



# Duluth Airport Authority

## Commercial Vehicle Ordinance NO. 001 Duluth International Airport

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Duluth Airport Authority  
Board President Signature

**DULUTH AIRPORT AUTHORITY  
COMMERCIAL VEHICLES ORDINANCE NO. 001**

**TABLE OF CONTENTS**

SECTION 1: DEFINITIONS.....3  
SECTION 2: SCOPE.....4  
SECTION 3: AUTHORITY TO OPERATE .....5  
SECTION 4: TAXIS, LIMOUSINES, AND HOTEL SHUTTLES.....5  
SECTION 5: DELIVERY VEHICLES.....6  
SECTION 6: OFF-AIRPORT RENTAL CAR .....6  
SECTION 7: PEER-TO-PEER CAR SHARING .....6  
SECTION 8: TRANSPORTATION NETWORK COMPANY .....6  
SECTION 9: DRIVERS .....6  
SECTION 10: COMMERCIAL VEHICLE FEES .....7  
SECTION 11: ENFORCEMENT .....7  
SECTION 12: GENERAL PROVISIONS ..... 10

**DULUTH AIRPORT AUTHORITY  
ORDINANCE NO. 001  
COMMERCIAL VEHICLES**

An Ordinance to promote and conserve public safety, health, peace, convenience, and welfare and to provide for the equitable allocation of the costs of establishing and maintaining ground transportation facilities at the Airport; to manage the operation of various forms of ground transportation at the Airport in recognition of limited roadway capacity; to regulate the operation of all Commercial Vehicles at Duluth International Airport, a public airport under the operation, direction, and control of the Duluth Airport Authority.

WHEREAS, the Airport has limited roadway capacity to accommodate all of the Commercial Vehicles seeking access to the Airport to service passenger needs; and

WHEREAS, the Duluth Airport Authority seeks to provide the best possible ground transportation services to the public, and to generate revenue to support the Airport's facilities; and

WHEREAS, the Minnesota Legislature has authorized the Duluth Airport Authority to adopt and amend all needful rules, regulations, and ordinances for the management, government, and use of any properties under its control; to fix by ordinance or resolution, as may be appropriate, penalties for the violations of said rules, regulations, and ordinances and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances are enforced. Minn. Stat. § 360.038 Subd. 3.

NOW, THEREFORE, the Duluth Airport Authority does ordain:

**SECTION 1: DEFINITIONS**

- 1.1 Airport. "Airport" means the Duluth International Airport.
- 1.2 Airport Infrastructure. "Airport Infrastructure" means any capital improvement that has been provided by Authority to support the operation of the Airport and used by the Operator in providing commercial service to Airport customers. This included the funding, maintenance, and operation of the public roadway system accessing the terminal, the public parking ramp, the public parking surface lot, and the Commercial Vehicle Lane.
- 1.3 Authority. "Authority" means the Duluth Airport Authority.
- 1.4 Cell Phone Lot. "Cell Phone Lot" means the parking area so labeled located on the north side of Grinden Drive before Terminal as depicted on Exhibit A.
- 1.5 City. "City" means the city of Duluth, Minnesota.
- 1.6 Commercial Vehicle Operator. "Commercial Vehicle Operator" or "Operator" means any private entity which uses Airport Infrastructure to provide vehicle transportation services at the Airport, or that transport customers. This includes but is not limited to taxicabs, limousines, shuttles, TNCs, Peer-To-Peer, and off-airport rental car companies.
- 1.7 Commercial Vehicle Permit Fee. "Commercial Vehicle Permit Fee" means a fee assessed annually to the Operator for the right to operate as the Airport.
- 1.8 Commercial Vehicle. "Commercial Vehicle" means any individual vehicle used by an Operator for service provided on the Airport excluding Unregulated Vehicles, Delivery Vehicles, and public transportation vehicles provided by the City or the Duluth Transit Authority.
- 1.9 Commercial Vehicle Lane. "Commercial Vehicle Lane" means the southern lane of the Airport inbound roadway dedicated for Commercial Vehicle traffic as shown on Exhibit A.

- 1.10 Commercial Vehicle Permit. “Commercial Vehicle Permit” or “Permit” means the permit issued by the Authority for the privilege of utilizing Airport Infrastructure to conduct business.
- 1.11 Delivery Dock. “Delivery Dock” means the loading area located on the northeast side of the terminal and the commensurate roadway access.
- 1.12 Delivery Vehicles. “Delivery Vehicles” means all vehicles which make non-passenger deliveries to the Airport.
- 1.13 Enforcement. “Enforcement” means actions taken by the Authority or its agents or contractors to ensure compliance with the provisions of this Ordinance.
- 1.14 Executive Director. “Executive Director” means the Executive Director of the Duluth Airport Authority or his or her designee.
- 1.15 Peer-to-Peer Car Sharing Company. “Peer-to-Peer Car Sharing Company” means an arms-length, remote, web-based, or mobile transaction where a Shared Vehicle Owner allows a third party to use the Shared Vehicle(s) for a fee. This includes, but is not limited to, reservations made through a website, mobile application, or any other platform that connects Shared Vehicle Owners with customers seeking to reserve the Shared Vehicle(s), with the Shared Vehicle(s) being dropped off to the customer on Airport property.
- 1.16 Permit Decal. “Permit Decal” means a sticker issued by the Authority for the purpose of identifying various Commercial Vehicles approved to operate at the Airport excluding TNC and Peer-to-Peer operators.
- 1.17 Per Trip Fee. “Per Trip Fee” means a fee for each instance in which a Commercial Vehicle picks up or drops off one or more passengers at the Airport.
- 1.18 Rates and Charges Schedule. “Rates and Charges Schedule” means the list of fees charges by the Duluth Airport Authority updated and approved annually by the Duluth Airport Authority Board of Directors.
- 1.19 RFID Tag. “RFID Tag” or “Radio Frequency Identification Tag” means a small label, sticker, or sensor owned by the Authority and installed on permitted Commercial Vehicles that contains a computer chip and antenna that uses radio waves to store and transmit data. The RFID Tag signals when Commercial Vehicles enter or exit the Commercial Vehicle Lane.
- 1.20 Solicit. “Solicit” means to directly or indirectly, actively or passively, openly or subtly, ask, request, plead for, seek, or try to obtain passengers for hire in a Commercial Vehicle, whether or not by the Operator or driver of such Commercial Vehicle. This includes any effort by use of voice, movement of body, or by mechanical contrivance of whatever sort to call attention to the availability of a Commercial Vehicle to carry a passenger.
- 1.21 Staging. “Staging” means time reserved for a Commercial Vehicle that is stopped with the intent of resting in-between service.
- 1.22 Transportation Network Company. “Transportation Network Company” or “TNC” means a service provider which pairs passengers with drivers via websites or mobile apps with drivers who provide transportation services.
- 1.23 Unregulated Vehicles. “Unregulated Vehicles” means vehicles including public transit, tour, or charter buses and emergency vehicles.

## **SECTION 2: SCOPE**

- 2.1 This Ordinance applies to all persons and vehicles engaged in commercial ground transportation at the Airport. This Ordinance does not apply to parking access control for federal employees or other Vehicles authorized by the Executive Director to use the Commercial Vehicle Lane that do not meet the definition of Commercial Vehicle, except as governed by separate agreement.

### SECTION 3: AUTHORITY TO OPERATE

- 3.1 Authorized Vehicles. Only Commercial Vehicles which are permitted by the Authority and licensed by the City of Duluth or other government entity, as applicable, or off-airport rental car vehicles under separate agreement with the Authority may pick up passengers at the Airport, subject to compliance with the provisions of this Ordinance. All vehicles shall comply with federal, state, or local licensing, registration, and insurance requirements. All vehicles shall be clean, undamaged, professional, and display Operator's name and logo.
- 3.2 Permits. All Commercial Vehicles must have a valid Commercial Vehicle Permit to operate at the Airport. Application and payment for a Permit may be made at the Authority's administrative office or online at the Airport website. Each Commercial Vehicle must visibly display a current Permit Decal at all times when operating on the Airport in the location set forth in the Commercial Vehicle Permit application.
- 3.3 City License. All Commercial Vehicles and other transportation vehicles must obey all laws, rules, and regulations of the City of Duluth, or other government entity as applicable, including completing any and all required licensing programs and vehicle inspections. A current city license must be displayed on all Commercial Vehicles.
- 3.4 RFID Tags. RFID Tags are required in all Commercial Vehicles, excluding TNC and Peer-to-Peer operators, in order to operate within the Commercial Vehicle Lane. RFID Tags shall at all times be affixed to the Vehicle in the location installed by the Authority.
  - 3.4.1 No Unauthorized Transfer. An RFID Tag shall only be used in the Commercial Vehicle for which is it authorized by the Authority.
- 3.5 Insurance Requirements. Insurance requirements are set by the Authority and will be included in the Commercial Vehicle Permit application or separate operator agreement where applicable.
- 3.6 Customer Service Requirements. The Commercial Vehicle Operator, including all drivers authorized to operate at the Airport, must complete the Authority's customer service checklist prior to the commencement of service. The Authority reserves the right to revise the customer service expectations at its sole discretion. Failure to comply with customer service expectations shall be grounds for immediate termination of the Permit and forfeiture of all fees paid to the Authority. Excluded from this provision are TNC and Peer-to-Peer operators and drivers only.

### SECTION 4: TAXIS, LIMOUSINES, AND HOTEL SHUTTLES

- 4.1 Display of RFID Tag and Permit Decal. All permitted Operators must have their RFID Tag and Permit Decal issued by the Authority affixed to Commercial Vehicles at all times in the manner prescribed by the Authority.
- 4.2 Commercial Vehicle Lane. Commercial Vehicles subject to the requirements of this section shall only use the Commercial Vehicle Lane or other areas designated by the Executive Director to pick up and drop off passengers at the Airport. Commercial Vehicles must not be parked in the Commercial Vehicle Lane for any purpose other than immediate pick-up or drop-off of passengers and shall not park at the terminal curbside. **Commercial Vehicles shall not pick up or drop off passengers at the curbside area of the terminal.** Commercial Vehicles shall use the first available position in the Commercial Vehicle Lane beginning at the west end and shall move up as other vehicles depart. If all available positions are occupied, Commercial Vehicles shall stage in the Cell Phone Lot. Commercial Vehicles shall not occupy the Commercial Vehicle Lane more than sixty (60) minutes before a scheduled arrival or more than sixty (60) minutes after actual arrivals unless they have a

pre-arranged pick-up scheduled. Taxis must accept the first request for hire beginning with the westerly most position or vacate the Commercial Vehicle Lane and re-queue.

- 4.3 Pre-Arrange Fares. Drivers who have a pre-arranged fare may park their vehicle in the Commercial Vehicle Lane. Drivers must have visible signage with the pick-up name and freely inform any Authority employee or contractor of the fare.
- 4.4 Drivers Remain with Vehicles. Each driver must remain in his or her Commercial Vehicle while in the passenger loading area unless they are assisting a passenger. Drivers shall not leave their Commercial Vehicles unattended.

## **SECTION 5: DELIVERY VEHICLES**

- 5.1 Authorized Delivery Location. All Delivery Vehicles must use the Delivery Dock in the east terminal lot which is the air cargo and receiving area.

## **SECTION 6: OFF-AIRPORT RENTAL CAR**

- 6.1 Off-Airport Rental Car Operator Agreement Required. Off-airport rental car companies within a twenty-five (25) mile radius of the Airport are required to have an operator agreement with the Authority if conducting business at the Airport. The operator agreement shall include a concession on gross receipts consistent with that charged to on-airport rental car companies as well as a minimum access fee.
- 6.2 Authorized Locations. Off-airport rental car shuttles or vehicles shall only be allowed in designated areas and will operate in accordance with those requirements set forth in the operator agreement.

## **SECTION 7: PEER-TO-PEER CAR SHARING**

- 7.1 Peer-to-Peer Car Sharing Operator Agreement Required. Peer-to-Peer Car Sharing Companies are required to have an operator agreement with the Authority if any part of their car sharing transaction takes place at the Airport. The operator agreement shall include a concession on gross receipts consistent with that charged to on-airport car rental companies.
- 7.2 Authorized Locations. Peer-to-Peer Car Sharing Operators shall only be allowed in designated areas and will operate in accordance with those requirements set forth in the operator agreement.

## **SECTION 8: TRANSPORTATION NETWORK COMPANY**

- 8.1 TNC Operator Agreement Required. TNC Operators operating any portion of their business at the Airport are required to have an operator agreement with the Authority. The operator agreement shall include an annual Permit Fee as well as a Per Trip Fee according to the Rates and Charges Schedule.
- 8.2 Authorized Locations. TNC Vehicles shall only be allowed in designated areas and will operate in accordance with those requirements set forth in the operator agreement.

## **SECTION 9: DRIVERS**

- 9.1 Valid Driver's License. Every driver of a Commercial Vehicle or other transportation vehicle shall have a valid state driver's license with proper endorsements to operate in the state of Minnesota.

- 9.2 Solicitation. No person shall solicit the business of carrying passengers for hire in any Commercial Vehicle, and no Commercial Vehicle shall be driven within the limits of the Airport for the purpose of soliciting the carrying of passengers for hire. No driver of a Commercial Vehicle shall provide any payment to any person in return for the referral of passengers or preferential treatment.
- 9.3 Alcohol or Controlled Substance Use. No driver shall possess, consume, or be under the influence of alcohol or a controlled substance while on duty at the Airport. "Controlled substance" has the meaning given in Minnesota Statutes Chapter 152, as may be amended from time to time.
- 9.4 Discrimination. No Operator or Driver shall discriminate against any person based on race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, or age.

## SECTION 10: COMMERCIAL VEHICLE FEES

- 10.1 All fees required to be paid under this Ordinance shall be in accordance with those set forth in the Rates and Charges Schedule unless specified otherwise by a separate agreement required under this Ordinance.

## SECTION 11: ENFORCEMENT

- 11.1 Violations. The sanctions set forth in this section shall apply to all persons committing any violations of this Ordinance, or any laws, regulations, or manual expressly incorporated by this Ordinance (hereinafter referred to as "violations").
- 11.2 Alternative Methods of Enforcement. This section is intended to provide a nonexclusive and additional method of enforcement of this Ordinance, and nothing herein shall be taken as prohibiting or preventing the Authority from seeking to enforce the provision of this Ordinance by means of any other remedy available under law.
- 11.3 Suspensions and Revocations.
- 11.3.1 **Conduct.** A Commercial Vehicle Permit or RFID Tag for specific Vehicles may be revoked for violations of this Ordinance.
- 11.3.2 **Notice of Revocation.** The Executive Director shall have the authority to issue a Notice of Revocation.
- 11.4 Citations.
- 11.4.1 **Persons Authorized to Issue Citations.** Any person authorized by the Executive Director to enforce the provisions of this Ordinance, or any person otherwise authorized by law to enforce the laws of the State of Minnesota or that of the United States, shall be authorized to issue a citation for any violation under this Ordinance.
- 11.4.2 **Issuance.** Upon probable cause to believe that a violation has been committed and that the violator has committed the violation, or is liable for the commission of the violation, any person authorized pursuant to Section 10.5.1 may issue a citation to said violator. If reasonably practicable, the citation shall be delivered to the violator in person. If the violator is not present at the time that the citation is issued, or refused to accept delivery of the citation, the Executive Director may deliver the citation to the violator by depositing it in the U.S. mail addressed to the violator at an address on record with the Authority or at an address of public record for the violator.
- 11.4.3 **Content.** All citations for violations issued pursuant to this Ordinance shall contain at least the following:

- a. Date of the issuance of the citation;
- b. Name and address of the violator;
- c. Date of violation;
- d. Location where violation occurred;
- e. Citation to Ordinance provision(s) violated;
- f. Amount of penalty prescribed in the Rates and Charges Schedule for such violation(s);
- g. Date by which violator must either have paid the prescribed penalty or appealed the issuance of the penalty and paid the appeal deposit;
- h. Place where the penalty must be paid or to which the request for appeal and appeal deposit must be delivered;
- i. The name and signature of the issuer; and
- j. An identification number unique to the citation.

11.4.4 **Satisfaction.** Within ten (10) days of the delivery of a citation to any violator, the violator shall either pay the amount of the penalty to the Authority or shall deliver to the Authority a written request for appeal accompanied by the appeal deposit. Such request for appeal shall contain at least the following information:

- a. Either a legible photocopy of the citation being appealed or the identification number of the citation being appealed;
- b. A succinct and complete statement of the grounds for the appeal, all alleged facts supporting all grounds for appeal, a statement of the relief requested, and any other information violator believes to be relevant to the appeal or the relief requested; and
- c. The address to which any notifications, requests, directives, or other information pertaining to the appeal or the appeals process should be mailed.

11.5 Penalties. Penalties for violations of the provisions of this Ordinance shall be according to those set forth in the Rates and Charges Schedule adopted by the Authority for the year in which the violations occurred.

11.6 Appeal Deposit. The amount of the appeal deposit for any citation shall equal one-half the amount of the penalty for any violation as set forth in the Rates and Charges Schedule.

11.7 Applicable Legal Principles. The legal principles of *res judicata* and collateral estoppel shall apply to proceedings under this Section.

11.8 Time Periods. The time periods set forth in this Section shall be according to calendar days.

11.9 Administrative Hearings Procedure.

11.9.1 **Notice of Hearing.** Upon receipt of a notice of appeal and appeal deposit from any citation, the Executive Director shall schedule a date, time, and location for a hearing before a hearings officer with regard to said appeal and shall mail notice thereof to the violator as herein provided for. Said date shall not be less than ten (10) days after the date of mailing of the notice of hearing to the violator. Said notice shall state the date and time of the hearing, the location where the hearing is to be held, and shall identify the hearings officer who will be scheduled to hear the violator's appeal.

11.9.2 **Substitution of Hearings Officer.** For good cause shown, a violator may request that their appeal be heard by a difference hearings officer by providing to the Executive Director not less than three (3) days prior to the scheduled hearing date a written statement of fact supporting the allegation of good cause and a request for substitution of a different hearings officer. Upon such a showing of good cause which might reasonably render the assigned hearings officer unable to fairly hear violator's appeal, the Executive Director may re-assign the violator's appeal to be heard by a different hearings officer. If necessary, the Executive Director may reschedule the date and time of the hearing to accommodate the assignment of a

different hearings officer. Only one such substitution shall be available regarding any one appeal.

- 11.9.3 **Continuance.** Upon good cause shown, by the violator or by the Authority, the Executive Director may grant a continuance of the hearing on any appeal. The party requesting the continuance shall provide the Executive Director, not less than three (3) days prior to the scheduled hearing date, with a written statement of facts supporting the allegation of good cause and a request for continuance. Upon a grant of any such continuance, the Executive Director shall provide the violator with a notice setting forth the date, time, and location of the rescheduled hearing.
- 11.9.4 **No Representation by Attorneys.** Neither the Authority nor the violator shall be represented at the hearing by an attorney. Provided that, where relevant or where requested by the hearings officer, either party may submit a legal memorandum relevant to the issues being heard.
- 11.9.5 **Evidence.** At the hearing, the hearings officer may hear and rely on any testimony or other evidence they deem to be reasonably reliable, including, in the exercise of their discretion, hearsay testimony. Strict compliance with the Minnesota Rules of Evidence will not be required. The audio of the proceedings shall be recorded, and a record of all testimony and all evidence considered shall be maintained by the Authority for at least sixty (60) days after the close of the hearing.
- 11.9.6 **Burden of Proof.** In all hearings, the Authority shall have the burden of proving by a preponderance of the evidence that the alleged violation has occurred and that the violator is the person or one of the persons liable therefore.
- 11.9.7 **Failure to Appear.** If any violator fails to appear for any scheduled hearing, the violation shall be deemed to have been admitted by such violator. The hearings officer shall impose such penalty or order, or both, as they deem appropriate, and the violator shall be deemed to have waived any further right of appeal.
- 11.9.8 **Decision of Hearings Officer.** Upon the conclusion of any appeal, the hearings officer shall issue written findings of fact, conclusions of law, and their decision. If possible the hearings officer shall verbally render their decision at the conclusion of the hearing in the presence of the violator and the Authority, but, in any event, written findings, conclusions of law, and the decision shall be issued as soon thereafter as practicable and shall be mailed by the Executive Director to the violator. The decision of the hearings officer shall be final, subject to the right of appeal as set forth in Section 10.5.9. Said decision may:
- a. Upon a finding that the Authority has failed to prove that the violation(s) occurred or that the violator is the person liable therefore, dismiss the citation. In the event that the citation is dismissed, the appeals deposit shall be returned to the violator;
  - b. Upon a finding that the Authority has proven that the violation(s) occurred and that the violator is the person liable therefore, affirm the citation. In the event that the citation is affirmed, the appeals deposit shall be applied to the amount of the penalty; or
  - c. Upon a finding that the Authority has proven that the violation(s) occurred and that the violator is liable therefore, but upon a further finding that special circumstances or the interests of justice requires modification of the penalty or order, affirm the citation but reduce or stay imposition of any penalty previously ordered.
- 11.9.9 **Judicial Review.** Any party aggrieved by the decision of the hearings officer may appeal said decision by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statutes. Section 606.01.

- 11.9.10 **Enforcement of Decision.** Upon mailing of a notice to a violator that the citation appealed from is affirmed, the violator shall within ten (10) days of the mailing of said notice:
- a. Pay the amount of the penalty to the Authority; or
  - b. Commence an appeal as provided for in Section 10.5.9.
- 11.10 Enforcement. In the event that any violator fails to pay any penalty or other amounts owed under this Ordinance, the Authority shall have the right to collect any sums owed to the Authority under this Ordinance by any legally allowable means.
- 11.11 Late Payment Charge. There shall be added to any penalty not paid within the times prescribed for payment thereof an amount set in accordance with the Rates and Charges Schedule as a late payment charge.

## **SECTION 12: GENERAL PROVISIONS**

- 12.1 Provisions Severable. If any provision of this Ordinance shall be held unconstitutional or invalid, such provision shall be severed from this Ordinance, and the remaining provisions shall remain in full force and effect as if this Ordinance were passed without the unenforceable provision.
- 12.2 Effective Date. This Ordinance is effective as of the date it is passed and adopted by the Authority.

EXHIBIT A

