

PORT ORDINANCE NO. 4445

ORDINANCE AMENDING AND RESTATING RULES AND REGULATIONS FOR OAKLAND INTERNATIONAL AIRPORT, WHICH SHALL SUPERSEDE PORT ORDINANCE NO. 4362 AND SHALL BE EFFECTIVE JANUARY 1, 2018, AND APPROVING EXTENSIONS OF THE TRANSPORTATION NETWORK COMPANY COMMERCIAL GROUND TRANSPORTATION NON-EXCLUSIVE OPERATING PERMITS WITH RASIER-CA, LLC (DBA UBER), LYFT, INC., AND TICKENGO, INC. (DBA WINGZ) THROUGH DECEMBER 31, 2017.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated October 12, 2017 (the "Agenda Report") and related agenda materials, including the amended and restated Rules and Regulations for Oakland International Airport, substantially in the form attached thereto and available at www.portofoakland.com/port/board-of-commissioners/board-meetings/, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, during the Board meeting on September 28, 2017, the Board received expert testimony of Port staff, received public comment, and discussed establishing a differential trip fee among various ground transportation modes, and between alternative fuel and non-alternative fuel vehicles, but directed Port staff to bring the ordinance back for another first reading; and

WHEREAS, during the first reading of this ordinance at the October 12, 2017 Board meeting, the Board adopted a differential trip fee between (a) lower capacity vehicles (taxis, limousines, and transportation network company vehicles), and (b) higher capacity vehicles (courtesy vehicles and shuttles) and alternative fuel vehicles of any mode, for the purpose of improving local air quality while supporting the Port's cost recovery efforts for its ground transportation program; and

WHEREAS, the Board after hearing testimony at its September 28 and October 12 meetings finds that higher capacity vehicles causes less congestion and alternative fuel vehicles causes less air pollution, and therefore a differential rates are needed to reduce congestion, lessen air quality impacts and recover costs of ground transportation program; and

WHEREAS, Section 706 of the City Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed approvals will promote commerce and navigation, provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the State of California (the "Tidelands Trust"), and private uses of Port property pursuant to the proposed approvals will not interfere with the Tidelands Trust; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 2. The Board hereby approves and adopts the amended and restated Rules and Regulations for Oakland International Airport, which shall supersede Port Ordinance No. 4362 and as substantially set forth in the attachment to the Agenda Report, to be effective January 1, 2018, subject to approval by the Port Attorney as to form and legality.

Section 3. The Board hereby approves the terms of, and authorizes the Executive Director to execute, extensions of the Transportation Network Company Commercial Ground Transportation Non-Exclusive Operating Permits with **Rasier-CA, LLC (dba Uber), Lyft, Inc., and Tickengo, Inc. (dba Wingz)** through December 31, 2017, provided that such extensions are approved as to form and legality by the Port Attorney.

Section 4. The Board further finds and determines that approval of the amended and restated Rules and Regulations and extensions of the TNC Pilot Program Permits are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting

The Board of Port Commissioners, Oakland, California, October 12, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly
Acting Secretary of the Board