the health authority shall constitute cause for revocation of that manager's certification. Whenever the public pool/spa manager holding the certificate terminates employment or is terminated or transferred, the business shall be allowed sixty (60) days from this termination or transfer date to provide a new certificate holder.
- (c) This requirement is applicable even if pool maintenance operations are contracted to an outside company.