

FIRST AMENDMENT TO CONCESSION AGREEMENT NUMBER LAA-8562A
BETWEEN THE CITY OF LOS ANGELES
THE DEPARTMENT OF AIRPORTS
AND
AUTHORIZED TAXICAB SUPERVISION, INC.
AT LOS ANGELES INTERNATIONAL AIRPORT

THIS FIRST AMENDMENT TO CONCESSION AGREEMENT NO. LAA-8562A ("Agreement") is entered into this _____ day of _____, 201____, at Los Angeles, California, by and between the **CITY OF LOS ANGELES**, a municipal corporation, (herein after referred to as "City"), acting by order of and through the Board of Airport Commissioners (hereinafter referred to as "Board") of the Department of Airports, also known as Los Angeles World Airports (hereinafter referred to as "Department" or "LAWA"), and **Authorized Taxicab Supervision, Inc.** (hereinafter referred to as "Concessionaire").

RECITALS

WHEREAS, City and Concessionaire previously entered into Concession Agreement No. LAA-8562, commencing April 1, 2011 and expiring ten years thereafter unless earlier terminated pursuant to the terms of the Agreement; and

WHEREAS, City desires to revise and update the penalty structure for taxi driver violations in order to improve taxi driver relations with passengers at Los Angeles International Airport.

WHEREAS, City and Concessionaire have also entered into a corresponding lease with a term running concurrently with this Agreement.

NOW, THEREFORE, for and in consideration of the covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto, IT IS MUTUALLY AGREED that the following amendments to the Lease shall apply:

AMENDMENTS

Section 1. Amend Article 1, Section 3.4 by adding the following:

"3.4.1 Hearing and Adjudication Process. Pursuant to Exhibit A, attached hereto, Concessionaire shall have in place a Hearing and Adjudication Process to administratively adjudicate all complaints against taxi drivers under Concessionaire's management at the Airport. Hearing officers selected to adjudicate complaints, must be neutral and demonstrate that they are free from conflict of interests with either party, in a form acceptable to LAWA. Selection of such hearing officers are subject to LAWA's prior approval. LAWA reserves the right to appoint hearing officers at LAWA's cost.

3.4.2. Submission of Complaint Reports. Concessionaire shall be required to attend meetings on an as needed basis. Furthermore, Concessionaire shall submit to LAWA a monthly report describing the complaints adjudicated from the most recent previous month, which report shall include but not be limited to a description of the complaint, the investigation, the actions taken to resolve the taxi driver violation, and the adjudication process. Concessionaire acknowledges its responsibility to provide monthly reports. Monthly reports are due on the tenth (10) day following the close of the previous month. Concessionaire shall have a five (5) day grace period from the date reports are due before the monthly report is considered overdue. Concessionaire shall incur a fifty dollar (\$50.00) penalty charged per day each day that reports required pursuant to the terms of this Section 3.4.2. are overdue.

3.4.3. Concessionaire's Right to Dispute Penalties. Concessionaire shall have the right to dispute penalties imposed under Section 3.4.2. and Section 3.5.6, herein, provided however, such dispute must be substantiated in a form acceptable to the Executive Director and submitted within ten (10) business days of LAWA's notification of a penalty charged. Executive Director shall review the materials submitted by Concessionaire in connection with the dispute and will determine if the penalty is warranted, in his or her reasonable discretion. The Executive Director may delay assessment of a penalty until completion of review of the dispute and determination as to whether it is warranted. "

Section 2. Amend Article 1, Section 3.5, by adding the following:

"3.5.6 Customer Complaint Handling - Response and Resolution. Concessionaire shall be required to respond to and initiate action to resolve all written and oral complaints received from the public or City as specified within no more than two (2) business days of receipt of said complaint and resolved within five (5) days of receipt of the complaint. Operator shall notify complainant and copy LAWA with the resolution and action taken, including but not limited to disciplinary actions and driver training. All complaints will be recorded on a form acceptable to the City and a copy of each complaint form will be provided to Executive Director within one (1) business day of receipt of each complaint.

3.5.7 Unresolved Complaints. Concessionaire shall pay City a monetary fine of fifty dollars (\$50) per day each day complaints are not resolved in accordance with Section 3.5.6., herein"

Section 3. Article 1, Section 8.2 of Agreement shall be deleted in its entirety and in lieu thereof, the following shall be inserted:

"8.2. Written notices to Concessionaire hereunder shall be given by registered or certified mail, postage prepaid, and addressed to:

**Authorized Taxicab Supervisions, Inc.
Behzad Bitaraf
6150 West 96th Street
Los Angeles, CA 90045**

or to such other address as Concessionaire may designate by written notice to City.”

Section 4. Exhibit A, Section 4. Operations Plan and Section 5. Customer Service Plan are hereby deleted in their entirety and in lieu thereof, Attachment 1, Exhibit A, Section 4 and 5,” shall be inserted.

Section 5. Article 1 Section 3.0 Concession Requirements, shall be amended by adding the following:

“3.10. Amending Customer Service and Operations Requirements. City and Operator may jointly amend Exhibit A, Sections 4 and 5 without requiring further Board action, upon approval of the Executive Director in his or her sole discretion, provided that such amendment(s) approval is within the authority of the Executive Director and is consistent with Los Angeles Department of Transportation taxicab rules and regulations.”

Section 6. Except as specifically provided herein, this First Amendment shall not, in any manner, alter, change, modify or affect any of the rights, privileges, duties or obligations of either of the parties under the Agreement and except as expressly amended herein, all of the terms, covenants and conditions of the Agreement and all amendments thereto, shall remain in full force and effect.

[Signatures on the following page]

IN WITNESS WHEREOF, City has caused this Agreement to be executed on its behalf by the Executive Director and Lessee has caused the same to be executed by its duly authorized officers, all as of the day and year first herein above written.

APPROVED AS TO FORM:

Michael N. Feuer, City Attorney

Date:

January 14, 2016

By:

Nicholas J. Feuer
Deputy/Assistant City Attorney

CITY OF LOS ANGELES

By

Executive Director
Department of Airports

ATTEST:

By

[Signature]
Signature

STEPH NEIMAND

Print Name

Authorized Taxicab Supervision, Inc.

By

[Signature]
Behzad Bitaraf, President

Secretary/ Treasurer/ Authorized Signatory

[SEAL]

Exhibit 4 – Schedule of Penalties for Driver Violations

| # | Violations | First | Second | Third |
|----|--|---|--------------------------------------|-----------------------|
| 1 | (A) NO CALIFORNIA DRIVERS LICENSE | 3 DAYS | | |
| | (B) SUSPENDED CALIFORNIA LICENSE | REVOCATION | | |
| | (C) HAS NO VALID CALIFORNIA LICENSE | REVOCATION | | |
| 2 | (A) FAILURE TO DISPLAY DRIVER'S PERMIT | IMMEDIATE OUT OF SERVICE PLUS 1 DAY | IMMEDIATE OUT OF SERVICE | |
| | (B) DRIVING WITHOUT DRIVER'S PERMIT CARD IN POSSESSION | IMMEDIATE OUT OF SERVICE PLUS 1 DAY | IMMEDIATE OUT OF SERVICE | |
| | (C) DRIVING WITH SUSPENDED DRIVER'S PERMIT CARD | IMMEDIATE OUT OF SERVICE PLUS 10 DAYS | IMMEDIATE OUT OF SERVICE | REVOCATION |
| | (D) DRIVING FOR ORGANIZATION WITHOUT VALID DRIVER'S PERMIT FOR THAT ORGANIZATION | IMMEDIATE OUT OF SERVICE PLUS 5 DAYS | | REVOCATION |
| | (E) UNAUTHORIZED USE OF. DRIVER'S PERMIT | IMMEDIATE OUT OF SERVICE PLUS 7 DAYS | | 21 DAYS TO REVOCATION |
| | (F) KNOWINGLY ALLOWING UNAUTHORIZED USE OF DRIVER'S PERMIT | IMMEDIATE OUT OF SERVICE PLUS 7 DAYS | | 21 DAYS TO REVOCATION |
| | (G) APPLY FOR OR POSSESSION OF ADDITIONAL DRIVER'S PERMIT | IMMEDIATE OUT OF SERVICE PLUS 10 DAYS | | |
| 3A | FAILURE TO COMPLY WITH TRAFFIC RULES (MOVING VIOLATION) | 5 DAYS | 18-28 DAYS | REVOCATION |
| 3B | FAILURE TO COMPLY WITH TRAFFIC RULES (NON-MOVING VIOLATION) | 3 DAYS | 14 DAYS | 21 DAYS-REVOCATION |
| 4 | COMMISSION OF UNLAWFUL ACT | REVOCATION | | |
| | (A) COMMITTING A FELONY | REVOCATION | | |
| | (B) PANDERING | REVOCATION | | |
| | (C) IMMORAL ACTS | REVOCATION | | |
| | (D) ASSAULT AND BATTERY | REVOCATION | | |
| | (E) RECKLESS DRIVING | REVOCATION | | |
| | (F) DRUNK DRIVING | REVOCATION | | |
| | (G) CONTINUOUS POLICE RECORDS | REVOCATION | | |
| 5 | UNLAWFUL ACT WHILE IN CHARGE OF TAXICAB (ON DUTY) | 5 DAYS | 14 DAYS | 21 DAYS |
| 6 | ON DUTY UNDER THE INFLUENCE OF LIQUOR OR DRUGS | IMMEDIATE OUT OF SERVICE PLUS 10 DAYS | 28 DAYS | REVOCATION |
| 7 | DRINKING, IN POSSESSION OF, OR SELLING ALCOHOLIC BEVERAGES WHILE ON DUTY | 10 DAYS | 28 DAYS | REVOCATION |
| 8 | POSSESSION OF OR GIVE INFORMATION ON ILLEGAL NARCOTICS | 10 DAYS | 28 DAYS | REVOCATION |
| 9 | SOLICITATION, PROCURING PROSTITUTION | 10 DAYS | 28 DAYS | REVOCATION |
| 10 | FAILURE TO SAFETY CHECK VEHICLE | IMMEDIATE OUT OF SERVICE PLUS 1 TO 3 DAYS | 3 DAYS | 6 DAYS |
| 11 | DRIVING TAXICAB WHICH IS IN AN UNSAFE, OPERATING CONDITION | IMMEDIATE OUT OF SERVICE PLUS 1 TO 3 DAYS | IMMEDIATE OUT OF SERVICE PLUS 3 DAYS | |

| # | Violations | First | Second | Third |
|----|--|--------------------------------------|---------------------------------------|---------------------------|
| 12 | OPERATING WITH INACCURATE TAXI METER (FAST METER) | IMMEDIATE OUT OF SERVICE PLUS 5 DAYS | REVOCATION | |
| 13 | (A) FAILURE TO MAINTAIN TAXICAB | IMMEDIATE OUT OF SERVICE FOR 1 DAY | 3 DAYS | 7 DAYS |
| | (B) ROUTINE MAINTENANCE IN TAXI ZONE | 3 DAYS | 3 DAYS | 6 DAYS |
| 14 | (A) INCORRECT RADIO FREQUENCY | IMMEDIATE OUT OF SERVICE FOR 7 DAYS | 14 DAYS | 21 DAYS |
| | (B) RADIO NOT AUDIBLE | 3 DAYS OUT OF SERVICE | 7 DAYS | 21 DAYS |
| | (C) USE OF UNAUTHORIZED SCANNERS | 10 DAYS | 28 DAYS | REVOCATION |
| 15 | FAILURE TO PRESENT A NEAT PERSONAL APPEARANCE | IMMEDIATE OUT OF SERVICE FOR 1 DAY | IMMEDIATE OUT OF SERVICE FOR 3 DAYS | OUT OF SERVICE FOR 6 DAYS |
| 16 | (A) DISCOURTESY | 4-7 DAYS | 16-28 DAYS | REVOCATION |
| | (B) DISCOURTESY (DUE TO DISCRIMINATION) | REVOCATION | | |
| 17 | CAB UNATTENDED IN TAXICAB ZONE | 1 DAY | 3 DAYS | 6 DAYS |
| 18 | ILLEGAL SOLICITATION OF PATRONAGE | 2 DAYS | | |
| 19 | (A) REFUSAL OF SERVICE | 6-10 DAYS | 18-28 DAYS | REVOCATION |
| | (B) REFUSAL OF SERVICE (DUE TO DISCRIMINATION) | REVOCATION | | |
| | (C) REFUSAL TO TRANSPORT ANY PASSENGER'S SERVICE ANIMAL | 10 DAYS | 10 DAYS | REVOCATION |
| 20 | DISCHARGING A PASSENGER AT LOCATION OTHER THAN DESIRED DESTINATION | 10 DAYS | 28 DAYS | REVOCATION |
| 21 | ACCEPTING ADDITIONAL PASSENGERS | 3 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| 22 | OVERCHARGE | 10 DAYS | 18-28 DAYS | REVOCATION |
| 23 | CIRCUITOUS ROUTING | 10 DAYS | 28 DAYS | REVOCATION |
| 24 | FAILURE TO ACTIVATE TAXI METER | 5 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| 25 | ATTEMPT TO INFLUENCE DESTINATION | 7 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| 26 | REFUSAL TO TRANSPORT LUGGAGE OR POSSESSIONS WITHIN REASON | 7 DAYS | 8-14 DAYS | 21 DAYS TO REVOCATION |
| 27 | REFUSAL TO LOAD OR UNLOAD LUGGAGE | 3 DAYS | 6 DAYS | REVOCATION |
| 28 | REFUSAL TO ASSIST PASSENGER IN OR OUT OF TAXICAB | 3 DAYS | 6 DAYS | 21 DAYS TO REVOCATION |
| 29 | FAILURE TO IMMEDIATELY TURN IN FOUND PROPERTY | 3 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| 30 | (A) FAILURE TO PROVIDE RECEIPT ON REQUEST | 3 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| | (B) WILLFULLY GIVING A FRAUDULENT RECEIPT | 3 DAYS | 14 DAYS | 21 DAYS TO REVOCATION |
| 31 | (A) NO WAYBILL | 1 DAY | 3 DAYS | 6 DAYS |
| | (B) FAILURE TO PROPERLY COMPLETE WAYBILL | 1 DAY | 3 DAYS | 6 DAYS |
| 32 | ENGAGING IN UNWANTED CONVERSATION OUTSIDE CAB FIRST-UP | 1 DAY | 3 DAYS | REVOCATION |
| 33 | SMOKING WITH PASSENGER IN TAXICAB | 3 DAYS | | |
| 34 | PERMITTING NON-PASSENGER IN TAXICAB | 3 DAYS | | |
| 35 | FAILURE TO OBEY OFFICIAL | IMMEDIATE OUT OF SERVICE PLUS 7 DAYS | IMMEDIATE OUT OF SERVICE PLUS 14 DAYS | 21 DAYS TO REVOCATION |
| 36 | ENTERING LAX WITHOUT EITHER FARE OR AUTHORIZATION | 3 DAYS | | |

| # | Violations | First | Second | Third |
|----|---|--------------------------------------|--------------------------------------|-----------------------|
| 37 | (A) FAILURE TO WEAR ID BADGE | 1 DAY | 3 DAYS | 6 DAYS |
| | (B) ID BADGE NOT VALID | 1 DAY | 3 DAYS | 6 DAYS |
| 38 | PARTICIPATING IN A BRIBE | 6 DAYS | 18 DAYS | REVOCATION |
| 39 | REFUSE TO SIGN HEARING NOTICE | IMMEDIATE OUT OF SERVICE PLUS 7 DAYS | IMMEDIATE OUT OF SERVICE PLUS 7 DAYS | 21 DAYS TO REVOCATION |
| 40 | UNAUTHORIZED PICK UP NOT IN TAXI ZONE IF CSR IS PRESENT | 3 DAYS | 6 DAYS | |
| 41 | LOADING OUT OF ORDER | 3 DAYS | 6 DAYS | 12 DAYS |
| 42 | FAILURE TO MAINTAIN \$20 IN CHANGE | 1 DAY | 3 DAYS | 6 DAYS |
| 43 | ENTERED WORLD WAY WITHOUT PASSENGER OR TICKET | 3 DAYS | 6 DAYS | 12 DAYS |
| 44 | ON STAND WITHOUT TICKET | 3 DAYS | 6 DAYS | 12 DAYS |
| 45 | VIOLATION OF CURRENT ENTRY | 3 DAYS | 6 DAYS | 12 DAYS |

TO ALL DRIVERS

FOR PURPOSES OF THIS DOCUMENT, THE TERM "DAYS" REFERS TO AIRPORT DAYS A TAXICAB DRIVER IS AUTHORIZED TO WORK, NOT CALENDAR DAYS.

WHEN SCHEDULED FOR A HEARING, DRIVERS MAY SUBMIT ANY EVIDENCE OR BRING A WITNESS REGARDING YOUR COMPLAINT, AND ALSO, DRIVER MAY BRING AN ATTORNEY TO THE HEARING. ALL DECISIONS BY ATS DISCIPLINARY COMMITTEE CAN BE APPEALED TO LOS ANGELES DEPARTMENT OF TRANSPORTATION.

THANK YOU.

Exhibit 5 - Complaint Resolution Process**Authorized Taxicab Supervision, Inc.**

9468 Alverstone Avenue, Los Angeles, CA 90045
(310) 646-3202 • FAX: (310) 216-4674

COMPLAINT INVESTIGATION RESOLUTION PROCESS

1. Upon receipt of a written or verbal complaint by a member of the public against a taxicab driver or ATS employee, ATS administration shall:
 - a. document the name and contact information of the complainant; (see complaint form following)
 - b. in the case of a verbal complaint, document the complaint in written form;
 - c. forward the complaint to the General Manager who in his sole discretion may cause the matter to be further investigated by an ATS Supervisor.
 - d. forward the complaint to Los Angeles World Airports via email to landsidecomments@lawa.org for information purposes.
2. Each step of any complaint investigation will be documented by the Supervisor.
3. The Supervisor will conduct a preliminary investigation to ensure that there is sufficient substantiation of the complaint.
4. If, in the opinion of the Supervisor, a complaint is unsubstantiated or unfounded, that information will be provided to the Manager and, at the discretion of the Manager, the matter will not be pursued further.
5. Substantiated complaints falling outside the scope of the authority of ATS which raise concerns with respect to alleged breaches of law will be forwarded to the appropriate agency for further investigation.
6. If, in the opinion of the Supervisor, a complaint is substantiated, he or she will prepare a written report and forward it to the Manager for further investigation and/or referral to a hearing officer.
7. Enforcement decisions undertaken must be consistent, balanced, fair and relate to common standards which ensures the Public and the taxi driver are adequately protected. Enforcement for complaints against taxi drivers are handled by a qualified, independent hearing officer who reviews the complaint and issues appropriate punishment. Enforcement of complaints against ATS employees are handled by the General Manager or his designee. In determining the appropriate punishment the hearing officer or General Manager is expected to consider the following criteria:
 - a. seriousness of the alleged offense;
 - b. driver or employee's past history;
 - c. the consequence of non-compliance;
 - d. the likely effectiveness of the various enforcement options; and
 - e. the danger to the public.
8. Having considered all relevant information and evidence, the choices for action, in the sole discretion of the hearing officer are as follows:
 - a. suspend access to LAX based on the guidelines contained in the ATS list of violations for the number of days that is consistent with the degree of the offense;
 - b. permanently revoke access to LAX.

APPEARANCE BEFORE HEARING OFFICER

9. An alleged offending individual may be required appear before an the A TS hearing officer to answer the complaint.
10. The hearing officer may decide to take one or more of the following actions following receipt of a written report from a Supervisor if circumstances warrant:
 - a. suspension of access to the Airport;
 - b. permanent revocation of access to the Airport.
11. The suspension or revocation of access to the Airport will be in accordance with the Rules and Regulations promulgated by the City of Los Angeles Board of Taxicab Commissioners, the Department of Airports and Authorized Taxicab Supervision, Inc.
12. The suspension or revocation of access to the Airport will be consistent with the gravity of the circumstances raised in the complaint(s) and in accordance with Exhibit 4.
13. Before suspending or revoking a driver's access, the hearing officer must be satisfied that a complaint is substantiated and that a breach has been committed by an identifiable person.
14. Notice of suspension or revocation of a driver's access to the Airport shall be served personally or by registered mail upon the driver affected. When the notice is directed towards an individual, a copy shall also be served on the management of the company that employs the individual.

APPEALS

15. Any and all persons who are affected by a decision of the hearing officer can appeal the decision to the City of Los Angeles Board of Taxicab Commissioners.
16. Any notification of enforcement action will include written information on how to appeal. The information will explain how, where and within what period an appeal may be brought.

TRANSPARENCY

17. Following the completion of an investigation into a complaint or any enforcement activity, the driver will be informed of the action intended to be taken as soon as practicable.
18. Following the receipt of a notification of an adverse vehicle inspection, the driver will be informed of the action intended to be taken as soon as practicable.
19. Any written documentation issued or sent will:
 - a. contain all the information necessary to understand the offence and what needs to be done to rectify it. Where work is required, the time allowed for the work to be completed will be indicated.
 - b. Indicate the rule violation or license conditions that were violated and measures which will enable compliance with the requirements.
 - c. Be forwarded to Los Angeles World Airports via email to landsidecomments@lawa.org for information purposes.