



AMENDED July 14, 2010

Refer to Operational Directive: OD 10-24C

## Operational Directive No. 24A

Effective July 16, 2000

**SUBJECT: GROUND TRANSPORTATION SERVICE PERMITS FOR OFF-AIRPORT CAR RENTAL COMPANIES AND PARKING LOT OPERATORS**

**PURPOSE:** To provide service classifications, user fee collection, pick up zones, holding areas and traffic routes for car rental companies and parking lot operators at, to and from the Miami International Airport (Airport), through the issuance of Ground Transportation Service Permits (Permits) issued by the Miami-Dade County Aviation Department (MDAD), pursuant to Chapter 25 of the Code of Miami-Dade County, Florida.

### INTRODUCTION:

At the present time, MDAD's Operational Directive 24 applies to the regulation of commercial ground transportation and expedite services at MIA. The purpose of this Operational Directive 24A is to provide for the regulation specifically of off-airport car rental companies and off-airport parking lot operators using the roadways of MIA to access their customers.

This Operational Directive applies to Permits issued to regulate off-airport car rental companies and off-airport parking lot operators operating within the Landside of the Terminal area of the Airport, pursuant to Chapter 25, Code of Miami-Dade County, Florida (hereafter "County") and applicable County, Federal and State laws and regulations. All off-airport car rental companies and off-airport parking lot operators conducting the services described herein, at or to and from the Airport, shall be required to comply with the provisions of this Operational Directive 24A.

This Operational Directive 24A supersedes the existing Operational Directive 24 in its entirety but only as to off-airport car rental companies and off-airport parking lot operators. Such companies' compliance with the terms of this Operational Directive 24A and any applicable contractual terms shall constitute compliance with MDAD's current requirements for such companies. All other ground transportation and expedite service companies must comply with the terms of Operational Directive 24 to the extent such Operational Directive 24 applies to their operations.

MDAD Landside Operations office and Metro Dade Police Department (MDPD) will administer the applicable ground transportation provisions of Chapter 25 and this Operational Directive 24A.

Issuance of a Permit creates no vested or exclusive rights and is subject to revocation if the Permittee violates any of the provisions of Chapter 25 or this Operational Directive.

Certain off-airport car rental companies subject to this Operational Directive 24A will have entered into a separate Memorandum of Understanding with the County. To the extent any such MOU gives the car rental companies rights not set forth in this Operational Directive 24A,

such rights shall nonetheless be extended to the companies as per the MOU. Other off-airport car rental companies operating at MIA may not have entered into a MOU. Such companies must still comply with the terms of this Operational Directive 24A, except for any companies having the protection of a court order to the contrary.

This OD 24A shall apply to the period commencing on the Effective Date indicated above and shall extend until the opening date for the County's Rental Car Facility (RCF). From and after such opening date, the County intends to place into effect a modified OD 24A that will regulate the companies' use of the RCF from that point forward. If County has not amended this OD 24A as of such opening date, this OD24A shall continue to apply to such RCF except that from and after the opening date all car rental companies in accordance with Ordinance No. 00-87, will be prohibited from using the Landside Terminal Building area, including the lower and upper vehicular drives to access their passengers, but rather must access their passengers only within or at the ground level of the RCF. The determination of whether off-airport parking lot operators will be permitted to use the lower and upper vehicular drives of the Terminal Building upon completion of the RCF shall be made at or about the time of completion of the RCF in accordance with the procedures set forth in Ordinance No. 00-87.

The Permit authorizes the holder to conduct certain commercial activities within prescribed areas of the Airport during the term of the Permit and for no longer than the period prior to completion of construction of the RCF. If necessary, MDAD may limit the number of Permits issued or renewed hereunder through a competitive bidding process or other qualifying process determined by MDAD and based upon standards that assure the continued efficient and economic operation and use of the Airport roadways, curbside and ground transportation facilities.

#### **GENERAL SERVICE CLASSIFICATIONS:**

Permits issued to a commercial entity (Permittee) to provide ground transportation services from the Landside of the Terminal area and on the public roadways of the Airport, will be issued in the following ground transportation service classifications:

#### **GENERAL CLASS B - COMMERCIAL SERVICE:**

This service is defined as ground transportation provided in the off-airport commercial operation of any car off-airport rental company or off-airport parking lot operator, whereby the company uses a vehicle to transport the public to its business location, whether or not a direct fee is paid by the passenger, the cost of which may or may not be absorbed in other payments to the Permittee by the passenger. If a direct fee is charged, the company must be properly certified under the Miami-Dade County Code.

For purposes of this Operational Directive 24A, Class B Permits for off-airport car rental companies and off-airport parking lot operators are sub-classed as follows:

Sub-class B5	Off-Airport Car Rental Companies with less than \$500,000 annual MIA Gross Revenues
Sub-class B6	Off-Airport Car Rental Companies with MIA Gross Revenues between \$500,000 and \$5 million annually
Sub-class B7	Off-Airport Car Rental Companies with MIA Gross Revenues in excess of \$5 million annually
Sub-class B8	Off-airport Parking Lot Operator (Small Van)

**Sub-class B9****Off-airport Parking Lot Operator (Large Van)**

All off-airport car rental companies shall apply for either a B5, B6 or B7 OD 24A permit. Those companies having signed a Memorandum of Understanding with the County covering their use of the future Rental Car Facility shall be required to comply with the terms of that MOU in addition to the terms of this OD 24A, and the former shall supersede the latter whenever a conflict appears. Upon completion of the RCF, MDAD shall provide for an amended OD24A governing use of the RCF, and in any case, the fees payable to MDAD for any off-airport car rental company's use of the RCF shall be governed by the MOU, not by the fees set forth in this OD24A.

**Sub-class B5 - Off-Airport Car Rental Companies with less than \$500,000 annual MIA Gross Revenues:** This Permit will be issued to off-airport car rental companies generating less than \$500,000 annually in gross revenues from MIA passengers and providing courtesy vehicle service to the public between the airport and the companies' business location, regardless of the size of the courtesy vehicle. The term "MIA Gross Revenues" is defined in Paragraph 4(a) of the Conditions attached to Exhibit A.

**Sub-class B6 - Off-Airport Car Rental Companies with MIA Gross Revenues between \$500,000 and \$5 million annually:** This Permit will be issued to off-airport car rental companies generating more than \$500,000 and up to \$5 million annually in gross revenues from MIA passengers and providing courtesy vehicle service to the public between the airport and the companies' business location, regardless of the size of the courtesy vehicle. The term "MIA Gross Revenues" is defined in Paragraph 4(a) of the Conditions attached to Exhibit A.

**Sub-class B7 - Off-Airport Car Rental Companies with MIA Gross Revenues in excess of \$5 million annually:** This Permit will be issued to off-airport car rental companies generating more than \$5 million annually in gross revenues from MIA passengers and providing courtesy vehicle service to the public between the airport and the companies' business location, regardless of the size of the courtesy vehicle. The term "MIA Gross Revenues" is defined in Paragraph 4(a) of the Conditions attached to Exhibit A.

**Sub-class B8 - Commercial Permit (Small):** This Permit will be issued to off-airport parking lot operators providing courtesy vehicle service to the public between the airport and the companies' business location, in vehicles with a rated seating capacity of not more than 15 persons, as a part of the commercial service extended or to be extended by the company at such location.

**Sub-class B9 - Commercial Permit (Large):** This Permit will be issued to off-airport parking lot operators providing courtesy vehicle service to the public between the airport and the companies' business location, in vehicles with a rated seating capacity of 16 or more persons, as a part of the commercial service extended or to be extended by the company at such location.

**PICK UP ZONES:**

Vehicle Pick Up Zones have been designated to provide the maximum allowable convenience to the traveling public while maintaining the efficiency of the roadway system. Pick Up Zones for off-airport car rental companies and parking lot operators are identified in Exhibits 1, 2 and 3. Vehicles shall not remain in a pick up zone in excess of two (2) minutes, unless otherwise posted.

Permittees' vehicles are required to pick up passengers and/or baggage ONLY in the Zones assigned to their general and/or sub-classification of service.

The location of these Zones is subject to change from time to time, without notice, due to construction, security, weather, unusual traffic situations, or environmental and operational requirements.

#### **CRUISING:**

Cruising involves any commercial vehicle that repeatedly enters the Landside area with no passenger and then leaves the Landside area with no passenger, and is generally for the purpose of advertising the company's services rather than picking up or discharging customers. Cruising, because it leads to unnecessary vehicle congestion and vehicle emissions, is prohibited and shall be grounds for suspension and/or revocation of the Permit.

#### **PICK UP REQUIREMENTS FOR ALL PERMIT HOLDERS:**

All companies shall comply with Security requirements imposed by MDAD and/or the Federal Aviation Administration ("FAA").

Drivers shall remain in the general vicinity of their vehicles and shall not leave their vehicles unattended.

All commercial vehicle drivers shall turn off engines while vehicles are parked, unless engaged in active loading of passengers or baggage.

The Department shall retain the right, when necessary, to dispatch all permitted vehicles from a remote location to their appropriate pick up zones.

#### **GENERAL INFORMATION:**

- 1) Limitations contained in this Operational Directive are designed to ensure an orderly and safe ground transportation intermix of private vehicles, non-passenger commercial service vehicles, Airport-approved twenty-four hour demand passenger and baggage service, and off-airport non-demand service. Compliance with this Directive is essential for the benefit of all concerned to provide the best total ground transportation services under expected traffic, environmental, and other conditions at Miami International Airport.
- 2) MDAD reserves the right to amend this Operational Directive at any time and from time to time, and, notice of such amendment will be mailed to all affected Permit holders and other interested parties who register with MDAD. The terms of such amendment shall be applicable to all present and prospective Permittees as of the effective date of such amendment, except as otherwise provided in any Memorandum of Understanding between the Permittee and the County.
- 3) To protect Airport facilities and to maintain acceptable air quality levels, MDAD reserves the right to limit the size of Permittee vehicles and to specify the types of fuels that may be used on Airport property by Permittee vehicles.

- 4) Permit fees for this Operational Directive 24A and Operational Directive 24 have been established by the Board of County Commissioners to assure the equitable allocation of the Airport resources to each of the services necessary to accommodate the reasonable needs of the public, and to assure that all commercial users of such Airport facilities, within each general and sub-classification, are assessed an Airport user fee for the use of the County's facilities that is fair and equitable and does not unjustly discriminate between Permittees within a specific sub-classification, when compared to the fees or charges paid by those providing substantially similar services, and the benefits they receive, under contract with the Airport.
- 5) Failure to comply with the provisions of this Operational Directive 24A, Chapter 25 and Chapter 31 of the Miami-Dade County Code, or the Terms and Conditions of the Permit may result in suspension or revocation of the Permit.
- 6) MDAD reserves the right to require any or all Permittees at their cost to comply with the use of electronic measuring devices which may be employed to control and/or account for vehicle use of airport facilities.
- 7) If any court of competent jurisdiction determines that any provision in this Operational Directive is illegal or void, then the remainder of this Operational Directive shall continue in full force and effect. If such court rules that any charge, fee, or security deposit requirement is illegal or void, then the Aviation Director is authorized and directed to impose a charge, fee or security deposit requirement that complies with the court's order or applicable provisions of law, which shall become effective on the date of imposition and shall continue until modified by the Board of County Commissioners.

#### **GENERAL TERMS, CONDITIONS, AND FEES**

1. The Permittee shall complete the attached Application Form, Exhibit B, and at all times keep the required information updated. Along with the Application, the Permittee shall attach copies of all permits, licenses, certificates and, without limiting the above, other documents required by law for the conduct of business set forth in the Application.
2. This Permit is not transferable and does not extend to use of any areas of the Airport except those specifically permitted by this Operational Directive 24A, as amended from time to time.
3. The Permittee shall comply with Chapter 25, MDAD Operational Directives, and all other applicable Federal, State, and County laws, ordinances, and rules and regulations.
4. The vehicle(s) operated under the Permit shall be subject to inspection and approval by MDAD as to size, engine exhaust, radio communication equipment, passenger access, current validity of the MDAD Permit, and other matters pertaining to the efficient, safe, and environmentally acceptable operation of the vehicle at the Airport. The Permittee shall prominently display on such vehicle the name of the Permittee and other identification, such as numerals, as may be provided by or required by MDAD.
5. The Permittee shall ensure that its vehicles comply with Chapter 24 of the Miami-Dade County Code regarding Prohibitions against Motor Vehicles as Sources of Air Pollution. Any vehicle found to be in violation of Chapter 24 will be subject to fines and penalties and will be immediately prohibited from operating at Miami International Airport until

such deficiency has been corrected and the vehicle has been recertified by the County's Department of Environmental Resource Management.

6. A current MDAD Permit Decal shall be properly affixed to each vehicle of Permittee at all times. Permit Decals will not be replaced by MDAD without written request from the Permittee. Permit Decals will be assigned to the Permittee's vehicle based upon the sub-classification of use. A Permittee desiring to provide services within more than one type of General Service classification specified herein shall obtain a separate Permit for each type of classification of service advertised or offered. A Permit Decal corresponding to the classification advertised or offered will be issued and must be displayed on each vehicle utilized by the Permittee. The Permittee providing multiple class service shall pay the highest fee applicable to the vehicle being utilized.
7. The Permittee will ensure that its drivers possess a current and valid Chauffeur's License or Operator's License, appropriate to the service being performed.
8. The Permittee shall defend, indemnify, save and hold the County harmless from any and all claims, liabilities, losses and causes of action against the County and its employees, which may arise out of the performance or nonperformance by the Permittee of the rights and privileges granted by the Permit. Further, and without limiting the generality of the foregoing, such indemnity and hold harmless agreement shall extend to all attorneys fees and costs incurred in administrative, trial, appellate review, or collateral proceedings.
9. The Permittee, in exercising any of the rights or privileges granted by the Permit, shall not on the grounds of race, color, sex, or national origin discriminate or permit discrimination against any person or group of persons in any manner prohibited by Federal, State and local law, or by Rules and Regulations of the U.S. Secretary of Transportation. The County may take such action, anything to the contrary herein notwithstanding, as the laws of the United States may direct or authorize to enforce this nondiscrimination covenant.
10. Except as may otherwise be provided in a Memorandum of Understanding, the Permit in no way establishes or vests in the Permittee any right to priority use of any Landside area or in any way restricts MDAD from assigning priorities by sub-class of the Airport Landside ground transportation resources so as to assure appropriate allocation of such resources to all users of the Airport and to ensure the orderly intermix of the various sub-classes of off-airport commercial ground transportation companies with ground transportation franchise or contract operators, Airport terminal tenants, governmental vehicles, and noncommercial users of the Airport.
11. The Permittee shall pay the applicable fees and charges and related security deposits for use of the ground transportation facilities and services of the Airport as shown on the attached Exhibit A.
12. In addition to such other insurance as may be required by law, Permittee shall maintain at a minimum the following, during the term of the Permit:

**Automobile Liability Insurance in the amounts of:**

\$100,000 per person

\$300,000 per occurrence for bodily injury  
\$ 50,000 per occurrence for property damage

**General Liability Insurance** on a comprehensive basis, including Contractual Liability, in an amount not less than \$300,000 combined single limit per occurrence for bodily injury and property damage.

The Aviation Department may increase such limits from time to time, provided that such limits are applicable to similarly situated companies.

The liability insurance coverage required herein shall include those classifications as listed in the standard liability insurance manual, which most nearly reflects the operations of the Permittee. All insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida with either of the following qualifications:

- A) The company must be rated no less than "B" as to management, and no less than "Class V" as to financial strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the Miami-Dade Risk Management Division.
- B) The company must hold a valid Florida Certificate of Authority as may be shown in the latest "List of all Insurance Companies Authorized or Approved to do Business in Florida," issued by the State of Florida Department of Insurance and must be members of the Florida Guaranty Fund.

The Permittee shall furnish Certificates of Insurance to the County as part of the Permit application. Such Certificates shall clearly indicate; (1) that the Permittee has obtained insurance in the type, amount, and classifications as required; (2) that the County is named as an additional insured for the general liability coverage required hereunder; and (3) that no material change or cancellation of said insurance shall be effective without thirty (30) days prior written notice to the Department. The Department reserves the right to require Permittee to provide such reasonably amended insurance coverage as it deems necessary or desirable upon issuance of notice in writing to the Permittee.

The Department reserves the right, upon reasonable notice, to examine the original policies of insurance (including but not limited to binder, amendments, exclusions, riders, and application) to determine the true extent of coverage. The Permittee agrees to allow such inspection at the MDAD Landside Facilities Management office.

Compliance with the foregoing insurance requirements shall not relieve the Permittee of the full extent of its liability under any portion of this Permit. Nothing in this section is intended to or shall prevent any qualified Permittee from becoming a self-insurer to the extent and in the manner provided by the laws of Florida, provided that the aggregate amount and type of self-insurance and excess coverage provided by an insurance company or companies meeting the foregoing qualifications equals or exceeds the respective amounts set forth above as minimum insurance requirements.

- 13. A) In the event the Permittee, its agents, servants, or employees shall violate any of these General Terms and Conditions, or any term of Operational Directive 24A, or any County Ordinance, Federal or State statute or regulation applicable to its Permitted operations at Miami International Airport, then in addition to any penalty

provided by such County, State, or Federal laws or regulation, MDAD may suspend or cancel the Permit held by such Permittee.

- B) Suspension or cancellation of a Permit may be imposed after an Administrative Hearing before the MDAD Assistant Director for Security and Safety or other MDAD designee, and upon a finding that one or more of the conditions in (C) or (D) below has occurred. Such Administrative Hearing may be convened immediately upon oral or written notice to Permittee, Permittee's General Manager, or Permittee's employee or officer indicated by Permittee to be authorized to receive such notices or any service of process.
- C) **GROUND FOR SUSPENSION OF PERMIT:** The following shall be grounds for suspension of the Permit. The suspension shall continue for so long as the condition continues:
1. Cancellation or lapse of insurance coverage.
  2. Expiration, for any reason, of the Permittee's vehicle license plate.
  3. Failure to pay the fees required hereunder, and such failure continues for ten (10) days after written demand for such payment is received by Permittee; provided, however, suspension for non-payment shall be held in abeyance for so long as Permittee maintains in good faith an action in court contesting Permittee's liability to pay the fees.
- D) **GROUND FOR CANCELLATION OR REVOCATION OF PERMIT:** The following shall be grounds for cancellation or revocation of the Permit, effective upon the date of cancellation or revocation provided to Permittee following the Hearing Procedures outlined in paragraph (F) below.
1. Cancellation or lapse of insurance coverage, or failure to renew a vehicle's license plate without securing comparable replacement insurance or a license plate, within a reasonable period of time or within the time period reasonably required by MDAD.
  2. Loss of authority to do business in Florida or in Miami-Dade County, or loss of any other authority to engage in ground transportation services.
  3. Ceasing to do business at Miami International Airport for sixty (60) days or more, except for companies that have advised MDAD in writing that they provide seasonal business.
  4. Permitting one of Permittee's drivers to operate a vehicle at Miami International Airport:
    - a. at any time when his or her driver's license has been suspended, revoked, or canceled; or
    - b. who had been found to be a "habitual traffic offender" under Section 322.264, Florida Statutes, as amended from time to time.



5. Three (3) or more incidents of a Permittee's or Permittee's driver's failure to comply with rules, regulations, or directives directly bearing on the safety or health of passengers or users of Miami International Airport, after such Permittee or Permittee's driver has received written warnings of such failure.

**E) SCHEDULE OF PENALTIES:**

In addition to the above paragraphs regarding Suspension, Cancellation, and/or Revocation of the Ground Transportation Service Permit, the following schedule of penalties shall apply to any company that removes, tampers with, renders inoperable or in any way negates or interferes with the performance of any electronic measuring device that may be issued by MDAD and required as a provision of certain commercial operations:

- A. 1st Violation: Fine equal to previous 10 days' charges.
- B. 2nd Violation: Fine equal to previous 30 days' charges.
- C. 3rd Violation: Permit suspended for 10 days.
- D. 4th Violation: Permit suspended for 30 days.
- E. 5th Violation: Permit revoked.

**F) PROCEDURES:**

In order to suspend, cancel, or revoke such permit, the Permit holder shall be sent a notice of violation by certified mail, return receipt requested, which shall include a date and time at which a hearing will be held to consider the matter; provided, however, the hearing may be convened immediately upon oral notice being given to Permittee in the manner provided in Paragraph 13(B) above for any condition or event which in MDAD's reasonable determination presents an emergency requiring immediate action. Failure to receive such notification will not invalidate a suspension or cancellation if mailed to the company at the address shown on the Permit. Any party may be represented by counsel at such hearing, and may present witnesses, exhibits, and evidence in the Permittee's defense. Review of such suspension or revocation shall be by certiorari to the Miami-Dade County Circuit Court, or in whatever matter may be required or permitted by law. MDAD reserves the right to establish the specific dates of suspension or to waive any condition or event which otherwise result in a suspension or cancellation when considering the safe and the efficient operation of Miami International Airport, including availability of alternative means of ground transportation for the public. Any such waiver shall not preclude MDAD from subsequently suspending, canceling or revoking the permit based on any such condition or event occurring after the waived condition or event.

14. The Permittee, having submitted an application, and accepting the Permit issued under this Operational Directive 24A, agrees to abide by all the terms and conditions of said directive, as amended from time to time.

**EXHIBIT A - FEES AND CHARGES**

**CLASS B - COMMERCIAL SERVICE: 1**

\$500 Security Deposit per company with less than 10 vehicles  
\$1,000 Security Deposit per company with more than 10 vehicles

<b><u>Sub-class</u></b>	<b><u>Fee</u></b>
B5- Off-Airport Car Rental Companies with less than \$500,000 annual MIA Gross Revenues	\$3.00 for each MIA contract prior to the commencement of operations in the Rental Car Facility
B6 - Off-airport Car Rental Companies with MIA gross revenues between \$500,000 and \$5 million annually	4.5% of gross revenues from MIA Passengers prior to the commencement of operations in the Rental Car Facility
B7 - Off-airport Car Rental Companies with MIA gross revenues in excess of \$5 million annually	For B7 permittees having less than \$20 million in annual gross revenues from MIA Passengers, 7.5% of such gross revenue; for B7 permittees having \$20 million or more in annual gross revenues from MIA Passengers, 9% of such gross revenues. In both cases, such fees are applicable to the period prior to the commencement of operations in the Rental Car Facility.
B8-Off Airport Parking Lot Operators (Small Vans)	Use of Public Lanes \$2.50 per trip Use of Bus Lanes \$1.00 per trip
B9-Off Airport Parking Lot Operators (Large Vans)	Use of Public Lanes \$3.00 per trip Use of Bus Lanes \$2.00 per trip

**CONDITIONS APPLICABLE TO ALL GROUND TRANSPORTATION USERS**

**1. Amendment of Operational Directive 24A**

The charges for Classes B5, B6, and B7 are subject to any limitations in the 1979 Permanent Injunction, as such Injunction may be dissolved or modified. Such charges are also subject to the Conditions at the end of this Exhibit A.

The County may, from time to time, review and adjust the fees, charges, security deposits, and these conditions as the County determines to be in its best interest; provided, however, that the following provisions shall apply to off-airport car rental companies at MIA, unless they are changed by the Board of County Commissioners in accordance with the procedures set forth below and in the Resolution approving this amended Operational Directive 24A.

- a. Unless the County requires it of all car rental companies at MIA, including on-airport car rental concessionaires; no off-airport car rental company will be required to furnish on request or provide evidence of pre-existing reservations as a condition precedent to the pick up and discharge of passengers at the Airport;
- b. County will not adopt or enforce against off-airport car rental companies any rule, regulation or directive locating and establishing points and areas for the pick up and discharge of passengers at the Airport which are not reasonably comparable to the points and locations at which other car rental firms, including on-airport car rental concessionaires, pick up and discharge passengers at the Airport (but see, however the comment to the Rental Car Facility (the "RCF") in Paragraph 7 below).
- c. Exhibits 1, 2 and 3 identify pick-up and drop off points for off-airport car rental companies and off-airport parking lot operators, which have been and are reasonably comparable to the points and areas at which other car rental firms, including on-airport car rental concessionaires, pick up and discharge passengers. If such pick up and discharge points for off-airport car rental companies are permanently changed in the future, MDAD must comply with the following:
  1. MDAD shall first consult with the off-airport rental companies in advance of such change.
  2. If any company objects to such change, MDAD and the company shall submit their differences to any Traffic Consultant mutually acceptable to them, or failing such acceptance, to a panel of Traffic Consultants, one picked and paid for by MDAD and one picked and paid for by the company, with a third picked by such two consultants and paid for half by MDAD and half by the company. The Traffic Consultant or Consultants shall review the company's objection and provide MDAD with a written opinion as to the merits of the objection and whether the changes proposed by MDAD provide for reasonable comparability of pick up and discharge points, based on the circumstances that initiated the proposed change.
  3. If the company agrees with the opinion, MDAD may put such change into effect immediately. If the company does not so agree, MDAD may put the change into effect immediately to the extent approved in the opinion. If either MDAD or the Company does not accept the opinion, the matter shall be brought to the Board of County Commissioners for final determination.
- d. The per contract fee shall not be assessed against an off-airport car rental company as to any rentals pursuant to tour contracts which the company had already entered into as of the date of the approval of this amended Operational Directive 24; however, the per contract fee shall apply to tour contracts as soon as any of the following occur, whichever is earliest: (1) the tour contract expires; (2) the tour

contract becomes subject to renewal; or (3) the first year following the effective date of this amended Operational Directive 24 has expired.

## **2. Terms of the Security Deposit.**

The security deposit shall be held by the County in a non-interest bearing account and shall be used, at the time of termination or cancellation of the Permit, or at any time desired by MDAD in its own discretion, to offset or pay MDAD any indebtedness or obligation the Permittee may have incurred with MDAD under the provision of this Permit or any agreement with or obligation owed to the County. If the County withdraws any funds from the Permittee's security deposit, the Permittee shall immediately replace any funds so withdrawn. Failure to replace such funds within the time required by the County's written notice shall be grounds for suspension/and or revocation of the permit. MDAD may waive the security deposit requirement for a company paying fees on a per trip basis and having a maximum of one trip per month.

## **3. Automatic Vehicle Identification ("AVI") Counting Devices.**

Each Permittee agrees that MDAD may install electronic or non-electronic counting devices as a means of determining the number of trips made by each vehicle of the Permittee. The Permittee shall, at its own expense install and maintain in good working order whatever receiving devices, decals, bar codes or other equipment are necessary for such counting devices to work on each vehicle making use of MIA. (Permittee must notify MDAD within a reasonable time prior to using new or replacement vehicles at MIA, in order for MDAD to be able to install the foregoing items on such vehicles. Additionally, upon termination or expiration of permits, the Permittee must return to MDAD all AVI devices. Failure to return AVI devices will result in assessment of a fifty dollar (\$50.00) charge per unit not returned.

## **4. Off-Airport Car Rental Charges.**

### **(a) Calculation and Timing of Payment Charges.**

Fees payable by off-airport rental companies shall be based solely on their revenues generated by MIA passengers, shall be based on "gross revenues" as that term is defined from time to time in the on-airport car rental concession agreements, shall be based on MIA gross revenues recognized in accordance with generally accepted accounting principles during the fiscal year from October 1 through September 30 of each year, shall be payable to the Aviation Department by the 15th day of the month following the month in which the gross revenues are collected, and shall be subject to audit by the Aviation Department at least annually. As an alternative, the Permittee may request that its auditors provide an audit, in which case the Aviation Department will not perform the audit so long as the audit report is prepared by a Certified Public Accountant.

### **(b) Automatic Increase in Off-Airport Car Rental Company Charges.**

If the County increases or decreases the contractual percentage charge of MIA gross revenues for non-DBE on-airport car rental concessionaires, the charge for B7 off-airport car rental companies with gross revenues in excess of \$20 million will change in the same amount. If the County increases or decreases the percentage charges of MIA gross revenues for DBE on-airport car rental concessionaires, the charge for B6 off-airport car rental companies will change in the same amount. The effective date of such

change will be the date indicated by the County at the time of the change, or if no date is stated, the date set forth in the written notice to the B7 or B6 Permittees.

#### **5. Operational Directive 24A Superseded by any Contract.**

The requirements of this Operational Directive 24A, including the requirements of obtaining a permit and paying the designated fees set forth in this Exhibit A, shall be superseded by any conflicting provision in a written contract between the County and any company subject to this Operational Directive 24A.

#### **6. Metering.**

MDAD reserves the right to institute a metering process by which the vehicles of any class or sub-class are held in a parking area and released from that parking area in a manner determined by MDAD from time to time. Each Permittee of any such class or sub-class agrees to comply with MDAD regulations for a metering program applicable to the Permittee or the Permittee's operations.

#### **7. Rental Car Facility**

Each Permittee acknowledges the current proposals to construct the Miami Intermodal Center ("MIC") and the Rental Car Facility ("RCF") at a location east of LeJeune Road for the purpose of alleviating car, bus, and rail traffic to and from MIA. Upon the commencement date for the RCF, which date shall be determined by the Aviation Director, each Permittee under this Operational Directive 24A agrees to comply with the prohibition of picking up and dropping off customers in the Landside Terminal Building Area, including the Upper and Lower Vehicular Drives, from the commencement date of operations in the RCF and agrees as of such commencement date to participate in a common shuttle system operating between the Terminal Building and the RCF in the manner provided by MDAD in an Operational Directive, agreement or other regulation to such effect by which Permittee's passengers are transported to and from the Terminal Building and the RCF; provided, however, that off-airport parking lot operators will be given the opportunity to request exemption from this provision by following the procedures set forth in Ordinance No. 00-87 to obtain such an exemption.

#### **8. Compressed Natural Gas.**

As a condition to operating at MIA or at the MIC, Permittees may be required by MDAD to convert their vehicles to compressed natural gas ("CNG"). It is MDAD's intent that, within five years from the date of this OD-24A, many of the Permittees subject to this OD-24A will be required to convert their vehicles to CNG. The Aviation Director has the authority to determine when such conversion shall take place and which classes or sub-classes shall be subject to the conversion requirement. Due consideration shall be given to the difficulty of conversion and its cost to the users. The Aviation Director shall have the authority, if revenues of the Airport are sufficient for the purpose, to contribute up to \$2,000 per vehicle toward the conversion cost for vehicles converted within a short period of time. The amount of such contribution and any requirements attached to such contribution for particular users shall be determined by the Aviation Director. The contribution program may be discontinued at any time by the Aviation Director except as to any vehicles for which a contribution agreement has been reached.

(End of Exhibit A)

I:od24A (Rev-7/18/00)

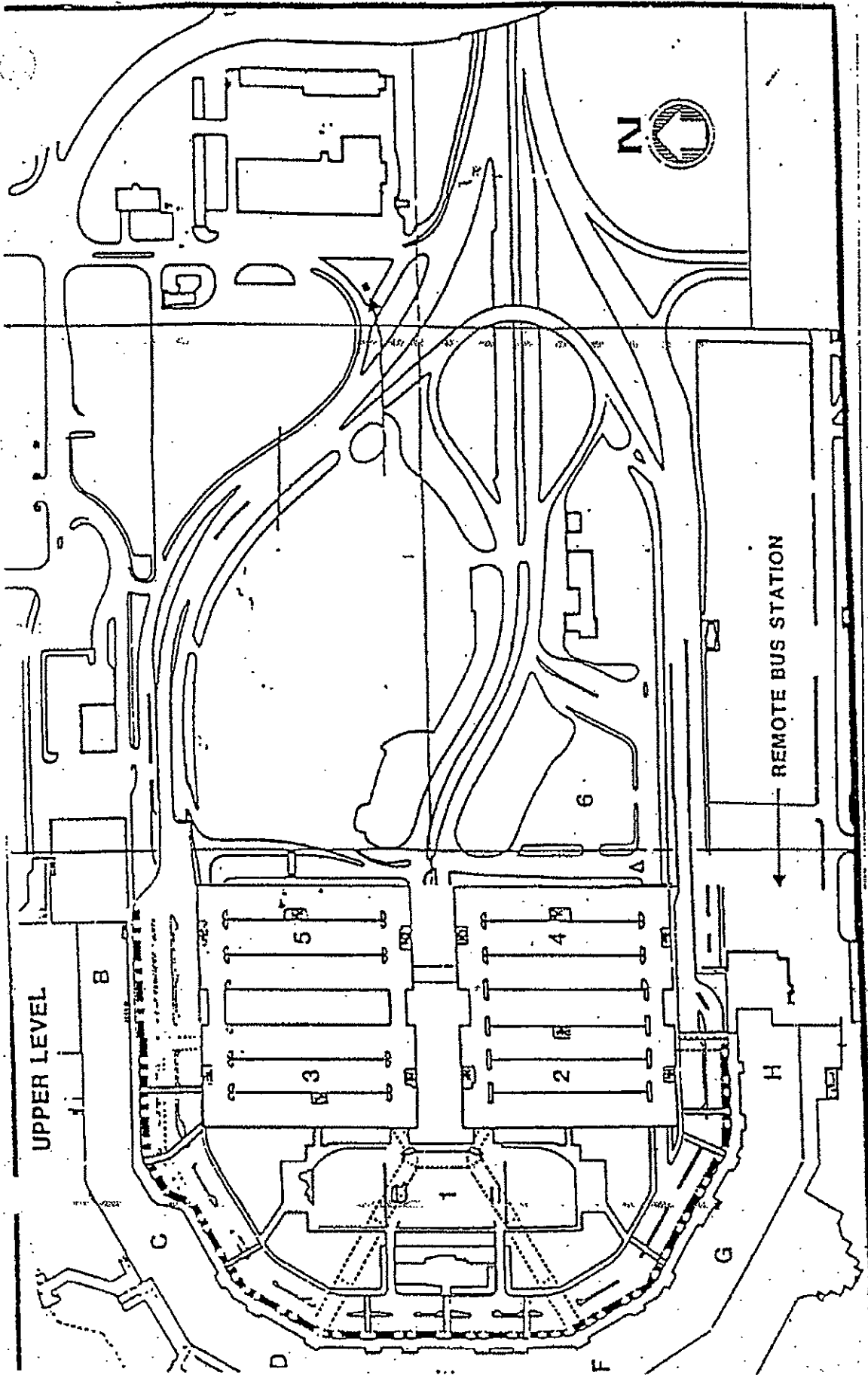
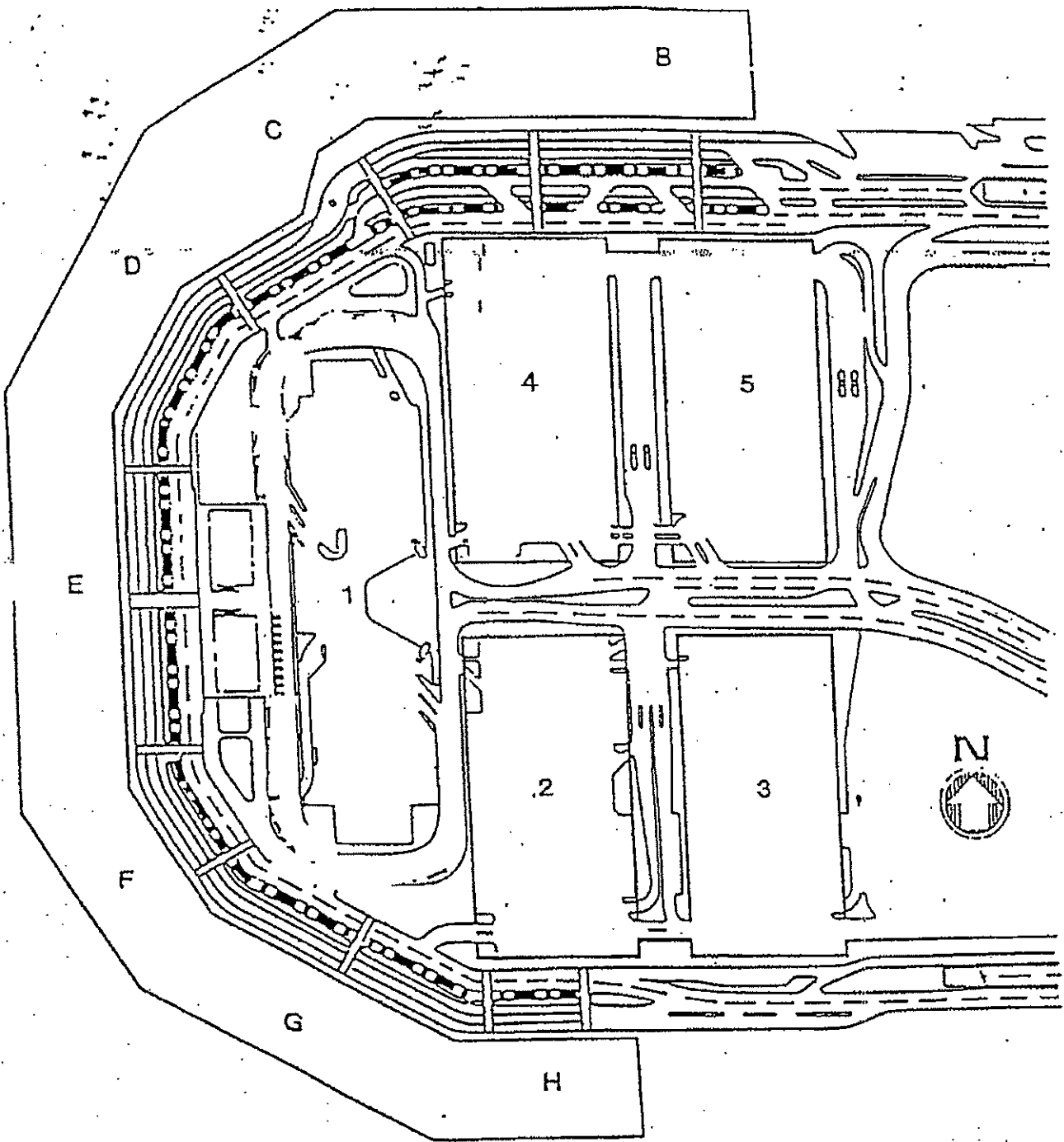


EXHIBIT 1  
 DROP OFF ZONES  
 OFF-AIRPORT CAR RENTAL COMPANIES  
 OFF-AIRPORT PARKING LOT OPERATORS

LOWER DRIVE



PASSENGER PICK UP ZONES

LEGEND

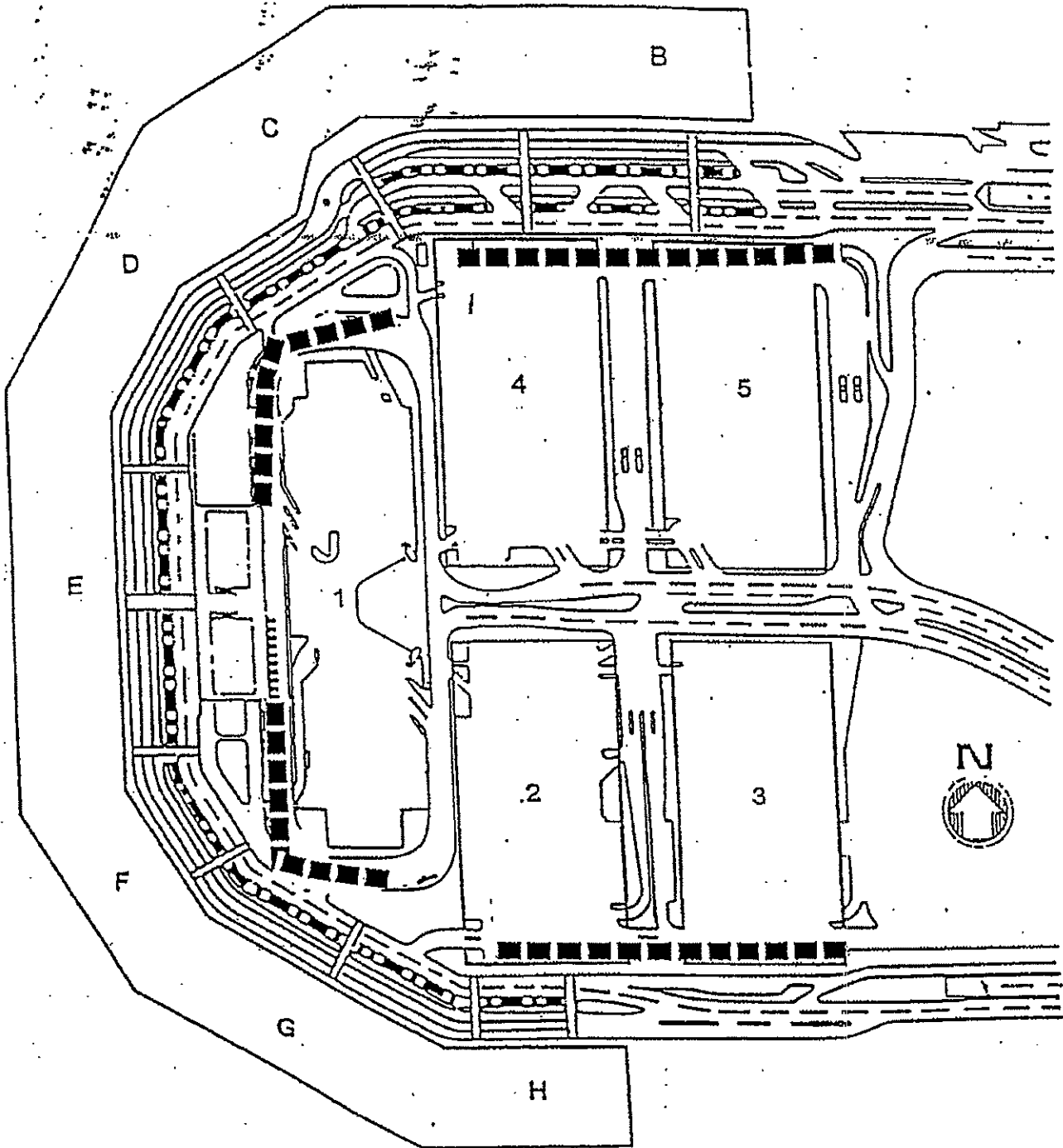
EXHIBIT 2

OFF-AIRPORT CAR RENTAL COMPANIES



LOWER DRIVE

AVIATION DEPARTMENT  
P.O. BOX 592075  
MIAMI, FLORIDA 33159-2075  
Office: (305) 876-0265  
Fax: (305) 876-0134



PASSENGER PICK UP ZONES

LEGEND

Public Lanes

Bus Lanes

EXHIBIT 3  
OFF AIRPORT PARKING LOT OPERATORS

MIAMI INTERNATIONAL AIRPORT