

Metropolitan Washington Airports Authority Regulations



**METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY**

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PREFACE

The Metropolitan Washington Airports Authority ("the Authority") was created by enabling legislation adopted by the District of Columbia¹ and the Commonwealth of Virginia² with the consent of Congress for the purpose of operating, maintaining, and improving Ronald Reagan Washington National³ and Washington Dulles International Airports (the Airports).

Federal law⁴ authorized the Secretary of Transportation to lease the Airports to the Authority and on June 7, 1987, operating responsibility for the airports was transferred to the Authority by the federal government in a fifty year lease agreement. The Authority is not part of the federal government. Except for the land that has been acquired subsequent to the transfer, the land comprising the airports is owned by the federal government. Nevertheless, the airports and the Airports Authority are not subject to the requirements of any law solely by reason of the retention by the U.S. of the fee simple interest to the Airports, Pub. L. 99-591, §6009(b).

The Authority is a public body politic and corporate, and is independent of the District of Columbia, the Commonwealth of Virginia and the federal government. D.C. Law 6-67, §3; 1985 Va. Acts of Assembly, Ch. 598, §2; Pub. L. 99-591, §6007. The Authority has the powers and jurisdiction set forth in the Acts, including the Authority (a) to plan, establish, operate, develop, construct, enlarge, maintain, equip, and protect the Airports; (b) to issue revenue bonds for any of the Authority's purposes; (c) to fix, revise, charge, and collect rates, fees, rentals, and other charges for the use of the Airports; and (d) to do all things necessary or convenient to carry out its express powers.

The Authority is empowered by the enabling legislation to adopt rules and regulations governing the use, maintenance and operation of its facilities and the conduct of persons and organizations using them. Regulations adopted by the Authority governing aircraft operations and maintenance, motor vehicle traffic, and access to Authority facilities have the

1. District of Columbia Regional Airports Authority Act of 1985, D.C. Law 6-67, as amended by D.C. Law 7-18, D.C. Law 9-158, D.C. Law 12-8, and D.C. Law 12-225.

2. 1985 Virginia Acts of Assembly, Ch. 598, as amended by 1987 Virginia Acts of Assembly, Ch. 665 and 1991 Virginia Acts of Assembly Ch. 610; 1997 Virginia Acts of Assembly, Ch. 647 and 661; and 1998 Virginia Acts of Assembly, Ch. 824.

3. The name of Washington National Airport was changed to Ronald Reagan Washington National Airport by Public Law 105-154, February 6, 1998.

4. Title VI, Public Law 99-500 as re-enacted in Public Law 99-591, October 18, 1986, as amended by Public Law 102-240, Title VII, and Public Law 104-264, Title IX; 49 U.S.C. §§ 49101 et seq.

force and effect of law, as do any other Authority regulations which the Authority determines to be necessary in the public interest.⁵

Unless otherwise noted, all regulations adopted by the Authority have been adopted with the force and effect of law. Courts of the Commonwealth have jurisdiction over criminal and civil actions arising at the Airports. Jurisdiction over National Airport is in the Arlington County courts; jurisdiction over Dulles is in either Loudoun or Fairfax County courts. The Authority's enabling legislation provides:

"The violation of any Authority rule or regulation, having the force and effect of law, shall be a Class 1 misdemeanor unless otherwise specified by this chapter or unless a lesser penalty is set by the Authority in the rule or regulation. The rules of criminal procedure and evidence that apply throughout the Commonwealth shall apply to the adjudication of any case involving the violation of any Authority rule or regulation having the force and effect of law.

"The courts of this Commonwealth shall take judicial notice of the Authority's regularly adopted rules and regulations. For the convenience of the courts which may regularly hear cases arising under the Authority's rules and regulations, the Authority may certify to the clerk of such court a copy of its rules and regulations. Any such certification, when signed by the chairman of the Metropolitan Washington Airports Authority, shall be accepted as evidence of the facts therein stated.

"With respect to the violation of any statute of the Commonwealth, local ordinance or Authority rule or regulation having the force and effect of law occurring at the Authority facilities:

1. The matter shall be within the jurisdiction of the state courts of the political subdivision where the violations occurred; violations occurring at Washington National Airport shall be within the jurisdiction of the courts for Arlington County;
2. The attorney for the Commonwealth shall have authority to prosecute those offenses in the name of the Commonwealth or local government as appropriate; and the county or city attorney, if otherwise authorized to prosecute offenses in the name of the county

5. Before they were leased to the Authority, the Airports were operated by the Federal Aviation Administration ("FAA"), whose regulations governing activity at the Airports were codified in 14 C.F.R. Part 159. The FAA regulations became the regulations of the Authority, effective June 7, 1987, and remained the body of the Metropolitan Washington Airports Regulations except as amended or repealed until they were recodified effective March 1, 1994. Part 5, Chapter 1 "Taxicabs at National" was made effective July 1, 1994. Subsequent revisions have been made in the text of the regulations.

or city, shall have authority to prosecute those offenses in name of the county or city; and

3. Sheriffs and clerks of the court shall provide those same services and exercise those same powers with respect to Authority Facilities within their jurisdiction as for their political subdivisions."

The Authority maintains a regular police force and has primary jurisdiction over the Airports. In addition, local law enforcement agencies have concurrent jurisdiction on the airport property that is within their political subdivision. State and local law enforcement agencies have primary jurisdiction over the Dulles Toll Road, Route 28 and Route 606, including where these roads are on Airport property.

In addition to these regulations, the Authority, through either the President and Chief Executive Officer of the Authority or the Manager of National or Dulles Airport, has issued Orders and Instructions governing conduct and the use of premises at the Airports. These Orders and Instructions are available for reference in the office of the Manager of each Airport and at the Authority's headquarters. Any person conducting business at the Airports must comply with the regulations of the Metropolitan Washington Airports Authority, the Orders and Instructions of the Managers, and with the specific terms of any contract or lease between that person and the Authority.



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PART I - GENERAL PROVISIONS

§ 1.1. How Regulations Are Designated and Cited.

The Regulations embraced in this and the following parts and sections shall constitute and be designated "The Metropolitan Washington Airports Regulations" (MWAR's) and may be so cited.

(Res. No. 94-4, 1-5-94)

§ 1.2. Definitions.

Unless the context clearly requires otherwise:

The words "Air Operations Area" or "AOA" mean that portion of each Airport used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft. It is not intended for public use except for boarding or leaving aircraft.

The word "Airports" means National and Dulles.

Airport Manager - See "Manager"

The words "Airport purposes" mean a use of property interests (other than sale) for aviation business or activities, or for activities necessary or appropriate to serve passengers or cargo in air commerce, or for nonprofit, public use facilities.

The word "Authority" shall be construed as if the words "Metropolitan Washington Airports" preceded it.

The words "Authority facilities" mean any or all airport facilities now existing or hereafter acquired or constructed or caused to be constructed by the Authority and together with any or all buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, water rights, air rights, franchises, machinery, equipment, furnishings, landscaping, easements, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, including the existing Dulles Airport Access Highway and its right-of-way, acquired or constructed by the Authority.

The words "Washington Dulles International Airport" or "Dulles" mean the airport constructed under the Act of Congress entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport on or in the vicinity

of the District of Columbia", approved September 7, 1950 (64 Stat. 770), and includes the Dulles Airport Access Highway and right-of-way, including the extension between the Interstate Routes I-495 and I-66 and any subsequent additions.

The word "Lease" means the lease between the United States of America and the Authority entered into March 2, 1987, as amended.

"Manager" or the words "Airport Manager" mean, as the context requires, the President of the Authority or the Manager of National or Dulles or their designees.

The words "Ronald Reagan Washington National Airport," "Washington National Airport" and "National" mean the airport described in the Act of Congress entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (54 Stat. 686).

The word "Regulations" shall be construed as if the words "Metropolitan Washington Airports" preceded it.

The words "Restricted Area" mean those areas of either Airport to which the Airport Manager has restricted access as part of the security system for the Airport. The Air Operations Area is a restricted area.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 1.3. Construction of Regulations.

In construing these Regulations, the following rules shall be observed, unless such construction would be inconsistent with the express intent of the Authority Board of Directors or the context clearly requires otherwise:

Computation of time. Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had or any other act shall be done, the day on which such notice is given, or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had or other act shall be done shall not be counted. Whenever a notice is to be given or any other act to be done within a certain time after any event, that time shall be allowed in addition to the day on which the event occurred.

Due date falls on Saturday, Sunday, or legal holiday. When the last day fixed

by regulation for the commencement of a proceeding or for any other act to be done falls on a Saturday, Sunday, or legal holiday, the proceeding may be commenced and the act may be done on the next day that is not a Saturday, Sunday, or legal holiday.

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

Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Person. The word "person" may extend and be applied to associations, firms, partnerships, and bodies politic and corporate as well as to individuals.

Preceding, Following. The words "Preceding" and "Following" mean next before and next after, respectively.

(Res. No. 94-4, 1-5-94)

§ 1.4. Headings of Sections.

The headings of the several sections of these Regulations printed in boldface type are intended to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section.

(Res. No. 94-4, 1-5-94)

§ 1.5. Severability of Parts of the Regulations.

If any provision of these Regulations or the application of these Regulations to any person or circumstances is held invalid, such holding shall not affect the validity of the remaining provisions of these Regulations or to their application to other persons or circumstances which can be given effect without the invalid provisions.

(Res. No. 94-4, 1-5-94)

§ 1.6. Repeal not to Affect Liabilities.

No new Regulation shall be construed to repeal a former Regulation, as to any offense committed under the former Regulation, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the

former Regulation, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued, or claim arising before the new Regulation takes effect.

(Res. No. 94-4, 1-5-94)

§ 1.7. Repeal not to Revive Former Regulation.

When a Regulation which has repealed another Regulation shall itself be repealed, the previous Regulation shall not be revived without express words to that effect.

(Res. No. 94-4, 1-5-94)

§ 1.8. Correction of Errors and Omissions.

The Authority shall correct any typographical, grammatical or technical errors or omissions existing in these Regulations when, in the opinion of the General Counsel and the Secretary of the Authority, such errors or omissions are of a minor, nonsubstantive nature and their correction will have no material effect upon the Regulations.

(Res. No. 94-4, 1-5-94)

§ 1.9. Force and Effect of Law; General Penalty for Violation.

These Regulations have the force and effect of law. Unless otherwise specified, the violation of any of them shall be a Class 4 misdemeanor, a matter within the jurisdiction of the state courts of the political subdivision where the violation occurred and with the same punishment as Class 4 misdemeanors under the Code of Virginia.

(Res. No. 94-4, 1-5-94)

§ 1.10. Service of Process.

Process shall be served on the Authority by service on its General Counsel or on its Secretary.

(Res. No. 94-4, 1-5-94)

PART 2 - LABOR CODE

§ 2.1. Declaration of Policy.

(1) The Board of Directors of the Authority is mandated by the Lease agreement between the Board and the United States of America to continue the collective bargaining rights of Authority employees to the extent that such rights were enjoyed before the transfer of National and Dulles to the Authority. Therefore, the Authority is providing procedures for Authority employees to organize and bargain collectively through representatives of their own choosing so that they may meaningfully participate in the impact and implementation of personnel policies affecting the conditions of their employment, and to provide procedures for resolving collective bargaining impasses.

(2) The Board, therefore, declares that it is the policy of the Authority to promote harmonious and cooperative relations between the Authority and its employees and to serve and protect the public by assuring the effective and orderly operation of the Airports. These policies are best effectuated by

(a) recognizing the right of Authority employees to organize for the purpose of collective bargaining regarding the conditions of their employment,

(b) providing a means by which employees may select, should they choose to do so, representatives for purposes of collective bargaining,

(c) negotiating and entering into written agreements with exclusive representatives on conditions of employment consistent with the law and the Authority's other legal obligations, and

(d) establishing a method for dealing with disputes.

(3) The Board has determined that the Labor Code serves the public interest in promoting labor stability and avoiding potentially disruptive labor disputes. It is further determined that it is necessary and appropriate and in the public interest that this Regulation have the force and effect of law.

(Res. No. 94-4, 1-5-94)

§ 2.2. Definitions.

"Appropriate Unit" means a group of employees for whom a labor organization may be certified as the exclusive bargaining representative pursuant to Section 2.6.

"Certification" means official recognition by the Authority Employee Relations Council, pursuant to Section 2.5 of this Part, that a labor organization is, and shall remain, the exclusive representative for all of the employees in an appropriate bargaining unit for the purpose of collective bargaining, until it is replaced by another labor organization, decertified, or dissolves.

"Collective Bargaining Rights" means the rights and limitations of collective bargaining enjoyed by employees of the Metropolitan Washington Airports before the date the Lease took effect.

"Conditions of Employment" means personnel policies, practices, and matters, whether established by directive, regulation or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters:

- (1) relating to political activities prohibited to Authority employees by law;
- (2) relating to job classifications by the Authority;
- (3) to the extent such matters are specifically provided for by statute; or
- (4) if such matters were not within the collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before the date the Lease took effect.

"Confidential Employee" shall mean an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

"Council" means the Authority Employee Relations Council created by Section 2.4 of this Part or any of the three Panels acting as components of the Council pursuant to Section 2.4. The duties of the Impasse Panel are set forth in Section 2.11, the duties of the Panel on Representation Matters in Sections 2.5, 2.6 and 2.7, and the duties of the Unfair Labor Practices Panel in Sections 2.10, 2.13, 2.14 and 2.15.

"Employee" means an individual employed by the Authority or whose employment by the Authority has ceased because of any unfair labor practice under Section 2.12 of this Part and who has not obtained any other regular sub-

stantially equivalent employment, as determined by the Unfair Labor Practices Panel, but does not include: a supervisor or management official; a confidential employee as defined herein; an employee engaged in administering the provisions of this Part; or any person who participates in a strike in violation of Section 2.15 of this Part.

"Employer" means the Authority, the President of the Authority, and any individual who represents him or acts in his interest in dealing with employees.

"Exclusive Representative" means any labor organization which:

- (1) is certified as the exclusive representative of employees in an appropriate unit pursuant to Sections 2.5, 2.6, or 2.7; or
- (2) was recognized by the Authority immediately prior to the effective date of this Code, February 1, 1989, as the exclusive representative of employees in an appropriate unit and continues to be so recognized in accordance with this Part.

"Impartial Agency" means any of the following or other similar organizations: the American Arbitration Association, or the Federal Mediation and Conciliation Service.

"Labor Organization" means an organization, composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with the Authority concerning grievances and conditions of employment, but shall not include:

- (1) an organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping conditions;
- (2) an organization which advocates the overthrow of the constitutional form of government of the United States;
- (3) an organization sponsored by the Authority; or
- (4) an organization which participates in the conduct of a strike against the Authority or imposes a duty or obligation to conduct, assist, or participate in such a strike.

"Management Official" means any individual employed by the Authority in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the Authority.

"Person" includes one or more individuals, labor organizations, employers, employees, partnerships, associations, corporations, legal representatives, trustees, trustees in a bankruptcy, or receivers.

"Professional Employee" means any employee whose work

(1) is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) requires consistent exercise of discretion and judgment;

(3) is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; and

(4) which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes.

"Strike" means the concerted cessation, stoppage, or slow down of work, failure to report for duty, abstinence in whole or in part from the proper performance of the duties of employment, or any other concerted interference, coercive or otherwise, with the operation of the Authority.

"Supervisor" means any individual employed by the Authority having authority in the interest of the Authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters, the term supervisor includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 2.3. Employee Rights.

(1) Each employee shall have the right to form, join or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under this

Part, such right includes the right:

(a) to act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to the Authority; and

(b) to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under this Part.

(2) Notwithstanding any other provision in this Part, an individual employee may present a grievance at any time to the Authority without the intervention of a labor organization, provided that the exclusive representative is afforded an effective opportunity to be present and to offer its view at any meetings held to adjust the grievance and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints to the employer shall not do so under the name, or by representation, of a labor organization.

(Res. No. 94-4, 1-5-94)

§ 2.4. Employee Relations Council.

(1) There is hereby created the Metropolitan Washington Airports Authority Employee Relations Council, which shall consist of three Panels of three persons each, who shall be named for two year terms by the mutual agreement of the President and labor organization representatives and confirmed by the Board of Directors, from lists of names submitted by the American Arbitration Association and the Federal Mediation and Conciliation Service.

(a) The participation of labor organizations in the selection of Council members by the President shall be as follows:

(i) the President's selection of the number of individuals equal to the number of vacancies on the Council shall be subject to the agreement of labor organization representatives;

(ii) if the President and labor organization representatives are not able to agree on the same individuals, the individuals shall be selected from the entire list of names submitted by the American Arbitration Association and the Federal Mediation and Conciliation Service, by a process in which

the President and labor representatives (here defined collectively) alternately strike candidates until the number of candidates corresponds to the number of vacancies on the Council. The assignment of the first strike to the President or to the labor organization representatives (collectively) shall be determined by the toss of a coin; if the various labor representatives are not able to agree upon their collective strikes, they shall alternate among themselves in exercising the strikes allowed to labor collectively.

(b) In case of dissolution of both the American Arbitration Association and the Federal Mediation and Conciliation Service, a successor agency or agencies shall be selected by the Board of Directors after receipt of recommendations mutually agreed upon by the President and labor organization representatives. Members of the Employee Relations Council shall be compensated at a rate to be determined by contract between the members and the Authority.

(c) Members are eligible for reappointment and may serve concurrently on more than one Panel. Separate Panels shall be established to be responsible, respectively, for performing those powers and duties specifically provided for in this Part with respect to

(i) representation matters (Sections 2.5, 2.6, and 2.7),

(ii) unfair labor practices and negotiability disputes (Sections 2.10, 2.13, 2.14, and 2.15), and

(iii) impasse disputes (Section 2.11).

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 2.5. Selection of Exclusive Representatives.

Except for the recognition of existing exclusive representatives, as defined in Section 2.2, the Authority may not recognize, without an election, a labor organization as the exclusive representative for purposes of collective bargaining.

Where, in accordance with such procedural regulations as may be prescribed by the Representation Matters Panel, a petition has been filed:

(1) by a labor organization, or in the case of decertification by an

employee or group of employees, supported by evidence, including an alphabetized list of names, that at least 30% of employees in an appropriate unit:

(a) wish to be represented for collective bargaining by an exclusive representative, or

(b) assert that the certified labor organization is no longer the representative of the majority of the employees in the unit; or

(2) by the Authority

(a) alleging that one or more labor organization claims to represent a majority of employees and seeks to become the exclusive representative in an appropriate unit, or

(b) asserting that the certified labor organization is no longer the representative of the majority of the employees in the unit.

The Representation Matters Panel shall investigate such petition, and if it has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the Representation Matters Panel finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. Any labor organization shall be allowed to intervene upon the filing of a petition with the Authority supported by evidence of at least 10% representation in said unit. If such intervenor contends that the unit is inappropriate, it must present a 30% showing of interest with respect to the unit it alleges is appropriate.

(Res. No. 94-4, 1-5-94)

§ 2.6. Appropriate Unit.

(1) In order to assure employees the fullest freedom in exercising the rights guaranteed by this Part consistent with the joint responsibilities of both the Authority and the employees to serve the public, the Representation Matters Panel shall determine an appropriate unit for the purposes of collective bargaining in each case where certification is sought.

(2) In determining an appropriate unit, the Representation Matters Panel shall take into consideration, but shall not be limited to, the following:

(a) community of interest;

- (b) the history of the collective bargaining;
- (c) the desires of the employees;
- (d) the effectiveness and efficiency of labor management relations affected by the unit;
- (e) the effects of over fragmentation; and
- (f) the effects on the efficiency of Authority operations.

(3) The Representation Matters Panel shall not decide that any unit is appropriate if:

- (a) such unit includes supervisors; or
- (b) such unit includes both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion therein.

(4) This Section shall not be deemed to preclude multi-unit bargaining.

(Res. No. 94-4, 1-5-94)

§ 2.7. Elections.

(1) Representation elections shall be conducted by an impartial agency selected by the mutual agreement of the parties. The entity conducting the election shall be subject to the provisions of this Part, such procedural rules and regulations as may be established by the Representation Matters Panel, and the terms and conditions of such election agreement as may be reached by the parties. Except as otherwise provided, such entity shall resolve all legal issues or controversies relating to the conduct of the election.

(2) Representation elections conducted pursuant to this Section shall be by secret ballot and shall be subject to the following:

- (a) All interested persons shall be given not less than 10 days' notice of the time and place of the election.
- (b) The ballots in all representation elections shall include a choice of "no representative."
- (c) A representative may not be certified unless it receives a majority of the valid ballots cast.

(d) In an election where none of the choices on the ballot receives a majority, a runoff election shall be conducted in which the ballot shall provide for a selection between the two choices or parties receiving the highest and second highest number of ballots cast in said election.

(3) The Representation Matters Panel shall certify the results of said election within five working days after the final tally of votes if no objection to the election is filed by any person alleging that there has been conduct which has affected the outcome of the election within the meaning of such procedural rules and regulations as the Representation Matters Panel shall issue. If the Representation Matters Panel has reason to believe that such allegations are valid, it shall set a time for hearing on the matter after due notice, such hearing to be conducted within two weeks of the date of receipt of such charge. If the Representation Matters Panel determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action and order a new election. If the Representation Matters Panel determines that the conduct alleged did not affect the outcome of the election, it shall immediately certify the election results.

(4) No election shall be conducted pursuant to this Section in any appropriate bargaining unit within which in the preceding 12-month period an election shall have been held nor during the term of any lawful collective bargaining agreement between the employer and a labor organization, except that this restriction shall not apply to that period of time covered by any collective bargaining agreement which exceeds three years. For the purposes of this Section, extensions of agreements shall not affect the expiration date of the original agreement. Where a valid collective bargaining agreement is in existence, a petition for election may be filed not more than 105 days and not less than 60 days before the expiration of the collective bargaining agreement.

(5) Decisions of the Panel on Representation Matters shall not be subject to court review, except with respect to unit determinations that are alleged to be contrary to law.

(Res. No. 94-4, 1-5-94)

§ 2.8. Rights Accompanying Exclusive Recognition.

(1) The labor organization which has been certified by the Representation Matters Panel shall be the exclusive representative of all employees in the unit and as such shall have the right to act for and negotiate agreements hereunder covering all employees in the

unit and shall be responsible for representing the interest of all such employees without discrimination and without regard to membership in the labor organization.

(2) When the collective bargaining agreement provides for a grievance procedure, only that procedure shall be applicable to an employee in the unit for a grievance regarding the employee's rights under the agreement.

(3) Where a labor organization has been recognized as the exclusive representative of the employees in a unit, it shall be the only labor organization eligible to receive from the Authority amounts deducted from the pay of employees as authorized by written assignment of the employees, for the payment of regular and periodic dues to the exclusive representative, provided that any such authorization shall not be irrevocable for a period of more than one year or beyond the termination date of the applicable collective bargaining agreement, whichever occurs sooner.

(Res. No. 94-4, 1-5-94)

§ 2.9. Negotiations.

(1) The Authority and the exclusive representative shall meet at reasonable times, and shall negotiate in good faith with respect to conditions of employment which are subject to negotiation under this Part and which are to be embodied in a written agreement, or any question arising thereunder, but such obligation shall not compel either the Authority or the exclusive representative to agree to a proposal or require the making of a concession. The President, or his designated authorized representative(s) shall represent the Authority in collective bargaining, except as otherwise provided herein.

(2) The Authority shall not be obligated to negotiate with respect to those Airport matters which must necessarily be uniform for all employees unless a labor organization or group of labor organizations represent more than 50 percent of all employees, within the meaning of this Part, subject to such uniform rules. However, the foregoing shall not

(a) prevent the Authority from meeting with any other labor organization for the purpose of hearing the views and requests of its members on such matters, provided that the organization or council or group designated as representing more than 50 percent of such employees is informed in advance of the meeting, and any changes in the terms of such Airports-wide matters are effected only through it; or

(b) be construed to deny to the Authority or an exclusive representative the right to bargain for a variation of a particular application of any Airport policy or variation of an agreement reached pursuant to these provisions, where considerations are special and unique to the class of employees or unit involved. Disputes over the identification of matters "which must necessarily be uniform" may be resolved pursuant to the procedures provided in Section 2.10.

(3) Any agreement reached by the negotiators shall be reduced to writing and shall be executed by both parties. Such agreement shall be valid and enforced under its terms when entered into, in accordance with the provisions of this Part.

(4) At least two representatives of the exclusive representative shall be given reasonable time off without loss of compensation during normal working hours to participate in collective bargaining, subject to such terms as an agreement between the parties may provide.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 2.10. Negotiability Disputes.

(1) General. A negotiability dispute shall exist when a labor organization and the Authority disagree on whether this Part, the collective bargaining agreement, applicable regulations or law, as the case may be, requires or prohibits bargaining with respect to a specified matter. For the purposes of this Section, a negotiability dispute shall not refer:

(a) to the situation where a party refuses to bargain as a matter of choice and not as the result of a purported legal or contractual prohibition; or

(b) to the situation where the parties are unable to agree upon the terms of a collective bargaining agreement, insofar as the issue in dispute is not what is negotiable.

(2) Interpretation of Existing Agreements. A dispute over the interpretation of a controlling agreement in existence shall be resolved under the grievance procedure of the controlling agreement. Disputes over what is subject to a grievance procedure and what is arbitrable under such procedure shall not be resolved as a negotiability dispute under the procedures set forth in this Section.

(3) Procedure.

(a) The services of the Unfair Labor Practices Panel shall be invoked for negotiability disputes in the manner prescribed in Section 2.13, provided however, that the parties submit a sworn statement verifying that tentative agreement has been reached on all items of negotiations except those presented to the Unfair Labor Practices Panel, or, if this is not the case, a statement indicating why agreement has not been reached on such other matters and why the Unfair Labor Practices Panel nevertheless should assert jurisdiction.

(b) The Impasse Panel, while dealing with a negotiation impasse, may invoke the provisions of this Section, pursuant to Section 2.11(1)(b), without the consent of the parties.

(c) The parties, upon request of the Unfair Labor Practices Panel, or in petitioning that Panel to settle the dispute, shall stipulate the precise issue to be resolved. Each party shall file within 10 business days after the submission of such stipulation, a brief supporting its position along with proof of service of a copy of such brief to all parties.

(d) If the parties cannot agree on a stipulation after reasonable attempts to do so, each shall file a written statement as to what it believes the issue to be, why agreement could not be reached on phrasing of the issue, what attempts were made to reach a stipulation and a brief in support of its position on the issue in dispute.

(4) Powers of the Panel. The Unfair Labor Practices Panel, at its discretion, may:

(a) request the parties to file reply briefs;

(b) refuse to entertain the matter, or a part thereof, and return the dispute to the parties;

(c) rephrase the issue and request the parties to submit additional briefs;

(d) call upon mediation or fact finding to be used by the parties prior to the Unfair Labor Practices Panel's acceptance of the case;

(e) compel the parties to continue bargaining while the Unfair Labor Practices Panel is trying to resolve the issue; or

(f) render a decision on the issue, in whole or in part.

(5) Panel Procedures Upon Acceptance of the Issue.

(a) The Unfair Labor Practices Panel may decide the issue on the record or, after having notified the parties of its phrasing of the issue to be resolved, may hear oral argument. Before, during, or after formal proceedings, the Unfair Labor Practices Panel may request evidence or additional briefs on specified items.

(b) The Unfair Labor Practices Panel may invite as participants, experts, witnesses, and others who may have an interest, direct or indirect, in the disputed issue or whose participation may assist the Unfair Labor Practices Panel in reaching a determination. The Unfair Labor Practices Panel may also grant requests for the appearance of witnesses and the production of documents or records. The Unfair Labor Practices Panel may also take or cause to be taken depositions. Failure to comply with such requests shall be subject to the Unfair Labor Practices Panel sanctions applicable to unfair labor practices.

(c) An issue once submitted to the Unfair Labor Practices Panel may be withdrawn only upon consent of the Unfair Labor Practices Panel and subject to whatever conditions the Unfair Labor Practices Panel may prescribe.

(6) The Panel's Decision.

(a) The Unfair Labor Practices Panel may issue a statement, accompanied by reasons therefor, indicating whether the item in dispute is negotiable. The statement may be accompanied also, when the Unfair Labor Practices Panel deems necessary, by an order directing the parties to take or pursue the actions specified in the order. The Unfair Labor Practices Panel by means of such order may compel the parties to bargain on such matter. The Unfair Labor Practices Panel may also determine, subject to the procedures set forth in Section 2.13, that an unfair labor practice has been committed and may also provide remedies therefor.

(b) To minimize the potential recurrence of similar disputes, the Unfair Labor Practices Panel shall publish periodically such decisions and shall distribute copies to the employer and to all labor organizations that have obtained exclusive recognition.

(Res. No. 94-4, 1-5-94)

§ 2.11. Procedures Pertaining to Collective Bargaining Impasses.

(1) General.

(a) "Impasse" means the failure of the Authority and the exclusive representative to reach a collective bargaining agreement despite good faith efforts to do so. However, the Impasse Panel shall be empowered to provide such dispute resolution services as deemed needed either by the parties or as found by the Impasse Panel to be essential to the public interest and welfare, even if impasse has not been reached.

(b) An Impasse Panel member shall have power to mediate, hold hearings, compel the attendance of witnesses and the production of documents, review data, make public any recommendations or findings after notice to the parties and take whatever action he considers necessary to resolve the impasse, provided that such action does not impose a final and binding settlement on the parties except as mutually authorized by the parties. In such cases, the decision of the Impasse Panel member shall be submitted to the Impasse Panel for approval. Unless the parties otherwise provide, a single Impasse Panel member rather than multiple members shall provide the services herein described, provided further that a member acting as a mediator shall not act as a fact finder or arbitrator in the same matter without the consent of the parties.

(c) Confidential information disclosed by the parties to a mediator in the performance of his mediation functions shall not be released except pursuant to a court order. All files, records, reports, documents, or other papers received or prepared by a mediator while serving in such capacity shall be classified as confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by him on behalf of any party to any case pending in any type of proceeding. A party shall have the right to bar an Impasse Panel member who becomes privy to confidential information about that party gained through mediation techniques, from serving in any fact finding or arbitration role relevant to that dispute.

(2) Action by the Parties.

(a) The Authority shall have the power to enter into a written agreement with the exclusive representative setting forth an impasse procedure to resolve disputes over the terms or conditions of an initial or renewed collective bargaining agreement. The parties are not precluded from using third party neutrals.

(b) The Authority, by collective bargaining agreement or by written memorandum, may at any time agree to submit any or all of the issues in dispute to final and binding arbitration.

(3) Procedures.

(a) At least 30 days prior to the expiration date of any collective bargaining agreement or when 90 days have passed after the commencement of negotiations of an initial agreement, the parties shall notify the Impasse Panel of the status of negotiations. The Impasse Panel may on its own motion invoke mediation, except if the parties have provided otherwise pursuant to Section 2.11 (2)(a).

(b) The Impasse Panel, except as otherwise provided by mutual agreement of the parties, may return the parties to collective bargaining for any or all items in dispute or may refer such items as deemed necessary to the procedure outlined in Section 2.10(3) with respect to deciding the negotiability of a matter within the meaning of this Part, and other applicable law.

(c) Nothing shall preclude a third party neutral from returning to mediation even after the institution of fact finding or arbitration, or from utilizing such mediation techniques as may be appropriate while engaged in fact finding or arbitration.

(d) The Impasse Panel may not make recommendations or findings upon any matter which requires implementation by a body, agency, or official which is not a party to the negotiations and which has not agreed to be a party to such impasse resolution.

(4) Costs. The costs for mediation shall be borne by the Authority. All other costs shall be borne equally by the parties involved in the dispute, except in the unusual event that the Impasse Panel shall find pursuant to such procedural rules as it shall issue, that the impasse has been caused or prolonged by flagrant conduct of one of the parties, in which case that party shall bear the costs.

(Res. No. 94-4, 1-5-94)

§ 2.12. Unfair Labor Practices.

(1) The Authority, its agents or representatives are prohibited from:

(a) interfering, restraining or coercing employees in the exercise of the rights guaranteed by this Part;

(b) dominating, interfering, or assisting in the formation, existence or administration of any labor organization, or contributing financial or other support to it, except that the Authority shall not be prohibited from permitting employees to negotiate or confer with it during working hours without loss of time or pay;

(c) discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization;

(d) discharging or otherwise discriminating against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this Part;

(e) refusing to bargain collectively in good faith with the exclusive representative as required in Section 2.9;

(f) refusing to participate in good faith in the mediation, fact finding or arbitration procedures set forth in Section 2.11; or

(g) refusing or failing to comply with any provision of this Part or any of the procedural regulations established by the Council or its component Panels.

(2) Labor organizations, their agents or representatives are prohibited from:

(a) interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by this Part;

(b) causing or attempting to cause the Authority to discriminate against an employee in violation of Section 2.13;

(c) refusing to bargain collectively in good faith with the Authority if they have been designated in accordance with the provisions of this Part as the exclusive representative of employees in an appropriate unit;

(d) refusing to participate in good faith in the mediation, fact finding, or arbitration procedures set forth in Section 2.11; or

(e) refusing or failing to comply with any provision of this Part or any of the procedural rules and regulations established by the Council or its component Panels;

(f) calling, instituting, maintaining, participating in, or conducting a strike or boycott against the Authority; or

(g) engaging in, or inducing or encouraging any individual employed by any person to engage in a strike or refusal to handle goods or perform services, or threatening, coercing, or restraining any person where an object thereof is to force or require the Authority to cease doing business with any other person or to force or to require the Authority to recognize for recognition purposes a labor organization not certified by the Panel.

(3) The expressing of any views, arguments, or opinions, or the dissemination thereof, whether in written, printed, graphics, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Part, if such expression contains no threat of reprisal or force or promise of benefit, or misrepresentation of fact.

(Res. No. 94-4, 1-5-94)

§ 2.13. Procedure Concerning Unfair Labor Practices.

(1) Any allegations that a person has engaged in an unfair labor practice shall be submitted to the Unfair Labor Practices Panel, subject to such procedural rules and regulations as the Unfair Labor Practices Panel may issue. The Unfair Labor Practices Panel's power in this regard shall be exclusive and shall not be diminished by any other means of adjustment or prevention that may have been or may be established by agreement, law or otherwise, except as the rules and regulations of the Unfair Labor Practices Panel otherwise provide. The Unfair Labor Practices Panel's rules and regulations shall provide that compliance with the technical rules of evidence shall not be required.

(2) If upon the preponderance of the testimony taken, the Unfair Labor Practices Panel shall be of the opinion that any person named in the complaint has engaged in or is engaging in an unfair labor practice, then the Unfair Labor Practices Panel shall state its findings of fact and shall issue and cause to be served on such person an order requiring that he cease and desist from such unfair labor practices and to take such affirmative action, including reinstatement with or without back pay, as will effectuate the policies of this Part. Such order may further require such person to make reports from time to time showing the extent to which he has complied with the order. The Unfair Labor Practices Panel's remedial powers shall not be limited to the effects of the immediate case and may be designed to prevent future unfair labor practices, notwithstanding the penal nature of such requirement.

(3) If the preponderance of evidence has not shown that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Unfair Labor Practices Panel shall state its findings of facts and shall issue an order dismissing the said complaint.

(4) Findings of the Unfair Labor Practices Panel shall be conclusive and binding upon the parties unless a petition for relief, in whole or in part, from the Unfair Labor Practices Panel's order is filed properly with the Clerk of the Virginia Circuit Court for the appropriate County within 30 days after the issuance of such order and unless there is a final decision by said Court or any reviewing court that the Unfair Labor Practices Panel's decision or order was not supported by substantial evidence or was contrary to law. No objection that has not been urged before the Unfair Labor Practices Panel or any of its agents shall be raised unless the failure or neglect was due to extraordinary circumstances.

(5) The complaining party shall have the power to petition the Courts of the Commonwealth of Virginia for enforcement of the Unfair Labor Practices Panel's order. However, such petition shall not reopen the propriety of the Unfair Labor Practices Panel's decision and order if appeal for judicial review was not timely filed.

(Res. No. 94-4, 1-5-94)

§ 2.14. Financial Reports to Employees.

Each labor organization, which has members who are employees within the meaning of this Part, shall keep an adequate record of its financial transactions, including all payments and receipts, and shall, within 60 days after the end of its fiscal year, make available annually to such employees a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by a certified public accountant. The records of each labor organization shall be made available upon request for examination by any member of said organization during the Authority's regular business hours. In the event of failure of compliance with this Section, any employee within the organization may petition the Unfair Labor Practices Panel for an order compelling such compliance. An order of the Unfair Labor Practices Panel on such petition shall be enforceable in the same manner as other orders of the Unfair Labor Practices Panel under this Part. (Res. No. 94-4, 1-5-94)

§ 2.15. Loyalty and Striking.

An individual may not accept or hold a position in the Authority if he:

- (1) engages in activities with the intent to overthrow our constitutional form of government; or
- (2) participates in a strike against the Authority.

(Res. No. 94-4, 1-5-94)

§ 2.16. Riots and Civil Disorders.

An individual convicted by any court of competent jurisdiction of:

- (1) inciting a riot or civil disorder;
- (2) organizing, promoting, encouraging, or participating in a riot or civil disorder;
- (3) aiding or abetting any person in committing any offense specified in (1) and (2); or
- (4) any offense determined by the President of the Authority to have been committed in furtherance of, or while participating in, a riot or civil disorder, shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position with the Authority for five years immediately following the date upon which his conviction becomes final. Any such individual holding a position in the Authority on the date his conviction becomes final shall be removed from such employment.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

PART 3 - AIRCRAFT RULES

Chapter I - Fees

§ 3.1. Definitions.

For purposes of this Part the following terms shall have the meaning prescribed herein:

"Airport Use Agreement and Premises Lease" shall mean the contract between the Authority and, on essentially identical terms, the various Scheduled Air Carriers which became effective on January 1, 1990, and which expires, unless otherwise terminated, at midnight September 30, 2014.

"Air Transportation Company" shall mean (a) a Scheduled Air Carrier, or (b) a company engaged in non-scheduled common carriage by air of persons, property, or mail.

"Enplaned Passenger" shall mean any revenue passenger boarding at the Airports, including any such passenger who had previously disembarked from another aircraft of the same or different Air Transportation Company.

"General Aviation" shall mean an operator of (a) private, corporate or domestic aircraft not used in the common carriage of passengers, cargo, or freight; or (b) aircraft used as a non-scheduled air taxi.

"Passenger Conveyances" shall mean the Dulles mobile lounges, buses, or other ground transportation devices, including any underground people-mover systems provided by the Authority at Dulles for the movement of passengers and other persons (a) between aircraft, on the one hand, and the Dulles terminal or the International Arrivals Building on the other, (b) between and among the existing or new midfield concourses and the Dulles terminal, and (c) between and among the terminal and the International Arrivals Building.

"Rate Period" shall mean that period for which rates, fees, and charges are applicable.

"Scheduled Air Carrier" shall mean any company performing pursuant to published schedules, commercial air transportation of persons, property, or mail over routes to and from the Airports and holding the necessary authority from the appropriate federal or state agencies to provide such air transportation services.

"Total Requirement" shall mean the sum of the operation and maintenance expenses, debt service, depreciation, amortization, debt service coverage, required deposits to reserves for operation and maintenance and for debt service and other costs.

(Res. No. 94-4, 1-5-94)

§ 3.2. Landing Fees.

(1) Basic Landing Fee: Unless the operator of an aircraft has a contract with the Authority which provides otherwise, and except as provided in paragraphs (2), (3), and (4) of this Section, the fee for each landing of an aircraft at National or Dulles shall be as follows:

(a) The aircraft operator shall pay a Basic Landing Fee for each of its aircraft that comes to a full stop at the Airport.

(b) The fee shall be paid at a rate for each 1,000 lbs., or parts thereof, of the maximum authorized gross landing weight of the aircraft permitted at the Airport.

(c) The rate of the Basic Landing Fee in any Rate Period shall be calculated for each Airport by dividing the Total Requirement attributable to the Airfield, less any reimbursement or payments attributable or allocable to the Airfield, by the combined estimated landed weight for all Air Transportation Companies and General Aviation operating at that airport during the Rate Period.

(2) Landing Fee for Air Transportation Companies Operating Without a Contract: Each Air Transportation Company operating at the Airport without a contract which specifies the landing fee payment, or the means of calculating the landing fee payment, shall pay a landing fee equal to 125% of the Basic Landing Fee for an operation at the Airport under Paragraph (1) of this Section.

(3) Minimum Landing Fee:

(a) The minimum landing fee at National for all aircraft, including helicopters, shall be \$8.00.

(b) The minimum landing fee at Dulles for all aircraft, including helicopters, shall be \$8.00.

(4) Fee Waivers: There shall be no landing fee for the following:

(a) An aircraft departing from either Airport that is compelled to land at either Airport in an emergency without landing at any other airport;

(b) An aircraft operation for which the Manager has determined for good cause that the fee should not be imposed; and

(c) An aircraft used only in the service of a government or a political subdivision.

(Res. No. 94-4, 1-5-94)

§ 3.3. Fees for Facilities and Services.

(1) Each operator of an aircraft who uses the following facilities or services shall pay to the Authority the fee established herein unless the operator has a contract with the Airport which prescribes a different fee:

(a) Common Use Facilities Fees - the fee for the use of the common use holdrooms, concourses, baggage claim areas, baggage roadways, porter facilities is included in the landing fee pre-scribed by Section 3.2.

(b) Passenger Security Fees - included in the landing fee pre-scribed by Section 3.2.

(c) International Arrival Building (IAB) Fees - for use of the area where the federal inspection services are performed at Dulles - the fee per international deplaning passenger calculated by dividing the Total Requirement attributable to the IAB, less any reimbursements attributable or allowable to the IAB, by the estimated total international deplaning passengers using the IAB in the Rate Period.

(2) Passenger Conveyance Fees -

(a) System Fee: Each Air Transportation Company operating at Dulles without a contract that prescribes a passenger conveyance fee shall pay a fee for each of its Enplaning Passengers at Dulles which shall be calculated for a Rate Period by dividing the Total Requirement attributable to Passenger Conveyances by the estimated total Enplaning Passengers for all Scheduled Air Carriers serving Dulles.

(b) Use Fee: Each aircraft operator shall pay \$50.00 for each use of a mobile lounge at Dulles unless he has paid a greater system fee calculated according to Section 3.3(2)(a) above.

(Res. No. 94-4, 1-5-94)

§ 3.4. Adjustment of Fees; Explanations.

(1) Except for the minimum landing fee provided for in Section 3.2(3), and the Passenger Conveyance Use Fee provided in Section 3.3(2)(b), the fees established herein for landing and for facilities and services may be adjusted from time to time by the President without

advance notice. The current fee and methodology will be the fee and methodology filed by the Authority with the fixed base operators at the Airports.

(2) Any person may receive an explanation of how fees are calculated by making a request to the President of the Authority.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 3.5. Payment for Services.

(1) Unless the aircraft operator or its ground handling agent has a contract with the Authority that specifies a different procedure, the pilot of an aircraft that has landed at National or Dulles Airport shall proceed to an Airport fixed base operator immediately upon landing, shall report that landing to that operator and pay the prescribed fees.

(2) No person who has landed an aircraft at the Airport for which a landing fee is payable under Section 3.2, or who has used the facilities and services of the Airport for which a fee is charged, or has boarded Enplaned Passengers at the Airport for which a Passenger Conveyance fee is charged, shall cause that aircraft to depart from the Airport without paying in full, or arranging for payment in full with the fixed base operator or a ground handling agent authorized by the Authority, the fee for the landing and for the facilities, services, and passenger conveyance.

(3) If payment is not made when due, a late fee of five percent (5%) of the amount due but not paid and compound interest from the date payment was due at the rate per annum of twelve percent (12%), shall be added to the amount due to the Authority.

(Res. No. 94-4, 1-5-94; Res. No. 98-2, 2-4-98)

§ 3.6 - 3.10 - RESERVED.

PART 3 - AIRCRAFT RULES

Chapter II - Aircraft Operations

§ 3.11 Nighttime Noise Limitations.

(1) Except in an emergency, and except as allowed by paragraph (2) of this Section, no person may operate an aircraft at National after 9:59 p.m. and before 7:00 a.m. if the estimated noise levels in A-weighted decibels certified for the aircraft type and model by the FAA in accordance with Part 36 of the Code of Federal Regulations exceed the applicable noise limit set forth below. No adjustment for gross weight will be allowed.

Arrivals: 85 dBA as generated on approach. Departures: 72 dBA as generated on
takeoff.

(2) An operation which is scheduled to arrive before 10:00 p.m. and which is cleared for its final approach before 10:30 p.m. shall not be subject to the noise limit for arrivals set forth in paragraph (1) of this section.

(Res. No. 94-4, 1-5-94)

[Note to the Reader: The FAA publishes Advisory Circular 36-3 "Estimated Airplane Noise Levels in A-Weighted Decibels" which lists aircraft types and models and their estimated noise levels. A copy is available at National's Operations Office.]

§ 3.12. Penalty.

A violation of Section 3.11 shall subject the violator to a civil penalty not to exceed \$5,000.00 for each violation.

(Res. No. 94-4, 1-5-94)

§ 3.13. Engine Runups; Taxiing.

(1) No person shall operate an engine of an aircraft on the Airport or taxi any aircraft on the Airport in such a manner that the exhaust of that engine is likely to cause injury or damage to any person or property on the grounds.

(2) To minimize the impact of noise from aircraft on the areas sur-

rounding National while providing for the efficient operation of the airport, the Airport Manager may set reasonable conditions for conducting engine runup checks or taxiing an aircraft after 9:59 p.m. and before 7:00 a.m.

(3) No person shall conduct engine runup checks or taxi an aircraft after 9:59 p.m. and before 7:00 a.m. except in compliance with any conditions the Airport Manager sets pursuant to Paragraph (2) of this section.

(Res. No. 94-4, 1-5-94)

§ 3.14. Minimum Pilot Certificate Requirement.

No person operating a civil aircraft may land at or take off from either Airport (including touch and go operations) unless he holds at least a private pilot certificate.

(Res. No. 94-4, 1-5-94)

§ 3.15. Penalty.

A violation of the minimum pilot certificate requirement in Section 3.14 shall be a Class 3 misdemeanor.

(Res. No. 94-4, 1-5-94)

§ 3.16. Notification of Fixed Base Operator.

Unless otherwise agreed to by the Airport Manager, the pilot of each aircraft whose owner or lessee has not entered the Airport Use Agreement and Premises Lease shall proceed to an Airport fixed base operator immediately upon landing and shall report that landing to that operator.

(Res. No. 94-4, 1-5-94)

§ 3.17. Aircraft Parking Positions.

(1) No person, including an air carrier, may park an aircraft on the Airport other than at a parking position or area that is designated by the Airport Manager.

(2) Except in an emergency, no person may enplane or deplane pas-

sengers on the Airport in an area that has not been designated for that purpose by the Airport Manager.

(3) No person operating a private, itinerant, nonscheduled, or military aircraft may park, stand, unload passengers, obstruct or attempt to use any aircraft gate position assigned to a scheduled air carrier, without the advance approval of the Airport Manager.

(4) Except when authorized by the Airport Manager, no person may double park an aircraft at a passenger gate.

(5) No person may enplane or deplane passengers from a double parked aircraft through any gate other than the gate at which the aircraft is parked.

(Res. No. 94, 1-5-94)

§ 3.18. Disabled Aircraft.

Unless otherwise required by governmental authority and unless otherwise ordered by the Airport Manager, the owner of an aircraft that is disabled or any part of an aircraft shall have it immediately removed from the movement area and promptly off the Airport unless the aircraft or part is being repaired at a facility designated for the purpose of repairing airplanes. If a disabled aircraft or part is not removed within a reasonable time, in addition to any other penalty, the Airport Manager may have it removed at the owner's expense and without liability for additional damage resulting from the removal.

(Res. No. 94-4, 1-5-94)

§ 3.19. Accident Reports.

(1) Each operator of an aircraft that is involved in an accident or incident on the Airport shall report it fully to the Airport Manager within 24 hours. The report must include the name and address of the person reporting.

(2) In a case where a written report of the accident or incident is otherwise required, a copy of that report may be given to the Airport Manager instead of the one required by Paragraph (1) of this Section.

(Res. No. 94-4, 1-5-94)

PART 4 - MOTOR VEHICLE RULES Chapter I - General

§ 4.1. Applicability of Virginia Laws.

The law of the Commonwealth of Virginia governing the operation of motor vehicles and the regulation of traffic shall apply on all parts of the Authority facilities including those areas not open to the general public. Registration and licensing laws shall not apply to vehicles operated by the Authority solely on Authority facilities.

(Res. No. 94-4. 1-5-94)

§ 4.2. Use of Dulles Access Highway.

(1) Except as provided in Paragraph (2) of this section, a person may use the Dulles Access Highway only for the purpose of going to, or leaving Dulles for airport business, or, with the permission of the Airport Manager, to perform work on the Dulles Access Highway. Use by any person of the Dulles Access Highway for a purpose not authorized by this section is prohibited.

(2) Exceptions:

(a) Buses that are being operated in common carriage of persons by companies holding a certificate of public convenience and necessity for its operation and for which use of the Dulles Access Highway is appropriate; or

(b) School buses as the term is defined in § 46.2-100 of the Code of Virginia.

(3) No person may:

(a) enter the Dulles Access Highway through other than a road or ramp approved by the Airport Manager for that purpose;

(b) exit the Dulles Access Highway through other than a road or ramp approved by the Airport Manager for that purpose;

(c) make a U-turn on the Dulles Access Highway;

(d) enter upon or cross through the median strip of the Dulles

Access Highway; or

(e) operate a vehicle in violation of operating signs posted on the Dulles Access Highway by the Airport Manager. The fact that such signs are posted shall be prima facie proof that such signs were posted by the Airport Manager.

(Res. No. 94-4, 1-5-94)

§ 4.3. Maintenance of Motor Vehicles.

No person may perform maintenance upon a motor vehicle except in a vehicle maintenance area approved by the Airport Manager. A person may make minor repairs necessary to remove his vehicle from Authority facilities.

(Res. No. 94-4, 1-5-94)

§ 4.4. Picking Up or Discharging Rental Car Customers.

The Airport Manager shall designate areas for picking up and discharging rental car customers. No person shall pick up or discharge a rental car customer or a potential rental car customer except in the area specifically designated for that purpose by the Airport Manager.

(Res. No. 94-4, 1-5-94; Res. No. 94-12, 5-4-94)

§ 4.5. Buses and Vans for Hire, Courtesy Vehicles; Designated Area.

The Airport Manager shall designate areas for picking up and discharging passengers from motor buses or vans for hire or from courtesy vehicles such as for hotels and parking lots located off the Airport. No person operating a motor bus or van for hire, or providing courtesy transportation such as for hotels and parking lots located off the Airport, shall pick up or discharge passengers at the Airport at a place other than that designated for that purpose by the Airport Manager. The Airport Manager may also set other reasonable conditions on such vehicles to promote the smooth flow of traffic in the Airport including, by way of illustration and not limitation, requiring installation on reasonable notice of an automatic vehicle identification device.

(Res. No. 94-4, 1-5-94)

§ 4.6 - § 4.10 - RESERVED.

PART 4 - MOTOR VEHICLE RULES

Chapter II - Operator Requirements in Restricted Areas

§ 4.11. Permit Required in Restricted Areas.

Every person operating a vehicle in an area of either Airport to which the Airport Manager has restricted access under Part 8 of these Regulations must have in his immediate possession both current identification authorizing him to enter the restricted area as provided in Part 8 and a Vehicle Operator Permit issued to him by the Airport Manager. As a condition of issuing a Vehicle Operator Permit, the Airport Manager may require the applicant to demonstrate knowledge of Airport rules and regulations governing the operation of motor vehicles in the restricted area.

(Res. No. 94-4, 1-5-94)

§ 4.12. State Driver's License Required.

The Vehicle Operator Permit shall only be valid when the holder also has in his immediate possession a valid state driver's license and is complying with any restrictions on his state driver's license (e.g., wearing eyeglasses or a hearing aid).

(Res. No. 94-4, 1-5-94)

§ 4.13. Display of Permits.

Every person operating a vehicle in a restricted area shall show his Vehicle Operator Permit and state driver's license upon request to the Airport Manager, Airport Operations Officers, Airport Operations Area (AOA) Safety and Security Inspectors, and the Airport Police.

(Res. No. 94-4, 1-5-94)

§ 4.14. Suspension and Revocation.

The Airport Manager may suspend or revoke the Vehicle Operator Permit for serious or repeated violations of the rules and regulations governing operation of motor vehicles in the restricted area after notice and an opportunity to

be heard.

(Res. No. 94-4, 1-5-94)

§ 4.15. Emergency Suspension.

In an emergency, when the Airport Manager, an Airport Operations Officer, AOA Safety and Security Area Inspector, or a police officer deems there to be an immediate and substantial threat to safety, he may immediately suspend the Vehicle Operator Permit. In such case, the Airport Manager shall review the emergency suspension and determine whether to lift the suspension or to continue the suspension pending notice to the holder of the Manager's intention to suspend or revoke the Vehicle Operator Permit and the holder's right to a hearing if one is requested. The Airport Manager shall review the emergency suspension as soon as is practical, but in no event later than 72 hours after the holder's permit is suspended. A hearing before the Airport Manager shall be held within two weeks of the date of the emergency suspension.

(Res. No. 94-4, 1-5-94)

§ 4.16. Compliance with Traffic Directions.

A vehicle operator shall obey all posted regulatory signs, markers, pavement markings, traffic signals, and instructions of the Control Tower, the Airport Manager, Airport Operations Officers, AOA Safety and Security Inspectors, and Authority Police Officers.

(Res. No. 94-4, 1-5-94)

§ 4.17. Aircraft, Mobile Lounges Have Right of Way.

(1) An aircraft, including an aircraft under tow, has the right of way over all other vehicles.

(2) A mobile lounge has the right of way over all other vehicles except aircraft and emergency response equipment with lights flashing and siren activated.

(Res. No. 94-4, 1-5-94)

§ 4.18. Restricted Area Driving Prohibitions.

- (1) No vehicle shall pass in front of a taxiing aircraft.
- (2) No vehicle shall pass between an aircraft and its marshaller or flagman.
- (3) No vehicle operator shall drive across a passenger walkway at an aircraft parking position when that walkway is marked with clearly visible pavement markings and while an aircraft is in that parking position.

(Res. No. 94-4, 1-5-94)

§ 4.19. Clear View.

No vehicle shall be placed in motion in the restricted area unless the vehicle operator has, with or without the aid of mirrors, a clear view on all sides or has a guideman positioned outside the vehicle in each direction in which the vehicle operator's view is obstructed, to direct the vehicle operator.

(Res. No. 94-4, 1-5-94)

§ 4.20. Motor Vehicle Accidents.

A vehicle operator involved in an accident in the restricted area shall, by the best means available, immediately notify the Authority. The vehicle operator shall remain at the scene of the accident until dismissed by the investigating operations officer or police officer.

(Res. No. 94-4, 1-5-94)

PART 4 - MOTOR VEHICLE RULES

Chapter III -Vehicle Requirements in Restricted Areas

§ 4.21. Emergency Brake.

Every motor vehicle in an area to which the Airport Manger has restricted access pursuant to Part 8 of these Regulations shall be equipped with an operating emergency brake capable of holding the vehicle on a 30-degree slope.

(Res. No. 94-4, 1-5-94)

§ 4.22. Fire Extinguisher.

All motor vehicles operated in the restricted area shall at all times carry a fire extinguisher of a size and type approved by the Fire Code Official.

(Res. No. 94-4, 1-5-94)

§ 4.23. Additional Safety Standards in the Restricted Area.

Besides the requirements set forth in this Part, the Airport Manager may establish additional standards for vehicles (motorized or not) operating in the restricted area including, among other things, size, weight, color, markings, equipment, and insurance coverage to assure the safety of persons and property.

(Res. No. 94-4, 1-5-94)

§ 4.24. Inspection and Identification Required.

The Airport Manager may require that vehicles operated in the restricted area be inspected periodically to assure compliance with safety standards. He may require that vehicles which have passed inspection be identified (e.g., with a decal).

(Res. No. 94-4, 1-5-94)

§ 4.25. Unlawful to Operate Vehicle Which Has Not Been Inspected or Which Does Not Display Identification.

It shall be unlawful for any person to operate a vehicle in the restricted area unless it meets these regulations and all safety standards of the Airport Manager in effect at that time, has been inspected if required, and displays any identification required by the Airport Manager.

(Res. No. 94-4, 1-5-94)

§ 4.26. Fork Lifts.

No fork lift shall be set in motion in the restricted area with the forks exposed.

When not carrying a load, the forks shall be protected by an approved pallet with forks raised no less than six (6) inches nor more than twelve (12) inches above the ground.

(Res. No. 94-4, 1-5-94)

§ 4.27 - § 4.30 - RESERVED.

PART 4 - MOTOR VEHICLE RULES

Chapter IV - Parking

§ 4.31. General Parking Regulations.

(1) The Airport Manager is hereby authorized and directed to determine what restrictions, if any, to place on parking of motor vehicles at the Airports (except in areas which have been leased and are under the exclusive control of a tenant). Such restrictions may include, by way of illustration and not limitation, classification of vehicles with reference to the parking facilities (e.g., employee and public parking lots); time, place, and manner restrictions on use and rates to be charged. The Airport Manager shall give the public notice of parking restrictions by establishing and posting signs, or by other reasonable means adequate to notify the operators of vehicles of "no parking" or "restricted parking" areas.

(2) It shall be unlawful for any person to park any vehicle in any area or parking facility where signs have been posted restricting or prohibiting parking except in compliance with the restrictions posted on the signs.

(Res. No. 94-4, 1-5-94)

§ 4.32. Payment for Parking in Parking Lots.

It shall be unlawful for any person to park a vehicle at a parking facility under any agreement to pay for the privilege of parking, express or implied, to refuse or fail to pay or attempt to avoid payment for the use of the parking lot the lawful charge or sum of money due the manager of the parking lot based on the rates posted.

(Res. No. 94-4, 1-5-94)

§ 4.33. Time Limit on Parking.

No person may park a motor vehicle on either Airport for a period longer than seventy-two (72) hours, except in a parking area designated by the Airport Manager for long-term parking, without the specific, prior approval of the Airport Manager.

(Res. No. 94-4, 1-5-94)

§ 4.34. Parking Entirely within Marked Space.

Wherever parking spaces are designated by lines painted or durably marked on the curbing or surface of the street or parking facility, it shall be unlawful to park any vehicle (1) in other than a designated space, or (2) in a designated space such that the vehicle is not entirely within the limits of the space so designated.

(Res. No. 94-4, 1-5-94)

§ 4.35. Designation of Parking Meter Zones.

(1) The Airport Managers is hereby authorized to designate the specific portions or areas of highways, streets, parking lots and roads on the Airports to be known as parking meter zones, and upon which parking meters shall be installed and maintained.

(2) Parking meter zones now in existence as heretofore established shall continue to be maintained upon the specific portions or areas of highways, streets, parking lots and roads heretofore designated, unless and until the Airport Manager, in his discretion, shall determine otherwise and eliminate the existing parking meter zones or any of them or any parking meter zones hereafter designated by him.

(Res. No. 94-4, 1-5-94)

§ 4.36. Installation of Meters, Display of Signals Showing Legal Parking, etc.

In parking meter zones provided in Section 4.36 of these Regulations, the Airport Manager shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by the Airport Manager. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided.

(Res. No. 94-4, 1-5-94)

§ 4.37. Parking Meter Operation Generally; Overparking.

Whenever any vehicle is parked in any parking space the use of which is governed by a parking meter, during the hours of meter operation, the operator of the vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the meter the proper coin of the United States as is required for the parking meter and as is designated by proper direction on the meter, and failure to deposit the proper coin shall constitute a violation of this chapter.

(Res. No. 94-4, 1-5-94)

§ 4.38. Registered Owner Presumed to Have Committed Any Violation.

In any prosecution charging a violation of this Chapter, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of this Chapter, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(Res. No. 94-4, 1-5-94)

§ 4.39 - § 4.40 - RESERVED.

PART 4 - MOTOR VEHICLE RULES

Chapter V - Towing

§ 4.41. When a Vehicle May Be Towed.

The Authority police are authorized to remove or cause to be removed to a storage area or garage any motor vehicle, trailer, or semitrailer if:

- (1) it is left unattended on either of the Airports and constitutes a hazard to pedestrian or motor vehicle traffic;
- (2) it is illegally parked;
- (3) it is parked in excess of the conspicuously posted time limit at a parking place or parking lot;
- (4) it is left unattended for more than seventy-two hours, except in a parking lot designated for long-term parking by the Airport Manager, without the specific approval of the Airport Manager;
- (5) it is left unattended in a long-term parking lot for more than thirty days;
- (6) it is immobilized by weather conditions or other emergency situation; or
- (7) it is in the way of scheduled construction for which notice has been given.

(Res. No. 94-4, 1-5-94)

§ 4.42. Notification of Owner.

Whenever a motor vehicle, trailer, or semitrailer is taken into custody, pursuant to Section 4.41, the Authority police shall notify within fifteen (15) days by registered or certified mail, return receipt requested, the owner and the holder of any lien of record with the office of the Department of Motor Vehicles. The notice shall:

- (1) state the year, make, model, and serial number of the motor vehicle, trailer, or semitrailer;
- (2) set forth the location of the storage area or garage where it is being held;
- (3) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of notice upon payment of all towing, preservation, and storage charges resulting from removing it. The notice shall also state in bold lettering that the failure of the owner or persons hav-

ing security interests to reclaim the vehicle within the fifteen (15) days shall constitute a waiver of all his right, title, and interest in the vehicle, and consent to the sale of the motor vehicle, trailer, or semitrailer at public auction in accordance with Section 4.46. The consequences of failure to reclaim the motor vehicle, trailer, or semitrailer shall be as set forth in the notice given according to this or the following section.

(Res. No. 94-4, 1-5-94)

§ 4.43. Owner Unknown.

If, after a diligent search, the name or the whereabouts of the owner or persons having a security interest are unknown, notice shall be given by publication once in a newspaper of general circulation. Notice by publication shall be within the same time requirements as notice by mail and shall contain the same information. Notice by publication may contain multiple listings of abandoned vehicles.

(Res. No. 94-4, 1-5-94)

§ 4.44. Towing Costs.

The owner of a motor vehicle, trailer, or semitrailer which has been removed by the Authority police shall pay to the Authority all reasonable costs incidental to the removal, storage, and locating the owner of the motor vehicle, trailer, or semitrailer.

The owner must:

- (1) pay these costs before the vehicle is released to him; or
- (2) show to the satisfaction of the Airport Manager that the removal was not authorized; or
- (3) execute an appearance bond in the amount of these costs with good and solvent surety.

(Res. No. 94-4, 1-5-94)

§ 4.45. Appeal of Costs.

Within ten (10) days of paying the costs or posting bond to secure the release of his vehicle, trailer, or semitrailer, the owner may request an informal hearing in writing. The Airport Manager shall hear the dispute within two (2) weeks of the request if practicable, otherwise as soon as practicable after two (2) weeks. If the Airport

Manager determines that the removal was not authorized, the owner shall be refunded the costs paid to secure the release of his vehicle.

(Res. No. 94-4, 1-5-94)

§ 4.46. Disposal of Abandoned Vehicles.

Should the owner of any motor vehicle, trailer, or semitrailer removed by the Authority police fail or refuse to pay the costs incidental to removal or fail to respond to notice given as provided above, the Authority Property Manager may, after holding the vehicle thirty (30) days from receiving the vehicle into custody and after due notice of sale, dispose of the vehicle at public sale. The proceeds from the sale shall be forwarded by the selling officer to the Authority to be maintained for the owner. The Authority shall pay from the proceeds of sale the cost of removal, storage, location of the owner and lien-holders and notice of sale and the balance of the sale shall be held for the owner and paid to the owner, without interest or other charges, upon satisfactory proof of ownership.

Notwithstanding any other provision of this chapter, any inoperable motor vehicle, trailer, semi trailer or part of a motor vehicle, trailer or semitrailer which has been removed by the Authority police pursuant to other provisions of this chapter may be disposed of to a demolisher, without the title and without the notification procedures. The demolisher, on taking custody of the inoperable abandoned vehicle, shall notify the Virginia Department of Motor Vehicles as provided in Section 46.2-1205 of the Virginia Code, as it may be amended from time to time.”

(Res. No. 94-4, 1-5-94; Res. No. 04-30, 12-1-04)

§ 4.47. Unclaimed Sale Proceeds.

If no claim has been made by the owner for the sale proceeds within three (3) years of the date of sale, the remaining funds may be deposited to the general fund or any special fund of the Authority. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.

(Res. No. 94-4, 1-5-94)

§ 4.48 - § 4.50 - RESERVED.

PART 4 - MOTOR VEHICLE RULES

Chapter VI - Speeding

§ 4.51. Speeding.

No person shall drive a motor vehicle in excess of the speed limit prescribed by these regulations.

(Res. No. 94-4, 1-5-94)

§ 4.52. Speed Limits.

(1) The maximum speed limit for a motor vehicle

(a) on the Dulles Airport Access Highway from Interstate Route 495 to the point at which it passes under Virginia Route 28 shall be fifty-five miles per hour;

(b) on public highways on the Airports shall be twenty-five miles per hour;

(c) on any road within a restricted area, including a service road or perimeter road, shall be twenty-five miles per hour;

(d) on any apron or ramp, including any designated vehicle lane, shall be fifteen miles per hour; and

(e) within twenty feet of a parked aircraft and in the baggage concourses, shall be five miles per hour.

(2) All speed limits on public highways shall be posted on signs.

(3) The Airport Manager may increase or decrease the maximum speed limit on any of the above roadways or areas on the Airport for which he is responsible. For public roadways, such increased or decreased speed limits shall become effective when prescribed after a traffic engineering investigation and when indicated by a posted sign.

(Res. No. 94-4, 1-5-94)

PART 5 - TAXICABS Chapter I - Taxicabs at National

§ 5.1. Purpose.

The purpose of this chapter is to assure the traveling public safe, convenient, clean, courteous taxicab service from National at a fair price. The Authority wants to do this as efficiently as possible so as to avoid congestion at National and in harmony with the laws and regulations of the jurisdictions making up the Washington, D.C., metropolitan area. The Authority finds it necessary to manage the hiring of taxicabs by means of a dispatch system except under narrow circumstances and to restrict the taxicabs operating in its dispatch system to those which conform to the Authority's regulations as well as to the law of the jurisdiction in which the taxicabs are licensed and operating.

(Res. No. 94-4, 1-5-94)

§ 5.2. Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Part, shall have the meanings ascribed to them by this section:

"Taxicab official" means the employee of the Authority charged with supervising taxicab service at National.

"Taxicab" means any motor vehicle operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct and which is not being operated on a regular route or schedule or between fixed terminals. It does not include limousines, executive sedans or other such vehicles for hire for which one contracts on an hourly basis.

"Taxicab dispatcher" or "dispatcher" means any person employed by or designated by the Authority to direct the movement and operation of taxicabs at National.

(Res. No. 94-4, 1-5-94)

§ 5.3. Operating Conditions for Vehicles for Hire Other than Taxicabs.

(1) Notwithstanding any other provision of this Chapter, no driver of any limousine, executive sedan, or any other vehicle for hire whatsoever with a seating capacity of fifteen or fewer persons shall pick up a passenger at National unless:

(a) the driver, or, if an independent contractor, his company or, if an employee, his employer has a contract with the Authority authorizing him to pick up passengers for hire at National; or

(b) the driver comes to National to pick up a passenger in response to a request to transport that passenger received prior to his coming onto National, and he has a record of the date and time the request was received, the name of the person to be picked up and transported, the person's destination, and the date, time and point of the pickup. Records must be written legibly, in ink.

(2) No driver of any limousine, executive sedan, or any other vehicle for hire shall solicit passengers, directly or indirectly, personally or in concert with another.

(3) No driver of any limousine, executive sedan, or any other vehicle for hire shall operate his vehicle at National unless he and his vehicle are in compliance with the laws governing vehicles for hire in the jurisdiction in which his vehicle purports to be licensed or certificated. Every driver of a vehicle for hire operated at National must be licensed or certificated to drive a vehicle for hire in at least one jurisdiction. Every vehicle for hire operated at National must be licensed or certificated as a vehicle for hire in at least one jurisdiction.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04)

§ 5.4. Operating Conditions for All Taxicabs.

Every person operating a taxicab at National shall comply with each of the following conditions:

(1) The driver must possess a current, valid driver's license and a certificate of public convenience and necessity for his taxicab issued by a state or local jurisdiction.

(2) The driver must possess a current, valid license (so-called "face card") to operate a taxicab from the jurisdiction in which his taxicab is licensed or certificated.

(3) The driver must not solicit passengers, directly or indirectly, personally or in concert with another.

(4) When transporting passengers to destinations outside Virginia the driver must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the cab is licensed. When transporting passengers within Virginia, including when transporting a passenger from one point on National to another point on National, the driver must charge those fares prescribed by the Virginia jurisdiction that has licensed or certificated his taxicab.

(5) The driver must comply with the laws governing taxicabs in the jurisdiction in which his taxicab is licensed or certificated. In case of any inconsistency between these Regulations and the law of the licensing jurisdiction, the more restrictive law shall apply.

(Res. No. 99-4, 1-5-94; Res. No. 99-5, 4-7-99)

§ 5.5. Operating Conditions for Taxicabs Picking up Passengers outside the Dispatch System.

In addition to the requirements of Section 5.4, every taxicab driver picking up or attempting to pick up passengers at National between the hours of 6:00 A.M. and 2:00 A.M. the following day shall do so only at the direction of the taxicab dispatcher through the taxicab dispatch system except under one of the following circumstances:

(1) The taxicab driver or, if an independent contractor, his company or, if an employee, his employer has a contract with the Authority authorizing him to pick up passengers for hire at National; or

(2) The taxicab driver comes to National to pick up a passenger in response to a request to transport that passenger received prior to his coming onto National, and his manifest shows the date and time the request was received, the name of the person to be picked up and transported, the person's destination, and the date, time and point of the pickup. Manifests must be written legibly, in ink.

(Res. No. 99-4, 1-5-94; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04)

§ 5.6. Operating Conditions for the Taxicab Dispatch System.

In addition to the requirements of Section 5.4, no person shall operate a taxi-cab

in National's taxicab dispatch system unless he is at that time in compliance with each of the following conditions:

(1) The driver must have a current, valid Airport Taxi Operator's Permit issued to him by the Airport Manager. This Permit must be kept in the driver's possession at all times that he is operating a taxi-cab at the airport and prominently displayed according to the Airport Manager's directions while the taxicab is on the airport.

(2) The driver must display in the taxicab in a place conspicuous to passengers his local license to operate a taxicab (the so-called "face card"), and a schedule of the rates issued by the Washington Metropolitan Area Transit Commission and the jurisdiction that has licensed or certificated his taxicab.

(3) The driver must, upon the request of an Authority police officer, a taxicab dispatcher or the taxicab official, surrender for inspection the Permit required by paragraph (1) of this section. The driver must permit the Authority police, the taxicab dispatcher, and the taxicab official to inspect his taxicab to determine if he is displaying the license and rate schedule required by paragraph (2) of this section.

(4) The driver must wear a shirt with a collar, long pants or a skirt, and shoes (not sandals) and socks or stockings.

(5) The driver must operate a taxicab that is clean and maintained in good repair including, by way of illustration and not limitation, the tires, headlights, brake lights, turn signals, windshield wipers, brakes, window glass, doors, fenders, paint, passenger compartment, trunk, seat belts and upholstery. The driver must permit the Authority police and the taxicab official to inspect his taxicab to determine if the vehicle meets these standards and the driver shall not operate a vehicle in the dispatch system if it has failed an inspection and the condition causing it to fail has not been corrected.

(6)(a) Effective January 1, 2000, the driver must operate a taxicab that is not more than ten years old based on the taxicab's model year, i.e., 1990 model year or more recent.

(b) Effective January 1, 2001, and each subsequent year, the driver must operate a taxicab that is not more than eight years old based on the taxicab's model year, i.e., the difference between the taxicab's model year and the current calendar year is not greater than eight.

(7) The driver must operate a taxicab which is equipped with air conditioning which is in good repair. The driver shall turn on the air conditioning when the outside temperature exceeds 80 degrees Fahrenheit and he or she is directed to do so by the dispatcher. Notwithstanding the foregoing, the driver shall comply in all circumstances with the

request of a passenger to turn on or turn off the air conditioning.

(8) The driver must not smoke in the taxicab when passengers are present. If the driver wishes passengers not to smoke, he must post a "No Smoking" sign readily visible to passengers in the taxicab

(9) The driver must obey all directions and signals of the taxicab dispatcher regarding the orderly flow of traffic and the accommodation of passengers.

(10) The driver must accept any orderly passenger and convey any passenger where directed upon dispatch by the taxicab dispatcher.

(11) The driver must transport only those persons assigned to him by the taxicab dispatcher.

(12) The driver must not act in a discourteous manner towards passengers or persons seeking transportation.

(13) The driver must give a receipt showing the driver's name, name of the taxicab company (if any), the taxicab number, the time and place of origin and destination of each trip and the amount of the fare on an authorized form when requested to do so by a passenger.

(14) The driver must not breach the peace on the Airport. The driver must not impede the operation of the dispatch system, other airport operations, or the flow of traffic to and from the Airport.

(15) The driver must remain within 5 feet of his taxicab at all times except while it is in the taxicab holding structure or when it is legally parked.

(16) The driver must not give or offer to give any money or anything of monetary value to a taxicab dispatcher.

(17) Effective July 1, 1999, the driver shall pay a dispatch fee of one dollar and seventy-five cents (\$1.75) each time he picks up a passenger or group.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99)

§ 5.7. Airport Taxi Operator's Permit.

The Airport Manager shall issue an Airport Taxi Operator's Permit to each person whom he finds to be of good moral character and who:

(1) completes and submits an application to the Airport Manager in a form approved by the Airport Manager for that purpose;

(2) is currently licensed to operate a taxicab by one or more of the following: Montgomery County, Prince Georges County, Maryland; the

District of Columbia; City of Alexandria, City of Falls Church, Arlington County, Fairfax County, Virginia;

(3) presents an official copy of his current driving record from the jurisdiction by which he is licensed and of his criminal record if any (the Airport Manager may require applicants to submit a complete set of legible fingerprints in order to request a criminal background record check from the Federal Bureau of Investigation);

(4) is in compliance with all the licensing jurisdiction's regulations including, by way of illustration and not limitation, the minimum insurance requirement for the taxicab he is operating;

(5) has more than six months driving experience in the Washington, D.C. metropolitan area (the Airport Manager may require applicants to demonstrate a working knowledge of the metropolitan area by means of an examination);

(6) is at least twenty-one years of age;

(7) is not currently subject to an unexpired order of suspension or revocation of a previously issued Airport Taxi Operator's Permit; and

(8) pays an annual permit fee of \$40.00.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99)

§ 5.8. Denial of an Airport Taxi Operator's Permit.

The Airport Manager may refuse to issue an Airport Taxi Operator's Permit for any of the following reasons:

(1) repeated or serious violations of the motor vehicle laws of any jurisdiction or the provisions of this chapter (the accumulation of twelve or more uniform demerit points calculated according to the Commonwealth of Virginia's system, against the driver's license within a twenty-four month period shall be prima facie grounds for denial of a permit);

(2) conviction, plea of guilty, or plea of nolo contendere to the violation of any law involving commission of a felony, any sex offense, soliciting for prostitution, or, in the last five (5) years, any other crime involving alcohol, marijuana, or any drugs classified as controlled

substances;

(3) procuring or attempting to procure an Airport Taxi Operator's Permit by fraud, misrepresentation, false or misleading statements, evasions, or suppression of material facts; or

(4) procuring or attempting to procure more than one Airport Taxi Operator's Permit.

(Res. No. 94-4, 1-5-94; Res. No. 04-30, 12-1-04)

§ 5.9. Terms and Conditions.

(1) An Airport Taxi Operator's Permit shall be valid for a period of no more than 12 months, except that the initial permits will be valid until the last day of the month of the Permit holder's birthday in 1995.

(2) The Permit remains the property of the Authority, and its use by the taxicab driver is subject to the following requirements:

(a) The Permit is issued for the exclusive use of the named driver and shall not be made available by him for the use of any other person.

(b) The Permit shall not be altered or defaced in any way after it is issued to the named driver.

(c) The Permit shall be invalid and may not be used after the expiration date shown on the Permit.

(d) The Permit shall be returned to the Authority immediately upon an order of suspension or revocation of the Permit by the Airport Manager.

(e) The Permit holder shall notify the taxicab official within seventy-two (72) hours of being convicted of committing a felony, any sex offense, soliciting for prostitution, crime involving alcohol, marijuana, any drugs classified as controlled substances, or a moving vehicle violation.

(Res. No. 94-4, 1-5-94)

§ 5.10. Complaints.

(1) All complaints, whether from taxi dispatchers, Authority employees or the public, regarding a Permit holder's conduct at the Airport or transportation of or conduct toward a passenger picked up at the Airport, including a complaint of fare overcharge, must be made in

writing and include the name of the complainant and a means of contacting the complainant in order for the Authority to act upon the complaint. All such complaints shall be investigated by the taxicab official designated by the Airport Manager. The taxicab official may summarily dismiss the complaint if it is determined that the complaint does not warrant a reprimand or is without merit.

(2) If the complaint is not summarily dismissed, the taxicab official shall provide the Permit holder with a copy of the complaint. The Permit holder may present evidence orally or in writing at a designated time and place to refute or explain the complaint. The taxicab official shall consider the evidence presented and may dismiss the complaint, issue a reprimand or in the case of repeated or serious violations recommend suspension or revocation. Any reprimand or recommendation of suspension or revocation shall be in writing and shall include a statement of the complaint and the findings of the taxicab official.

(Res. No. 94-4, 1-5-94)

§ 5.11. Grounds for Permit Suspension and Revocation.

(1) The Airport Manager may, after notice and an opportunity to be heard have been provided, suspend for up to 90 days or revoke the Airport Taxi Operator's Permit of any person who:

(a) violates a provision of this chapter. Conviction, plea of guilty or of nolo contendere to the violation shall be conclusive evidence that the Permit holder has violated one of these sections;

(b) violates the motor vehicle laws;

(c) commits a felony, any sex offense, soliciting for prostitution, or a crime involving alcohol, marijuana, or any drugs classified as controlled substances;

(d) has his authority to operate a taxicab suspended or revoked by one of the jurisdictions listed in Section 5.3(2) above or has his motor vehicle operator's permit suspended or revoked; or

(e) could be denied an Airport Taxicab Operator's Permit for any of the reasons listed in Section 5.8 above.

(2) In determining whether to suspend or revoke an Airport Taxi Operator's Permit, the Airport Manager may take into account any prior violations which could have been grounds for suspension or revocation under Subsections 1(a)-(e), by the Permit holder and any mitigating circumstances.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99)

§ 5.12. Notice of Revocation or Suspension.

(1) Prior to ordering suspension or revocation of an Airport Taxi Operator's Permit, the Airport Manager shall notify the Permit holder in writing citing the specific reason(s) for which the Airport Taxi Operator's Permit is to be revoked or suspended and that the Permit shall be revoked or suspended at the end of ten days following service of the notice unless the Permit holder files a written request for a hearing within the ten days. If no written request for a hearing is filed within the ten days, the Permit shall be revoked or suspended by order of the Airport Manager. If a hearing is requested in writing within ten days following service of the notice, a hearing shall be scheduled by the Airport Manager as soon as possible. Notice of the time and place of the hearing shall be mailed to the Permit holder.

(2) Notice of suspension or revocation as provided for in this chapter is properly served when it is delivered to the holder of the Airport Taxi Operator's Permit personally or when it is sent by registered or certified mail, return receipt requested, to the last known address of the Permit holder. Notice is served on the date on which it is mailed.

(3) Failure to appear at a hearing, after notice, is a waiver of the right to a hearing.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99) §

5.13. Summary Suspension.

The Airport Manager or Vice President of Public Safety may suspend a holder's Airport Taxi Operator's Permit immediately and without prior notice whenever there is an imminent, substantial threat to the public's safety, peace, or order, or deliberate impeding of airport operations or the flow of traffic to and from the Airport. The Permit holder shall be notified of the suspension as soon as possible and may ask for a preliminary hearing to determine whether his Permit should be restored pending a hearing in the ordinary course on the suspension or revocation. If a preliminary hearing is requested, it shall be held as soon as possible, but not more than three days after the request is made.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99) §

5.14. Hearings.

(1) The hearings provided for in this chapter shall be conducted by the Airport Manager at a designated time and place. Any oral testimony given at a hearing shall be summarily reported. The Airport Manager shall make a finding based upon the hearing record and shall issue, sustain, modify or rescind any notice or order considered

in the hearing.

(2) The burden of proving the facts required under Section 5.11. of this chapter is upon the taxicab official and shall be met if the evidence is such that it is more likely than not that the facts alleged in the notice are true. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. A written report of the hearing decision shall be furnished to the Permit holder and to the jurisdiction which licensed the Permit holder. If the Airport Manager revokes or suspends the holder's Airport Taxi Operator's Permit, the holder shall surrender it immediately.

(3) Except as otherwise required by law, each party shall bear its own expenses associated with proceedings under this section.

(Res. No. 94-4, 1-5-94)

§ 5.15. Appeals.

Any person aggrieved by an action of the Airport Manager taken under this chapter may appeal in writing within ten days of service of notice of the action to the President, and the President shall respond within ten days. The President may affirm, modify, or rescind any action previously taken and shall advise the appealing Permit holder of his decision within ten days of the date set for receiving evidence, if any. The decision of the President shall be final.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 99-12, 10-6-99)

§ 5.16. Reinstatement.

A person whose Permit has been revoked may apply for a new Airport Taxi Operator's Permit six months after his initial revocation of a Permit and 12 months after any subsequent revocation of a Permit.

(Res. No. 94-4, 1-5-94)

§ 5.17. Penalty.

Any person who violates Section 5.4(2) shall be guilty of a Class 1 misdemeanor. Any person who violates Sections 5.3, 5.4(3), or 5.5 shall be guilty of a Class 3 misdemeanor. Any person who violates any other provisions of this chapter shall be guilty of a Class 4 misdemeanor.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99)

§ 5.18 - § 5.20 - RESERVED.

PART 5 - TAXICABS Chapter II - Taxicabs at Dulles

§ 5.21. Accepting Taxicab Passengers.

No taxicab (as defined in § 5.2) driver shall pick up, or attempt to pick up, passengers at Dulles unless:

- (1) he or, if an independent contractor, his company or, if an employee, his employer has a contract with the Authority authorizing him to pick up passengers for hire at Dulles; or
- (2) he comes to Dulles to pick up a passenger in response to a request to transport that passenger received prior to his coming onto Dulles, and the manifest shows the date and time the request was received, the name of the person to be picked up and transported, the person's destination, and the date, time and point of the pickup. Manifests must be written legibly, in ink.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1 -04)

§ 5.22. Operating Conditions for Taxicabs.

Every person operating a taxicab (as defined in § 5.2) at Dulles shall comply with each of the following conditions:

- (1) The driver must possess a current, valid license or certificate of public convenience and necessity for his taxicab issued by a state or local jurisdiction.
- (2) The driver must possess a current, valid license (so-called "face card") to operate a taxicab from the jurisdiction in which his taxicab is licensed or certificated.
- (3) The driver must not solicit passengers, directly or indirectly, personally or in concert with another.
- (4) When transporting passengers to destinations outside Virginia the driver must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the cab is licensed. When transporting passengers within Virginia, including when transporting a passenger from

one point on Dulles to another point on Dulles, the driver must charge those fares prescribed by the Virginia jurisdiction that has licensed or certificated his taxicab.

(5) The driver must comply with the laws governing taxicabs in the jurisdiction in which his taxicab purports to be licensed or certificated.

Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-08-01)

§ 5.23. Operating Conditions for Vehicles for Hire Other than Taxi cabs.

(1) Notwithstanding any other provision of this Chapter, no driver of any limousine, executive sedan, or any other vehicle for hire whatsoever with a seating capacity of fifteen or fewer persons shall pick up or attempt to pick up a passenger at Dulles unless:

(a) the driver, or, if an independent contractor, his company or, if an employee, his employer has a contract with the Authority authorizing him to pick up passengers for hire at Dulles; or

(b) the driver comes to Dulles to pick up a passenger in response to a request to transport that passenger received prior to his coming onto Dulles and he has a record of the date and time the request was received, the name of the person to be picked up and transported, the person's destination, and the date, time and point of the pickup. Records must be written legibly, in ink.

(2) No driver of any limousine, executive sedan, or any other vehicle for hire shall solicit passengers, directly or indirectly, personally or in concert with another.

(3) No driver of any limousine, executive sedan, or any other vehicle for hire shall operate his vehicle at Dulles unless he and his vehicle are in compliance with the laws governing vehicles for hire in the jurisdiction in which his vehicle purports to be licensed or certificated. Every driver of a vehicle for hire operated at Dulles must be licensed or certificated to drive a vehicle for hire in at least one jurisdiction. Every vehicle for hire operated at Dulles must be licensed or certificated as a vehicle for hire in at least one jurisdiction.

(Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04)

§ 5.24. Penalty.

Any person who violates Section 5.22(2) shall be guilty of a Class 1 misdemeanor. Any person who violates Sections 5.21, 5.22(3), or 5.23 shall be guilty of a Class 3 misdemeanor. Any person who violates any other provision of this chapter shall be guilty of a Class 4 misdemeanor.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99)

PART 6 - COMMERCIAL ACTIVITY

§ 6.1. Commercial Activity.

No person may engage in any commercial activity on the Airports without the approval of, and under the terms and conditions prescribed by, the Authority. For the purpose of this section, "commercial activity" means any activity undertaken directly or indirectly for profit including, by way of illustration and not limitation, the sale, provision, advertisement or display of goods or services.

(Res. No. 94-4, 1-5-94)

§ 6.2. Rental Car Business; Contract or Permit Required.

No person shall conduct the business of renting cars on either Airport unless he has first obtained a permit under Section 6.4 or entered a contract from the Authority authorizing the conduct of such business on that Airport. "Conducting the business of renting cars" includes picking up or discharging a customer or a potential customer and picking up or delivering a rental car.

(Res. No. 94-4, 1-5-94)

§ 6.3. Parking Lots; Contract or Permit Required.

No person shall conduct the business of operating a parking lot on either Airport unless he has first obtained a permit under Section 6.4 or entered a contract from the Authority authorizing the conduct of such business on that Airport. "Conducting the business of operating a parking lot" includes picking up or discharging a customer or potential customer.

(Res. No. 94-4, 1-5-94)

§ 6.4. Permit.

(1) The President shall set the requirements for obtaining and retaining a permit, except as provided in Subsection (2) below. The permit terms shall include:

(a) the minimum insurance coverage considering the risk of conducting the business, including operating shuttle busses, industry practice, and insurance requirements imposed on other businesses at the airports;

(b) the dates on which payments of the fee are due;

(c) the term of permit;

(d) such other reasonable requirements as the President deems necessary to protect airport users and Authority revenue and foster efficient administration of the permit requirements.

(2) The fee for the permit shall be:

(a) for those conducting the business of renting cars on Dulles, \$100.00 per year plus four percent (4%) of annual gross receipts derived from conducting business on Dulles to the extent the gross receipts exceed \$300,000.00;

(b) for those conducting the business of renting cars on National and picking up and discharging customers at a collection point to which they have been or from which they will be bussed by the Authority, \$100.00 per year plus four percent (4%) of annual gross receipts derived from conducting business on National to the extent the gross receipts exceed \$300,000.00;

(c) for those conducting the business of renting cars on National and picking up and discharging customers by means of a common shuttle bus from locations designated by the Airport Manager at the terminals, eight percent (8%) of annual gross receipts derived from conducting business on National;

(d) for those conducting the business of operating a parking lot on the Airport, \$100.00 per year plus ten percent (10%) of annual gross receipts derived from conducting business on the Airport to the extent the gross receipts exceed \$30,000.00.

(3) For ease of accounting, the Authority will assume that ninety-five percent of the gross receipts of rental car companies and parking lot

operators conducting business on the airport without a contract with the Authority is derived from the Airport unless the permit holder proves through auditable, financial data that a lesser percentage of its gross receipts was in fact derived from the Airport.

(Res. No. 94-4, 1-5-94; Res. No. 94-12, 5-4-94; Res. No. 99-12, 10-6-99)

§ 6.5. Penalty.

Violation of this Part shall be a Class 3 misdemeanor.

(Res. No. 94-4, 1-5-94)

PART 7 - SOLICITATION, SALE OF PRINTED MATERIAL, DEMONSTRATIONS, DISTRIBUTION OF LITERATURE

§ 7.1. Sale of Printed Material and Solicitation.

The sale of flyers, brochures, pamphlets, books or any other written or printed material or the personal solicitation of money for immediate payment from passersby in a continuous or repetitive manner may only be done pursuant to a permit issued under this Part. A permit is not required for commercial activity conducted with the approval of the Authority as provided in Part 6 of these regulations.

(Res. No. 94-4, 1-5-94)

§ 7.2. Demonstrations.

Demonstrations may only be held pursuant to a permit issued under this Part. The term "demonstrations" includes demonstrations, picketing, making speeches, marching, holding vigils or religious services and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd of onlookers.

(Res. No. 94-4, 1-5-94)

§ 7.3. Distribution of Literature.

The distribution of newspapers, leaflets, pamphlets, or other printed material, other than material which is primarily commercial advertising, shall not be made without a permit issued under this Part. Distribution of printed material which is primarily commercial advertising is a commercial activity and may only be made pursuant to a concession contract with the Authority.

(Res. No. 94-4, 1-5-94)

§ 7.4. Prohibited Conduct.

(1) In soliciting, selling printed material, demonstrating or distributing literature, it is prohibited:

- (a) to stand other than in the location designated on one's permit;
- (b) to hawk or call out to passers-by;
- (c) to amplify one's voice;
- (d) to obstruct or impede pedestrians or vehicles;
- (e) to harass people with physical contact or repetitive solicitation;
- (f) to set up stands or structures.

(2) Solicitation of money for immediate payment and the sale of printed material is completely prohibited within the interior of the buildings or structures of the air terminals if conducted to or with passers-by in a continuous or repetitive manner unless engaged in under a concession contract with the Authority.

(Res. No. 94-4, 1-5-94)

§ 7.5. Permits.

(1) Permit applications shall be made in writing to the Operations Office of the Airport. Among other things, the application shall include the name of the applicant, his local address and telephone number, and the organization he represents, if any. Permit applications for solicitation and sale of printed material outside the air terminals, or for demonstrations or distribution of literature will be processed in order of receipt and use of a particular area will be allocated in order of receipt of fully executed applications. Applicants for permits to solicit or to distribute printed material which requests contributions on behalf of charitable or civic

organizations must show that the organization is duly registered or exempted from registration with the Virginia Commissioner of Agriculture and Consumer Services. Permits shall be issued to individual persons and may not be transferred to another person. Permits shall be issued without delay and shall be valid for up to forty-eight (48) hours. Permits may not be reserved more than thirty (30) days in advance. No more than thirty-three percent (33%) of the permits available for demonstrations or distribution of literature inside the air terminals on a given day shall be issued to the representatives of one organization in advance of the date of the permit.

(2) A permit may be denied on the following grounds:

(a) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the particular area.

(b) The proposed solicitation, sale of printed material, demonstration or distribution of literature is of such nature that it can not reasonably be accommodated in the particular area applied for, taking into account safety, damage to Authority facilities, traffic congestion, or substantial impairment of the operation of public facilities or services of concessionaires or contractors.

(c) The location applied for is within the air terminals and has not been designated as available for demonstration or the distribution of literature.

(d) The applicant has made serious or repeated violations of the provisions of this Part.

(Res. No. 94-4, 1-5-94)

§ 7.6. Terminal Areas Available for Demonstrations or Distribution.

(1) The sale of printed material or solicitation of money for immediate payment from passers-by is prohibited inside the air terminals.

(2) The following areas within the interiors of the air terminals are available for demonstrations or the distribution of literature up to the maximum number of persons indicated:

(a) National

(i) Terminal A: Main Lobby - 2

(ii) Terminal A: Northwest Airlines Lobby - 2

(iii) Terminal B: Concourse Level - 3

(iv) Terminal C: Concourse Level - 3

(b) Dulles

(i) Main Terminal, upper level, north of ticketing
East - 3, West - 3

(ii) Terminal A: 1

(iii) Terminal B: 2

(iv) Terminal C: 1

(v) Terminal D: 1

The Operations Office of each Airport shall have available a map showing the exact location of the available areas.

(Res. No. 94-4, 1-5-94; Res. No. 98-2, 2-4-98; Res. No. 99-13, 10-6-99)

§ 7.7. Revocation of Permit.

The Airport Manager may revoke a permit issued under this part for violation of any provision of this part or in an emergency or if circumstances have changed so that the permitted activity can no longer be reasonably accommodated at the place and time requested.

(Res. No. 94-4, 1-5-94)

§ 7.8. Leased Areas Unaffected.

Nothing in this Part shall be construed as impairing or expanding any right which an airport lessee may otherwise have, by virtue of its leasehold interest in airport premises, to regulate access to those areas under its exclusive control.

(Res. No. 94-4, 1-5-94)

PART 8 - SECURITY

§ 8.1. Security System; Restricted Areas.

To protect the safety of persons and property on the Airports, the Airport Managers shall design and implement a security system for their respective Airports. As part of the security system, the Airport Manager may control access to any area of the Airport which he deems advisable and limit access to authorized persons. The Airport Manager shall set reasonable requirements for access to the restricted areas and may set different requirements for different areas. Among other things, he may require authorized persons to display identification (e.g., a badge) in the restricted area. The Airport Manager may suspend or revoke access to the restricted area for failure to comply with the provisions of the security system.

(Res. No. 94-4, 1-5-94)

§ 8.2. Notice to the Public of Restricted Areas.

The Airport Manager shall post signs on those areas of the Airport to which access is permanently restricted so as to give reasonable notice to the public. This shall not restrict the authority of the Airport Manager to temporarily restrict access to other areas of the Airport when the Airport Manager deems it prudent to do so in the interest of protecting public safety. When access to an area is temporarily restricted, the Airport Manager shall give reasonable notice of the restriction under the circumstances. In some cases this may be the oral direction of an Authority police officer, Airport Operations Officer, AOA Safety and Security Inspector.

(Res. No. 94-4, 1-5-94)

§ 8.3. Unauthorized Entry; Penalty.

No person shall enter a restricted area without proper authorization of the Airport Manager as provided in this Part. Violation of this Section shall be a Class 1 misdemeanor.

(Res. No. 94-4, 1-5-94)

§ 8.4. Dangerous Weapons Prohibited.

(1) No person may possess a dangerous weapon within or bring any dangerous weapon into the Airports' terminals or the airfields or any building that opens onto the airfield on which signs are posted so as to give reasonable notice to the public unless:

(a) the person is a passenger of an airline and possesses the weapon

in one of the Airports' terminals for the sole purposes of (i) presenting such weapon to U.S. Customs agents in advance of an international flight, (ii) checking such weapon with his luggage, or (iii) retrieving such weapon from the baggage claim area; and the weapon, if a firearm, is unloaded and carried in a locked, hard-sided container to which only that person retains the key or combination; or

(b) the weapon is (i) packaged for shipment in a container that is locked or otherwise secured and (ii) if a firearm, unloaded, and (iii) brought or possessed on Authority facilities for shipment by air or retrieval after shipment by air.

(2) The provisions of this section shall not apply:

(a) to persons authorized by 49 CFR Section 1540.111 to carry a dangerous weapon on their persons or accessible property in the sterile areas of the Airports;

(b) to law enforcement officers required to carry firearms while in the performance of their official law enforcement duties while on the Airports;

(c) to employees or agents of the Authority and the weapon is to be used under Authority direction for Authority purposes such as game control; or

(d) to persons who need the weapon in the performance of their duties for legitimate airport purposes (such as armored car guards) and the Airport Manager has previously approved, in writing, that person possessing a weapon where he would otherwise be prohibited.

(Res. No. 94-4, 1-5-94; Res. No. 04-25, 10-6-04; Res. No. 04-30, 12-1-04)

§ 8.5. Definition of Dangerous Weapon.

A dangerous weapon includes, by way of illustration and not limitation:

(1) any pistol, revolver, rifle, or other weapon designed or intended to propel a missile of any kind, or

(2) any knife with a blade longer than four inches, switchblade knife, ballistic knife, razor, slingshot, slingshot, spring stick, metal knucks, blackjack, sand club, sandbag, bow and arrow, or

(3) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nun cacao, shuriken, or fighting chain, or

(4) any disc of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or

(5) any mechanism designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five milliamp sixty hertz shock and used for the purpose of temporarily incapacitating a person, which may be known as a stun gun, or

(6) any mechanism designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person, which may be known as a taser.

(Res. No. 94-4, 1-5-94)

§ 8.6. Penalty.

Violation of Section 8.4 shall be a Class 1 misdemeanor, and such weapon shall be forfeited to the Commonwealth of Virginia and may be seized by an officer as forfeited.

(Res. No. 94-4, 1-5-94; corrected by Res. No. 00-8, 6-7-00)

§ 8.7. Forgery and Counterfeiting of Authority Documents, Uniforms, and Badges Prohibited.

No person may make, possess, use, offer for sale, sell, barter, exchange, pass, or deliver:

(1) any forged, counterfeit, or falsely altered ticket, permit, certificate, placard, sign, badge, or other authorization, direction or credential purporting to be issued by or on behalf of the Authority in controlling, operating, maintaining, or protecting the Airports; or

(2) any duplicate uniform or part of a uniform of the Authority Police or Firefighters.

(Res. No. 94-4, 1-5-94)

§ 8.8. Penalty.

Violation of Section 8.7 shall be a Class 3 misdemeanor.

(Res. No. 94-4, 1-5-94)

PART 9 - MISCELLANEOUS

§ 9.1. Lost Property.

The finder of any lost or mislaid property, including cash, found at either Airport shall deposit the property with an Authority police officer. If the property is not claimed by its true owner within sixty (60) days after it is deposited, it shall be disposed of in accordance with Authority procedures.

(Res. No. 94-4, 1-5-94)

§ 9.2. Construction, Alteration and Repair of Buildings and Structures; Demolitions; Excavations.

Except with the explicit written approval of the Manager and the Authority Building Official, no person shall construct, enlarge, alter, repair, remodel, add to, demolish, or modify in any way any building or structure on either Airport. Except with the written approval of the Manager and the Authority Building Official and consistent with any reasonable conditions they set, no person shall make any excavation at either Airport.

(Res. No. 94-4, 1-5-94)

§ 9.3. Design Standards.

The President is authorized and directed to set design standards for constructing buildings and structures at the Airports and for their alteration, modification, or repair. Every person constructing, modifying, altering, or repairing any building or structure on either Airport shall adhere to those design standards.

(Res. No. 94-4, 1-5-94; Res. No. 99-12, 10-6-99)

§ 9.4. Abandoning Property, Littering Prohibited.

(1) No person shall willfully abandon any personal property, including, but not limited to, waste, on Authority facilities without the approval of the Authority.

(2) No person shall dispose of any paper, object or substance in such a manner as to constitute littering on Authority facilities.

(Res. No. 944, 1-5-94)

§ 9.5. Impeding Passage or Operation of the Airport Prohibited.

No person may occupy or place an object on a road or walk on the Airport or a space in any building on the Airport so as to impede the passage of any other person or to interfere with the operation of the Airport or the lawful occupant of that space.

(Res. No. 94-4, 1-5-94)

§ 9.6. Animals.

(1) No person may enter the Airport with a domestic or wild animal without the permission of the Airport Manager except:

(a) a person entering a part of the Airport other than the terminal building, gate loading area, or other restricted area with a domestic animal that is kept restrained by a leash or is confined so as to be completely under control;

(b) a person entering the terminal building or gate loading area with a small domestic animal (such as a dog or cat) that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or

(c) a disabled person entering the terminal building or gate loading area with a guide dog.

(2) No person may hunt, fish, pursue, trap, catch, injure, or kill any bird, fish, or other animal on the Airport except when specifically authorized by the Airport Manager.

(Res. No. 94-4, 1-5-94)

§ 9.7. Smoking Prohibited.

(1) No person shall smoke in a public area inside the terminal buildings at the Airports except in an area designated "Smoking" in a restaurant, bar, or lounge.

(2) For this Section:

The words "public area" mean an area within the terminal buildings at the Airports normally accessible to the traveling public.

The words "terminal buildings" mean all buildings where the ticketing, enplaning, deplaning, and baggage handling for airline passengers occurs.

The word "smoking" means the carrying or holding of any lighted cigar, cigarette, pipe, or any other

lighted smoking equipment.

(Res. No. 94-4, 1-5-94)

§ 9.8. Penalty.

Violations of the provisions of this Part shall be Class 4 misdemeanors except that a person violating Section 9.7 shall be subject to a civil penalty of \$25.00. (Res. No. 94-4, 1-5-94)
Metropolitan

§ 9.9 Service Charge for Transport by Authority Emergency Medical Services Division

- A. Except as otherwise provided by subsections D and E of this Section, a service charge of \$300 for Basic Life Support transport (BLS), \$400 for Advanced Life Support, level 1 transport (ALS-1), \$550 for Advanced Life Support, level 2 transport (ALS-2), and \$7.50 for ground transport mileage is imposed on each person being transported by any emergency medical services vehicle that is operated or maintained by the Metropolitan Washington Airports Authority ("Authority") or for which a permit has been issued to the Authority by the Virginia Office of Emergency Medical Services. The term "emergency medical services vehicle" has the definition specified in Va. Code § 32.1-111.1.
- B. Definitions. The following definitions apply to ambulance fees:
- (1) Basic Life Support (BLS): Services shall be medical treatment or procedures to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician-Basic (EMT).
 - (2) Advanced Life Support, level 1 (ALS-1): Services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.
 - (3) Advanced Life Support, level 2 (ALS-2): Advanced life support (ALS) services provided to a patient include one or more of a following medical procedures: (i) defibrillation/ cardioversion, (ii) endotracheal intubation, (iii) cardiac pacing, (iv) chest decompression, (v) intraosseous line, and/or (vi) the administration of three or more medications.
 - (4) Ground Transport Mileage (GTM): Mileage shall be assessed in statute miles from the location of the incident to a hospital or other facility where a patient is transported.
- C. The Authority's President and Chief Executive Officer will establish procedures for the administration of the charges imposed by this section, including, but not limited to payment standards for those persons who demonstrate economic hardship.

D. No charge shall be imposed on persons in the following instances:

- (1) Persons determined to be medically indigent by the Authority in accordance with administrative policies established by the President;
- (2) Persons in the custody of law enforcement personnel;
- (3) Persons affected by fire, flood, storm, natural or man-made calamity or disaster, or by widespread public disturbance or disorder when an emergency medical services vehicle responds as a matter of Authority policy without call; or
- (4) Persons transported pursuant to any no-charge mutual aid agreement with another jurisdiction.

E. The service charge of subsection 1 may be adjusted by the President consistent with the formula for fees for ambulance services established by the federal Department of Health and Human Services.

§ 9.10 Designation of police to enforce trespass violations.

(a) The lessee, custodian, or person lawfully in charge of any real property on Authority facilities may designate the Metropolitan Washington Airports Authority Police Department as a “person lawfully in charge of the property” for the purpose of forbidding another to go or remain upon the lands, buildings, or premises of the Authority or of the owner, lessee, custodian, or person lawfully in charge as specified in the designation. This designation will appoint the Authority Police Department, and its officers, as true and lawful attorneys-in-fact for the owner, lessee, custodian, or person lawfully in charge with the following specific powers:

- (1) To determine if a person has the permission of the owner, lessee, custodian, or the person lawfully in charge to go or remain upon such property,
- (2) To issue “notices forbidding trespass” to persons without such permission,
- (3) To arrest persons found to be in violation of such notice, and
- (4) To testify in court on behalf of the owner, lessee, custodian, or person lawfully in charge to enforce the notice forbidding trespass and the trespass laws.

(b) The Manager, owner, lessee, custodian, or person lawfully in charge may revoke his grant of limited power of attorney at any time by providing notice of such revocation to the Chief of Police. The Chief of Police may terminate the agreement to act as agents of the owner, lessee, custodian, or person lawfully in charge for any given property at any time by providing written notice of such termination to the owner, lessee, custodian, or person lawfully in charge.

(c) Copies of such grants of limited authority will be kept on file with the Metropolitan Washington Airports Authority Police Department and, if necessary, renewed yearly.

Part 10 - Dulles Toll Road

§ 10.1 Tolls for Use of the Dulles Toll Road

Except for those permitted free use of toll facilities under Virginia Code § 33.1-252, it shall be unlawful for any person operating a vehicle to use the Dulles Toll Road (also known as the Omer L. Hirst-Adelard L. Brault Expressway), or any portion thereof, without payment of the applicable tolls as set forth in the following schedule:

Vehicle Class	Tolls	
	Main Line Plaza	Ramps
2-axle	\$0.75	\$0.50
3-axle	\$1.00	\$0.75
4-axle	\$1.25	\$1.00
5-axle	\$1.50	\$1.25
6 or more axles	\$1.75	\$1.50

1. That the amendment made by paragraph 1 of this resolution shall be effective upon the date on which responsibility for the operation and maintenance of the Dulles Toll Road is transferred by the Commonwealth of Virginia to the Metropolitan Washington Airports Authority.

Adopted August 8, 2007