

**AMENDED AND RESTATED  
METROPOLITAN WASHINGTON  
AIRPORTS REGULATIONS  
NOVEMBER 2022**

## **PREFACE TO METROPOLITAN WASHINGTON AIRPORTS REGULATIONS**

The Metropolitan Washington Airports Authority (“Authority”) is empowered by its 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 full force and effect of law, as do any other Authority Regulations which the Authority determines to be necessary in the public interest.

The Board of Directors of the Authority may adopt additions to, amend and/or repeal, as necessary, portions of the Regulations from time to time. Prior to such action, proposed changes are made available for public inspection on the Authority’s website and through publication in local newspapers through a “Public Notice” for at least ten (10) days. Following the publication of such Public Notice(s) on the Authority’s website and in certain newspapers of general circulation in the Metropolitan Washington, D.C. area, the Authority holds one (1) or more Public Hearings, on a day and time specified in the Public Notice, to allow interested members of the public to appear and offer oral comments for or against the adoption, amendment, or repeal of such Regulations. Members of the public are also afforded the opportunity to provide written comments on the Regulations and/or proposed changes by a deadline set forth in the Public Notice. Following the holding of the Public Hearing(s), the review of any written materials submitted in response to the Regulations, including proposed amendments and, or modifications, Authority staff make recommendations to the Board of Directors concerning the content of the Regulations. The Board then adopts, amends and/or repeals the Regulations.

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METROPOLITAN WASHINGTON AIRPORTS REGULATIONS<sup>1</sup>  
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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, chapters and sections shall constitute and be designated the “Metropolitan Washington Airports Regulations” or “MWAR” 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, or for a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary of the U.S. Department of Transportation.

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 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 shall extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only shall 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 and 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, non-substantive 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 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 of Directors, 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
  - (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 (3) 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 substantially 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 Labor 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 non-preferential civil service status, political affiliation, marital status, or handicapped 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 slowdown 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.**

There is hereby created the Metropolitan Washington Airports Authority Employee Relations Council, which shall consist of three Panels of three (3) persons each, who shall be named for two (2) 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.

- (1) The participation of labor organizations in the selection of Council members by the President shall be as follows:
  - (a) 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.
  - (b) 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.
- (2) In case of dissolution of 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.
- (3) Members are eligible for reappointment and may serve concurrently on more than one
  - (1) 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:
    - (a) representation matters (Sections 2.5, 2.6, and 2.7),
    - (b) unfair labor practices and negotiability disputes (Sections 2.10, 2.13, 2.14, and 2.15), and
    - (c) 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 thirty percent (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 organizations 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 ten percent (10%) representation in said unit. If such intervenor contends that the unit is inappropriate, it must present a thirty percent (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 ten (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, and
  - (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 (5) 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 (2) 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 twelve (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 one hundred five (105) days and not less than sixty (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 (1) 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 fifty percent (50%) 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 fifty percent (50%) 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 (2) 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 ten (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 thirty (30) days prior to the expiration date of any collective bargaining agreement or when ninety (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 with, 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;
  - (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, graphic, 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 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 thirty (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 sixty (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 (5) 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 1 – 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, 2015, as such agreement may be amended in accordance with its terms, or any successor Airport Use and Premises Lease between the Authority and Scheduled Air Carriers.

“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 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 (IAB).

“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 one thousand (1,000) pounds, 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 of 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 one hundred twenty-five percent (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 eight dollars (\$8.00).
  - (b) The minimum landing fee at Dulles for all aircraft, including helicopters, shall be eight dollars (\$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 prescribed by Section 3.2.
  - (b) Passenger Security Fees – included in the landing fee prescribed 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 fifty dollars (\$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 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 Federal Aviation Administration in accordance with Part 36 of Title 14 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: The Federal Aviation Administration publishes Advisory Circular 36-3H “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 five thousand dollars (\$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 ground.
- (2) To minimize the impact of noise from aircraft on the areas surrounding 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 passengers 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. 94-4, 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 twenty-four (24) hours. The report must include the name and address of the person reporting.
- (2) In a case where the 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 Section 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 seventy-two (72) hours after the holder's permit is suspended. A hearing before the Airport Manager shall be held within two (2) 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 Manager 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 thirty (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 VEHICLES**

### **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 persons 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 Manager 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 this Section 4.36, 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 face 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 (72) 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 (30) 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; and
- (3) inform the owner and any persons having security interests of their right to reclaim it within fifteen (15) 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 having 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 proceeds 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, semitrailer 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 Code of Virginia, 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 VEHICLES**  
**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 Access Highway from Interstate Route 495 to the point at which it passes under Virginia Route 28 shall be fifty-five (55) miles per hour;
  - (b) on public highways on the Airports shall be twenty-five (25) miles per hour;
  - (c) on any road within a restricted area, including a service road or perimeter road, shall be twenty-five (25) miles per hour;
  - (d) on any apron or ramp, including any designated vehicle lane, shall be fifteen (15) miles per hour; and
  - (e) within twenty (20) feet of a parked aircraft and in the baggage concourses, shall be five (5) 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 – COMMERCIAL GROUND TRANSPORTATION SERVICES**

### **Chapter I – Commercial Ground Transportation Services – General Provisions**

#### **§ 5.1. Purposes.**

This Part 5 sets forth regulations applicable to Commercial Ground Transportation Services at National and Dulles which are intended to achieve a number of objectives and purposes, including without limitation that the Regulations work to ensure:

- (1) that a broad range of convenient and reliable ground transportation services are available to passengers and other individuals using the Airports;
- (2) that such services are delivered in a scope and manner that is consistent with available Airport facilities and that does not produce excess congestion on Airport roadways or at Airport commercial curbs;
- (3) that the providers of such services reasonably compensate the Authority for the privilege of accessing the Airports and using the Airports' facilities in order to conduct their transportation service business on the Airports;
- (4) that the Authority's regulation of the providers of such services is reasonable;
- (5) that the Authority's regulation of the providers of such services is not inconsistent with the laws and regulations that may be applied to them by the federal government and by state and local governments in the Washington, D.C., metropolitan area; and
- (6) that the Authority's regulation of the providers of such services does not distinguish in any significant manner between the providers of interstate and intrastate ground transportation services to and from the Airports.

(Res. No. 15-24, 9-16-15)

#### **§ 5.2. Commercial Ground Transportation Services – Definitions.**

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Part 5, shall have the following meanings.

**Access Fee:** A fee (i) charged to the holder of a permit issued under this Part 5 in return for the privilege, which is conveyed by the permit, to access an Airport and to use the Airport's facilities in order for the permit holder to provide a Commercial Ground Transportation Service on the Airport, and (ii) calculated on the basis of the occasions a person operating under the permit enters a Terminal Roadway, or other area of an Airport identified in the permit, in order to drop off or pick up one or more passengers or for other reasons set out in the permit.

**Airport Manager:** The manager of National or Dulles and any individual the Manager has designated to perform a task, responsibility, or function which this Part 5 assigns to the Manager.

**Automatic Vehicle Identification (AVI) System:** An electronic or computerized system in operation at an Airport which allows the Authority to control access to certain areas on the Airport and to monitor and record the presence of CGT Drivers and CGT Vehicles while on the Airport.

**Class 3 Misdemeanor:** The classification of offenses which arise from the violation of provisions in this Part 5 defining prohibited activities and which shall carry the penalty of a fine up to one thousand dollars (\$1,000).

**Commercial Ground Transportation Mobile Applications (CGT Mobile Application):** An online-enabled application, software, website and/or system that enables a person providing a CGT Service to make arrangements for Pre-Arranged Pick-Up Trips with individuals seeking transportation from or through such person.

**Commercial Ground Transportation Permit Holder (CGT Permit Holder):** A person to which, and in whose name, a permit has been issued under this Part 5 granting the privilege to provide at an Airport the CGT Service described in the permit.

**Commercial Ground Transportation Driver (CGT Driver):** An individual who, through the operation of a CGT Vehicle, is the provider of a CGT Service for which a permit has been issued under this Part 5 or which the individual is providing under a contract executed by the Authority.

**Commercial Ground Transportation Service (CGT Service):** A Commercial Transportation Service consisting of the transportation of individuals by motor vehicle (i) from a location outside an Airport to a location on the Airport or (ii) from a location on an Airport to a location outside the Airport or another location on the Airport, which transportation is provided in return for compensation and as part of a for-profit business or activity owned, controlled or undertaken, in whole or part, either by the individual operating the vehicle that is providing the transportation or by a person with which such individual is associated (e.g., as an employee, agent or contractor). The term consists of the following CGT Services which are defined in subsequent Chapters of this Part 5: Limousine Service, Transportation Network Company Service, and Taxicab Service. The term does not include the transportation of individuals by motor vehicle to or from, or within, an Airport that is provided by an airline operating at the Airport, an air freight and cargo business utilizing an air cargo terminal at the Airport, or a person conducting a commercial activity for which the Authority has issued a permit under Part 6 of these Regulations.

**Commercial Ground Transportation Vehicle (CGT Vehicle):** A motor vehicle that is used in the provision of a CGT Service.

**Commercial Transportation Service:** The transportation of individuals by motor vehicle from one location to another that is provided in return for compensation and as part of a for-profit business or activity.

**Designated Waiting Area:** One or more areas or facilities on an Airport which have been identified in a permit issued under this Part 5, or in or pursuant to a contract executed by the Authority, where CGT Drivers may park their CGT Vehicles while waiting to arrange a Pre-Arranged Pick-Up Trip with one (1) or more passengers located on the Airport.

**Drop-Off Area:** One or more specific areas on an Airport which have been designated by the Authority for the drop-off of passengers by persons providing one or more specified categories of CGT Service at the Airport; such designations may be made in permits issued under this Part 5, in or pursuant to contracts executed by the Authority, or otherwise by the Airport Manager.

**Geofence:** A software application utilizing the global positioning system to establish a virtual “fence” or perimeter around an Airport or a specified geographical area within an Airport which, when used in conjunction with a CGT Mobile Application, is capable of recording and showing in real time on hand-held devices being carried by CGT Drivers or personnel of the Authority, information specified by the Authority relating, among other things, to the on-Airport location of the CGT Drivers and to the Pre-Arranged Trips that such CGT Drivers are in the course of providing.

**Government or Governmental Authority:** The government of the United States, the Commonwealth of Virginia, the State of Maryland and any other state, and the District of Columbia; any department or agency of any such government; and any county, city, commission, authority, or other political subdivision of the Commonwealth of Virginia, the State of Maryland or any other state, or of the District of Columbia.

**Government Authorization:** A license, certificate, permit, or other form of authorization issued by a Governmental Authority providing operating authority to or otherwise authorizing (i) a person to provide a specified Commercial Transportation Service within the jurisdiction of the Governmental Authority or (ii) an individual to operate a motor vehicle in the provision of a specified Commercial Transportation Service within the jurisdiction of the Governmental Authority.

**Person (person):** An individual or an entity, including without limitation, in the case of the latter, a corporation, company, limited liability company, partnership, limited partnership, limited liability partnership, proprietorship, association, or other form of organization with the legal capacity to enter contracts, assume obligations, and sue and be sued. When used in this Part 5, the term may mean an individual only, an entity only, or both an individual and an entity.

**Pick-Up Area:** One (1) or more specific areas on an Airport that have been designated by the Authority for the pick-up of passengers by persons providing one (1) or more specified categories of CGT Service at the Airport; such designations may be made in permits issued under this Part 5, in or pursuant to contracts executed by the Authority, or otherwise by the Airport Manager.

**Pre-Arranged Drop-Off Trip:** The transportation by a person providing a CGT Service of an individual from a location outside an Airport to a location on the Airport, where an arrangement

for the transportation is made between the person providing the service and the passenger in advance of the person picking up the passenger.

**Pre-Arranged Pick-Up Trip:** The transportation by a person providing a CGT Service of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, where an arrangement for the transportation is made between the person providing the service and the passenger both in advance of the person picking up the passenger and either (i) before the person enters the Airport for the purpose of picking up the passenger or (ii) when authorized by a permit issued under this Part 5 or a contract executed by the Authority to pre-arrange a trip from an area or facility on the Airport, while the person is located in such area or facility.

**Pre-Arranged Trip:** A Pre-Arranged Drop-Off Trip or Pre-Arranged Pick-Up Trip.

**President:** The President and Chief Executive Officer of the Authority.

**Solicitation (Solicit):** Any action or series of actions by an individual, while located on an Airport, which represents, or can be reasonably construed to represent, an offer to transport by motor vehicle another individual located on the Airport, for compensation, to a location outside the Airport or another location on the Airport, when a Pre-Arranged Pick-Up Trip, authorized by a permit issued under this Part 5 or by a contract executed by the Authority, has not been arranged with the other individual in advance of the action or series of actions.

**Terminal Roadway:** Each roadway within an Airport which runs adjacent and parallel to a passenger terminal, including all travel lanes within the roadway whether or not separated from other lanes by curbs and passenger waiting or loading areas.

(Res. No. 15-24, 9-16-15)

### **§ 5.3. Commercial Ground Transportation Services – Prohibited Activities.**

The following activities relating to the provision of CGT Services are prohibited:

- (1) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport shall pick up an individual located on the Airport or otherwise allow such an individual to enter the person's CGT Vehicle, unless the person (i) is acting under and in compliance with a permit issued under this Part 5 which authorizes such action, (ii) is acting under and in compliance with a contract executed by the Authority which authorizes such action, or (iii) absent such permit or contract, is providing a Taxicab Pre-Arranged Pick-Up Trip in compliance with Sections 5.44 and 5.45, applicable to National, or Sections 5.50.2 and 5.50.3, applicable to Dulles; provided, that the provisions of this Paragraph (1) shall not apply to activities which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.
- (2) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport shall drop off an individual on the Airport unless the person (i)

- is acting under and in compliance with a permit issued under this Part 5 which authorizes such action, (ii) is acting under and in compliance with a contract executed by the Authority which authorizes such action, or (iii) absent such permit or contract, is providing a Taxicab Drop-Off Trip in compliance with Section 5.44, applicable to National, or Section 5.50.3, applicable to Dulles; provided, that the provisions of this Paragraph (2) shall not apply to activities which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.
- (3) No person providing or attempting to provide, or for the purpose of providing, a CGT Service on an Airport, whether or not possessing or covered by a permit issued under this Part 5 or operating under a contract executed by the Authority, shall engage in the Solicitation of an individual who is located on the Airport.
  - (4) No person providing a Commercial Ground Transportation Service on an Airport shall pick up an individual, or drop off an individual, at any location on the Airport other than at a Pick-Up Area or a Drop-Off Area.
  - (5) No person which is providing a CGT Service on an Airport or is present on an Airport for the purpose of providing such a service shall utilize the roadways or any other facilities at the Airport except:
    - (a) after entering the Airport, to travel directly to a Pick-Up Area or Drop-Off Area and, following the pick-up or drop-off of passengers, to immediately and directly depart the Airport, unless expressly authorized by a permit issued under this Part 5 or by or pursuant to a contract executed by the Authority to utilize other designated Airport facilities for specified purposes between the times the person enters and exits the Airport, or
    - (b) when expressly authorized by a permit issued under this Part 5 or by or pursuant to a contract executed by the Authority, after entering the Airport, (i) to travel directly to a Designated Waiting Area; (ii) to occupy such area for the purpose described in the permit or in or pursuant to the contract; (iii) after exiting the area, either to travel directly to a Pick-Up Area in order to pick up one (1) or more passengers or to immediately and directly depart the Airport; and (iv) after exiting a Pick-Up Area, to immediately and directly depart the Airport.

(Res. No. 15-24, 9-16-15)

#### **§ 5.4. Commercial Ground Transportation Services – Eligibility for Permit.**

- (1) No person shall be eligible for a permit under this Part 5 unless the person possesses one or more Governmental Authorizations which authorize the person to provide within the jurisdiction of the authorizing Government the type of Commercial Transportation Service which the person wishes to be permitted to provide at an Airport.

- (2) To be eligible for a permit, a person shall:
- (a) submit a permit application on a form supplied by the Authority and pay all applicable fees;
  - (b) provide evidence that it possesses one (1) or more of the Governmental Authorizations referenced in Paragraph (1);
  - (c) certify that it is in compliance with the terms, conditions, and requirements of each such Governmental Authorization, including without limitation those terms, conditions, and requirements that relate to the following matters:
    - (i) the possession of specified types and amounts of insurance coverages,
    - (ii) the registration of the motor vehicles being operated under the Governmental Authorization,
    - (iii) the possession of motor vehicle operating licenses by individuals operating motor vehicles under the Governmental Authorization,
    - (iv) the review of records showing the criminal histories of individuals operating motor vehicles under the Governmental Authorization,
    - (v) the review of records showing the motor vehicle driving histories of individuals operating vehicles under the Governmental Authorization, and
    - (vi) the safety inspections of the motor vehicles being operated by individuals under the Governmental Authorization;
  - (d) certify that, to the best of its knowledge, it is in compliance with all federal, state, and local laws and regulations applicable to the CGT Service for which it seeks a permit;
  - (e) provide information acceptable to the Airport Manager (e.g., certificates of insurance) which demonstrates that the types and amounts of insurance coverages referenced in Subparagraph (c)(i) are in force and effect and that, in the event a permit is issued to the applicant, the Authority will be named as an additional insured under all or specified insurance policies providing such coverages; and
  - (f) meet such additional eligibility requirements as may be established by an Airport Manager.

(Res. No. 15-24, 9-16-15)

### **§ 5.5. Commercial Ground Transportation Services – Permits.**

The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to undertake a specified Commercial Ground Transportation Service at the Airports, and to place such terms, conditions, and requirements in the permits as the Managers deem reasonable to achieve the purposes set out in Section 5.1 above and in other chapters of this Part 5, to protect the traveling public, and otherwise to be in the interest of the Authority and the traveling public. When determining the terms, conditions, requirements, and other provisions to place in permits issued under this Part 5, the Airport Managers shall consider inclusion of provisions which, among others, address the following matters:

- (1) the continued validity of the permit holder's Governmental Authorizations, as referenced in Section 5.4(1), and the permit holder's compliance with the terms, conditions, and requirements of each such authorization;
- (2) the permit holder's compliance, both on and off Airport, with all federal, state, and local laws and regulations applicable to the CGT Service which the permit holder is authorized to provide on an Airport by the permit;
- (3) the permit holder's compliance with all applicable Regulations, including those governing the operation of motor vehicles on the Airports;
- (4) the permit holder's provision of information regarding the vehicles operating under the permit and the drivers of such vehicles;
- (5) the types and amounts of insurance coverages to be maintained by the permit holder, and the policies of insurance, if any, on which the Authority shall be named as an additional insured;
- (6) the obligations of the permit holder to defend, hold harmless, and indemnify the Authority and its directors, officers, employees, and agents;
- (7) the displays, trade dress, or other physical identifiers to be maintained on vehicles operating under the permit which evidence the Governmental Authorizations under which the vehicles are operating, as well as the display of a decal or marker evidencing the Authority permit under which the vehicle is operating;
- (8) the Designated Waiting Area or areas, if any, at which the drivers operating vehicles under the permit may park while waiting to arrange a Pre-Arranged Pick-Up Trip with one or more passengers located on the Airport, and conditions relating to the use of any such area;



- (9) the Pick-Up Area or areas on the Airport where vehicles operating under the permit are to pick up passengers and, if applicable, the Drop-Off Area or areas where passenger drop-offs are to occur;
- (10) the permit holder's:
  - (a) utilization of the Authority's Automatic Vehicle Identification System;
  - (b) establishment and utilization of an alternative vehicle identification system (including without limitation a Geofence) which performs the same, or many of the same, functions as the AVI system and, in addition, is capable of providing to the Authority, and showing on a real time basis, information relating to the permit holder's on-Airport operations and activities, and a description of the information the system is to provide and to show on a real time basis; or
  - (c) obligations (i) to compile specifically defined information relating to the permit holder's on-Airport operations and activities (including without limitation specified information regarding its Pre-Arranged Trips), (ii) to prepare reports containing all or parts of such compiled information and deliver such reports to the Airport Manager, (iii) to undertake specifically defined actions on a regular basis that are designed to verify the accuracy of the information being compiled and conveyed in such reports and to report the results of such actions to the Authority, (iv) to allow the Authority to undertake its own specifically defined activities to verify the accuracy of such information (including audits of the permit holder's systems, processes and procedures for recording and compiling information relating to Pre-Arranged Trips), and (v) when requested by Authority personnel, to provide in real time specified information relating to vehicles operating under the permit which are present on an Airport;
- (11) a description of the charges and their amounts, which the permit holder may be required to pay for equipment, services, or other matters provided or made available by the Authority to the permit holder and/or to individuals operating vehicles under the permit (e.g., charges for use of equipment related to the Authority's AVI system);
- (12) the permit holder's obligation to pay the applicable Access Fees and other fees identified in Section 5.7 and any charges described in the permit, and to pre-fund one or more accounts, on a regular basis, from which the Authority will be able to draw funds when such fees and charges become due or to provide a letter of credit or other form of surety or guarantee which the Authority will be able to access when the permit holder fails to timely pay such fees and charges;
- (13) a schedule of administrative fines, consistent with Section 5.7, which may be assessed for violations of specified terms, conditions, and requirements of the permit, and the process for the assessment and the permit holder's payment of such fines;

- (14) in permits authorizing Pre-Arranged Trips, the preparation and possession by drivers operating vehicles under the permit of written or electronic reports containing specified information relating to each Pre-Arranged Trip, and the obligation of such drivers to provide such reports to Authority law enforcement and other personnel when requested;
- (15) a description of the information relating to the permit holder's operations and activities under the permit which is to be compiled by the permit holder, of the records containing such information or otherwise relating to the permit holder's operations and activities which are to be created and maintained by the permit holder, and of the reports containing, summarizing, or otherwise addressing all or parts of such compiled information which are to be prepared by the permit holder and made available to the Airport Manager;
- (16) the ability of the Authority to review the permit holder's records referenced in Paragraph (15) and to conduct audits of the permit holder's operations and activities under the permit;
- (17) a prohibition of Solicitation by the permit holder and any individual operating a vehicle under the permit;
- (18) the designation of a single employee of the permit holder who shall be primarily responsible for all operations of the permit holder at the Airport, including addressing any issues and problems involving such operations that are presented by Authority personnel, and who shall be authorized by the permit holder to speak and act on its behalf in matters involving its Airport operations;
- (19) a description of the process to be utilized by, and the related obligations of, the permit holder, whereby (i) passengers may submit complaints regarding the transportation they have received from a driver operating under the permit, including complaints involving the conduct of the driver, the condition of the vehicle, and the fare which was charged, (ii) the complaint will be investigated, and (iii) when warranted, remedial action will be taken;
- (20) a statement of the conditions under which the permit may be suspended or revoked by the Airport Manager and the period of time following the permit's revocation before the permit holder may apply for a new permit under this Part 5;
- (21) a statement of the circumstances under which the permit holder will be required to terminate the ability of an individual driver to continue to operate a vehicle on an Airport under the holder's permit;
- (22) a statement of the Airport Manager's ability, at any time and in the Manager's discretion, to unilaterally amend the permit, including without limitation when reasonably required to further any of the purposes set out in Section 5.2; and

(23) the term and expiration date of the permit, if any.

(Res. No. 15-24, 9-16-15)

**§ 5.6. Commercial Ground Transportation Services – Requests for Exemption from Requirements Related to Pre-Arranged Trips.**

- (1) Under Chapters II and III of this Part 5, any person not a party to a contract executed by the Authority which is engaged in the provision of certain CGT Services – Limousine Service and Transportation Network Company Service – is prohibited from providing Pre-Arranged Drop-Off Trips and Pre-Arranged Pick-Up Trips at an Airport unless it is authorized to do so by a permit issued under this Part 5.
- (2) Any person referenced in Paragraph (1) which believes it is entitled by law (including without limitation the provisions of Section 14501 or Section 14505 of Title 49 of the United States Code) to provide Pre-Arranged Drop-Off Trips or Pre-Arranged Pick-Up Trips, or both, at an Airport without a permit from the Authority may submit a written request for an exemption from the permit requirement imposed by this Part 5. The request shall be submitted to the Manager of the Airport at which the person seeks to provide Pre-Arranged Drop-Off and Pick-Up Trips without a permit, and shall describe the basis for the person's claimed entitlement. The Airport Manager shall respond to the request in a written decision within thirty (30) days of the request submission.
- (3) Any person referenced in Paragraph (1) and holding a permit issued under this Part 5 which believes it is entitled by law (including without limitation the provisions of Section 14501 or Section 14505 of Title 49 of the United States Code) to provide one (1) or more particular Pre-Arranged Drop-Off Trips or Pre-Arranged Pick-Up Trips, or both, outside of, and not subject to the terms and conditions of, its permit may submit a written request for an exemption of such trips from the permit and its terms, conditions and requirements. The request shall be submitted to the Manager of the Airport that is covered by the permit, shall identify the particular trips as to which the entitlement is claimed, and shall describe the basis for the claimed entitlement. The Airport Manager shall respond to the request in a written decision within thirty (30) days of the request submission.
- (4) In the event a request submitted under Paragraph (2) or (3) is granted and an exemption from either the permit requirements of this Part 5 or the terms and conditions of a permit is provided by the Authority, the person receiving the exemption shall thereafter maintain a copy of the written decision providing the exemption in any vehicle the person operates on an Airport for the purpose of providing a CGT Service that is subject to Chapter II or III.

(Res. No. 15-24, 9-16-15)

**§ 5.7. Commercial Ground Transportation Services – Permit and Other Fees; Administrative Fines.**

- (1) The fees set out in the table below shall apply to CGT Services provided on an Airport under a permit issued under this Part 5, except with respect to interim permits as provided in Sections 5.26(2) and 5.36(3).

<u>CGT Service</u>	<u>Permit Fee</u>	<u>Access Fee</u>	<u>Dispatch Fee</u>	<u>Fee for Excess Dwell Time in a Designated Waiting Area</u>
Limousine Service	\$250.00	\$5.00	NA	\$3.00 for each 15-minute period (or part thereof) following expiration of a 60-minute no-fee period:
Transportation Network Company Service	\$5,000.00	\$5.00	NA	\$3.00 for each 15-minute period (or part thereof) following expiration of a 60-minute no- fee period
Taxicab Service	\$100.00 (every 2 years)	NA	\$3.00	NA

A permit fee is a one-time fee, payable at the time an application for a permit is made; provided that a permit holder whose permit has expired or has been revoked by an Airport Manager will be required to pay a new permit fee in the event, following such expiration or revocation, it applies for a new permit.

- (2) An Airport Manager may include in any permit issued under this Part 5 a schedule of administrative fines that may be assessed against the permit holder for violations of the permit's terms, conditions, requirements, and other provisions, including violations by individuals operating vehicles under the permit, which do not warrant the suspension or revocation of the permit; provided that no such fine for the violation of a single permit provision may exceed two hundred fifty dollars (\$250.00). These administrative fines are not intended to be punitive in nature or purpose, but rather to compensate the Authority for a portion of the cost it incurs in the enforcement of permits issued under this Part 5.
- (3) The fees set out in Paragraph (1) and the maximum administrative fine set out in Paragraph (2), including such fees and maximum fine as they may have been revised pursuant to this Paragraph, may be revised by the President or his designee; provided that (i) notice of any proposed increase in the fees or maximum fine and of an opportunity to comment on the proposal shall be given to all CGT Permit Holders affected by the proposed increase; (ii) the effective date of any such increased fees or maximum fine shall be no less than twelve (12) months following the effective date of the fees or maximum fine being increased; (iii) at least forty-five (45) days before

the effective date of any such increased fees or maximum fine, notice of the increased fees or maximum fine shall be provided to the Business Administration Committee of the Authority's Board of Directors; and (iv) the President may reduce the fees or maximum fine at any time without providing any notices, including those in clauses (i) and (iii), and without the time restraint in clause (ii).

(Res. No. 15-24, 9-16-15, Action of Chief Executive Officer under Section 5.7(3), effective January 6, 2020, Action of Chief Executive Officer under Section 5.7(3), effective April 6, 2020)

**§ 5.8. Commercial Ground Transportation Services – Suspension and Revocation of Permit; Application for New Permit Following Permit Revocation.**

- (1) An Airport Manager, after providing notice and an opportunity to be heard, may for good cause suspend for any period of time or revoke a permit issued to any CGT Permit Holder under this Part 5. Good cause includes without limitation any the following:
  - (a) suspension, revocation, or expiration of any of the Governmental Authorizations required by a permit to be held by the permit holder;
  - (b) one or more continuing or repeated violations by the permit holder of the terms, conditions, or requirements of any of the Governmental Authorizations required by a permit to be held by the permit holder, including violations by individuals who are operating vehicles for the permit holder under any such Government Authorization;
  - (c) one or more continuing, or repeated, violations by the permit holder of any of federal, state, or local laws or regulations applicable to the permit holder's provision of the CGT Service covered by the permit, including violations by individuals who are operating vehicles for the permit holder;
  - (d) one or more continuing or repeated violations by the permit holder of the terms, conditions, requirements, or other provisions of the permit, including violations by individuals who are operating vehicles for the permit holder under the permit; and
  - (e) in the case of a permit issued to and held by an individual or by an entity that is under the control of a single individual:
    - (i) the individual's conviction, plea of guilty, or plea of nolo contendere to the violation of any law involving the commission of a felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, or, in the last five (5) years, any other crime reasonably indicating that the individual may not be fit to provide service to the public;
    - (ii) the individual's accumulation of twelve (12) or more uniform demerit points, calculated in accordance with the Commonwealth of Virginia's

demerit system, within a twenty-four (24) month period or conviction or plea of guilty for reckless driving;

- (iii) the suspension, revocation, or expiration of the motor vehicle operating license which authorizes or allows the individual to operate a CGT Vehicle;
  - (iv) the suspension or revocation by a Government or the expiration of the license or registration of the CGT Vehicle used by the individual to provide the CGT Service covered by the permit; or
  - (v) the failure of the CGT Vehicle used by the individual to meet any safety standards, or pass any safety inspections required by a Government.
- (2) Prior to suspending or revoking a permit issued under this Part 5, the Airport Manager shall notify the CGT Permit Holder of the specific reasons for which the permit is proposed to be suspended or revoked and of the permit holder's opportunity to submit to the Airport Manager a written request for a meeting. If no such request is submitted within the period stated in the notice, which shall be no less than seven (7) days, the permit may be suspended or revoked by order of the Airport Manager. If a meeting is timely requested, it shall be scheduled by the Airport Manager as soon as feasible, and notice of the date, time and place of the meeting shall be provided to the permit holder.
- (3) At a requested meeting, the permit holder may provide to the Airport Manager any information relevant to the reasons given for the proposed suspension or revocation. Following the meeting, the Airport Manager shall issue a written decision which affirms and implements the proposed action, modifies the proposed action, or does not impose any action, and this written decision shall be furnished to the permit holder. This decision of the Airport Manager shall be final.
- (4) In the event of a final decision which suspends or revokes a permit, the permit holder shall immediately surrender the permit.
- (5) Each party shall bear its own expenses associated with the process set out in this Section 5.8.
- (6) Notwithstanding any provision to the contrary in this Section 5.8, the Airport Manager or the Vice President of Public Safety, or a designee of the Vice President, may suspend a permit issued under this Part 5, or the privilege of certain individuals to operate a CGT Service Vehicle under the permit, immediately and without prior notice whenever the Manager or Vice President (or designee) determines that the failure to do so would present a substantial threat to public safety, to an Airport's operations, or to the flow of traffic to and from the Airport. The permit holder and any individual vehicle operators shall be notified of such suspension as soon as feasible. In the event the Airport Manager decides that a permit which has been suspended under this Paragraph (6) should be revoked, the process set out in

Paragraphs (2) and (3) shall apply; provided, that the suspension under this Paragraph (6) shall continue in effect until the conclusion of such revocation process, unless the suspension is earlier terminated by the Manager or Vice-President (or designee) who initially issued it.

- (7) A person whose permit has been revoked may not apply for a new permit sooner than the date set out in the final decision of revocation or the expiration of the period set out in the revoked permit during which an application for a new permit may not be made.

(Res. No. 15-24, 9-16-15)

#### **§ 5.9. Commercial Ground Transportation Services – Rules.**

The President is authorized to establish any administrative rules and procedures that are reasonably necessary to promote the effective and efficient (i) administration of the process and system for the issuance of permits under this Part 5, (ii) administration and enforcement of the permits which are issued under this Part 5, and (iii) enforcement of the Regulations in this Part 5 which have the force and effect of law and for which a criminal sanction is provided.

(Res. No. 15-24, 9-16-15)

#### **§ 5.10. Commercial Ground Transportation Services – Penalties.**

Any person who violates any provisions of Section 5.3, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

#### **§§ 5.11. - 5.20. – RESERVED.**

## **PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES**

### **Chapter II – Limousine Service**

#### **§ 5.21. Introduction.**

The provisions of this Chapter II are in addition to and supplemental to the provisions of Chapter I which also apply to Limousine Service. However, in the case of a conflict between any provisions in this Chapter II and in Chapter I, the provisions of this Chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

#### **§ 5.22. Purpose.**

The purpose of this Chapter II is to ensure that reliable Limousine Service is available for passengers who are traveling by aircraft to or from the Airports and other individuals on the Airports; that this service is delivered in a safe and reliable manner at the Airports; that the use of Airport facilities by the providers of this service does not produce undue traffic congestion on Airport roadways or at Airport commercial curbs, drop-offs and pick-ups of passengers at Airport locations that are not intended for such purposes, or excessive use of designated drop-off and pick-up locations; that the providers of such service do not engage in the Solicitation of passengers or other individuals who are on an Airport; that, like other providers of CGT Services, the providers of such service pay fair compensation for the privilege to access the Airports and to use the Airports' facilities in order to conduct their business on the Airports; and that the regulation of the providers of such service is properly integrated with the regulation of other providers of CGT Services.

(Res. No. 15-24, 9-16-15)

#### **§ 5.23. Definitions.**

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter II and other chapters of Part 5, shall have the following meanings.

**Limousine Pre-Arranged Drop-Off Trip:** The transportation by a provider of Limousine Service of an individual from a location outside Airport to a location on the Airport, where an arrangement for the transportation is made between such provider and the passenger in advance of the provider picking up the passenger.

**Limousine Pre-Arranged Pick-Up Trip:** The transportation by a provider of Limousine Service of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, where an arrangement for the transportation is made between such person and the passenger in advance of the person picking up the passenger either (i) before the person enters the Airport for the purpose of picking up the passenger, or (ii) when the person is located in a Designated Waiting Area identified in a permit issued under this Part 5.



**Limousine Service:** The provision of a CGT Service consisting of the transportation of individuals to or from and within an Airport in a motor vehicle having a capacity of up to eight (8) individuals (including the driver) which is not a Taxicab (as defined in Section 5.43) or a TNC Vehicle (as defined in Section 5.33), pursuant to a contract or other arrangement which is made between the provider and the passenger or passengers prior to the transportation and which establishes the compensation to be paid for the transportation. The term includes without limitation service provided in a vehicle having a capacity of up to eight (8) individuals by persons which are a “contract passenger carrier,” as defined in the laws of the Commonwealth of Virginia; by persons operating a “limousine” or “sedan” within the category of “public vehicles-for-hire,” as defined in the laws of the District of Columbia; or by persons operating a “limousine” or “sedan” within the category of “passenger-for-hire service,” as defined in the laws of the State of Maryland.

**Other Limousine Service:** The transportation of individuals to and from locations entirely outside an Airport in a motor vehicle which is not a Taxicab (as defined in Section 5.43) or a TNC Vehicle (as defined in Section 5.33) and which is typically characterized as a “limousine” or “executive sedan,” pursuant to a contract or other arrangement which is made between the provider and the passenger or passengers prior to the transportation and which establishes the compensation to be paid for the transportation.

(Res. No. 15-24, 9-16-15)

#### **§ 5.24. Limousine Service – Prohibited Activities.**

- (1) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service consisting of the transportation of one (1) or more individuals from a location outside the Airport to a location on the Airport, or any part of such transportation, unless (i) such service constitutes a Limousine Pre-Arranged Drop-Off Trip and the person is authorized to provide Limousine Pre-Arranged Drop-Off Trips on the Airport by a permit issued under this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided that the provisions of this Paragraph (1) shall not apply to Limousine Pre-Arranged Drop-Off Trips which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.
- (2) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service consisting of the transportation of one or more individuals from a location on the Airport to a location outside the Airport or to another location on the Airport, or any part of such transportation, unless (i) such service constitutes a Limousine Pre-Arranged Pick-Up Trip and the person is authorized to provide Limousine Pre-Arranged Pick-Up Trips on the Airport by a permit issued under this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided that the provisions of this Paragraph (2) shall not apply to Limousine Pre-Arranged Pick-Up Trips which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.

(3) No person which is licensed, certified, or otherwise authorized by a Governmental Authority to provide Other Limousine Service, whether or not such person holds a permit issued under this Part 5, shall provide or attempt to provide while on an Airport, or shall be present on an Airport for the purpose of providing, the transportation of any individual for compensation other than as part of a Limousine Pre-Arranged Drop-Off Trip or a Limousine Pre-Arranged Pick-Up Trip, except (i) when traveling, immediately after entering the Airport, to a Designated Waiting Area that is described in a permit issued under this Part 5 which authorizes the person to pre-arrange trips while located within the described Designated Waiting Area or (ii) having not pre-arranged a trip while located within such Designated Waiting Area, when traveling between the area and an Airport exit. Any person which is so authorized by a Governmental Authority, which is present on an Airport, including in an Airport terminal, and which is not traveling as described in clauses (i) and (ii) in the prior sentence, and which does not, when requested, provide the written or electronic record of a pre-arranged Limousine Drop-Off Trip or a Limousine Pre-Arranged Pick-Up Trip, as described in and required by Paragraph (4)(a) below, shall be presumed to be in violation of this Paragraph (3), and the person's presence on the Airport, under these circumstances, shall constitute prima facie evidence of the person's violation of this Paragraph.

(4) Except as otherwise provided pursuant to Section 5.6:

(a) No person shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, Limousine Service without possession of or immediate access to a written or electronic record of a Limousine Pre-Arranged Drop Off Trip or a Limousine Pre-Arranged Pick-Up Trip which shall consist of the following:

- (i) the date and time when the trip was pre-arranged;
- (ii) the name of the passenger being or to be transported; and
- (iii) in the case of a Limousine Pre-Arranged Pick-Up Trip, the date and time when, and the approximate location on the Airport where, the passenger is to be, or was, picked up, and the location to which the passenger is to be transported.

(b) No person which is licensed, certified, or otherwise authorized by a Governmental Authority to provide Other Limousine Service and which is present on an Airport, including any such person which holds a permit issued under this Part 5 and is not traveling to or from a Designated Waiting Area as described in clauses (i) and (ii) in Paragraph (3) above, or which is operating under a contract executed by the Authority, and whether such person is located in or outside a motor vehicle, shall refuse or fail to make available, or provide access to, the written or electronic record, as described in Subparagraph (a) of this Paragraph (4), of a Limousine

Pre-Arranged Drop-Off Trip or Limousine Pre-Arranged Pick-Up Trip which the person is, or claims to be, in the process of providing, to an Authority law enforcement officer, another Authority employee, or a representative of the Authority, upon the officer's, employee's, or representative's request.

(Res. No. 15-24, 9-16-15)

**§ 5.25. Limousine Service – Eligibility for Permit.**

- (1) No person shall be eligible for a permit under this Part 5 authorizing the person to provide Limousine Service on an Airport unless the person possesses one (1) or more Governmental Authorizations authorizing the person to provide, or conduct the business of providing, Other Limousine Service within the jurisdiction of the Government issuing the authorization.
- (2) To be eligible for a permit under this Part 5 authorizing a person to provide Limousine Service on an Airport, the person shall submit a permit application on a form supplied by the Authority, shall pay all applicable fees, and shall meet all eligibility requirements as may be established by the Airport Manager under Section 5.4.

(Res. No. 15-24, 9-16-15)

**§ 5.26. Limousine Service – Permits.**

- (1) The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to conduct the business of providing Limousine Service on the Airports, and to place such terms, conditions and requirements in the permits as the Managers deem reasonable to achieve the purposes set out in Sections 5.1 and 5.22, to protect the traveling public, and otherwise to be in the interest of the Authority and the traveling public. When determining the terms, conditions, requirements, and other provisions to place in such permits, the Airport Managers shall consider the inclusion, among others, of provisions which address the matters that are described in Section 5.5 and, in addition, the inclusion of the provisions below:
  - (a) a provision that prohibits a permit holder which does not possess a certificate of fitness or other form of operating authority from the Commonwealth of Virginia, but rather one (1) or more Governmental Authorizations from other Government Authorities authorizing the permit holder to provide Other Limousine Service within such Government Authorities' jurisdictions from transporting any passengers (i) from a location within the Commonwealth of Virginia outside of the Airport covered by the permit to a location on the Airport and (ii) from a location on that Airport to a location outside of the Airport which is within the Commonwealth of Virginia, and that requires the permit holder to prohibit and prevent all individuals operating under its permit from providing any such intra-Virginia transportation, and

- (b) a provision limiting the Limousine Service that is authorized by the permit to Limousine Pre-Arranged Drop-Off Trips and Pre-Arranged Limousine Pick-Up Trips at the Airport.
- (2) Notwithstanding any provisions of this Chapter II to the contrary, between November 1, 2015, and January 1, 2016, an Airport Manager may issue interim permits under this Chapter II to eligible persons for a duration of up to twelve (12) months and, following the expiration of such interim permits, may issue permits to eligible persons pursuant to Paragraph (1) of this Section. All fees applicable to Limousine Service set out in Section 5.7, except the fee for use of a Designated Waiting Area, shall be in effect and assessed holders of such interim permits during the duration of the permits.

(Res. No. 15-24, 9-16-15)

**§ 5.27. Limousine Service – Penalties.**

Any person who violates any provisions of Section 5.24, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

**§§ 5.28. - 5.30. – RESERVED.**

## **PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES**

### **Chapter III – Transportation Network Company Service**

#### **§ 5.31. Introduction.**

The provisions of this Chapter III are in addition to and supplemental to the provisions of Chapter I which also apply to Transportation Network Company Service. However, in the case of a conflict between any provisions in this Chapter III and in Chapter I, the provisions of this chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

#### **§ 5.32. Purpose.**

The purpose of this Chapter III is to ensure that the transportation services provided by Transportation Network Companies are available to passengers who are traveling by aircraft to or from the Airports and other individuals present on the Airports; that these services become an integral part of the system of commercial ground transportation services that are provided on the Airports; that these services are delivered in a safe and reliable manner on the Airports; that the use of Airport facilities by the providers of these services does not produce undue traffic congestion on Airport roadways or at Airport curbs, the drop-off or pick-up of passengers at Airport locations that are not intended for such purposes, or the excessive use of designated drop-off and pick-up locations; that the providers of the services do not engage in the Solicitation of passengers or other individuals who are on an Airport; that, like other providers of CGT Services, the providers of these services pay fair compensation for the privilege to access the Airports and use the Airports' facilities in order to conduct their business on the Airports; and that the regulation of the providers of these services is properly integrated with the regulation of other providers of CGT Services.

(Res. No. 15-24, 9-16-15)

#### **5.33. Definitions.**

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter III and other chapters of Part 5, shall have the following meanings.

**Transportation Network Company (TNC):** A person operating a business or activity that constitutes a “transportation network company” as defined by the laws of the Commonwealth of Virginia and the laws of the State of Maryland, a “private vehicle-for-hire company” as defined by the laws of the District of Columbia, or the term used by other Governmental Authorities to define a comparable business or activity.

**Transportation Network Company Driver (TNC Driver):** An individual authorized by a TNC to use the individual's personal vehicle, or a vehicle owned or leased by the TNC, having a seating capacity of not more than eight (8), including the driver, to provide TNC Pre-Arranged

Trips. A TNC Driver is considered to be associated with the TNC which has provided such authorization to the driver.

**Transportation Network Company Mobile Application (TNC Mobile Application):** An online-enabled application, software, website, and/or system provided by a TNC that enables its TNC Drivers to make arrangements for TNC Pre-Arranged Trips with individuals seeking transportation from or through the TNC.

**Transportation Network Company Pre-Arranged Drop-Off Trip (TNC Pre-Arranged Drop-Off Trip):** The transportation by a TNC and a TNC Driver, for compensation, of an individual from a location outside an Airport to a location on the Airport, which transportation is pre-arranged through a TNC Mobile Application before the passenger is picked up by the driver and culminates in the passenger's drop-off at the Airport.

**Transportation Network Company Pre-Arranged Pick-Up Trip (TNC Pre-Arranged Pick-Up Trip):** The transportation by a TNC and a TNC Driver, for compensation, of an individual from a location on an Airport to a location outside the Airport or to another location on the Airport, which transportation is arranged in advance of the actual transportation through a TNC Mobile Application either (i) before the TNC Driver enters the Airport for the purpose of picking up the pre-arranged passenger, or (ii) when the TNC Driver is located in a Designated Waiting Area identified in a permit issued under this Part 5.

**Transportation Network Company Pre-Arranged Trip (TNC Pre-Arranged Trip):** A TNC Pre-Arranged Drop-Off Trip or TNC Pre-Arranged Pick-Up Trip.

**Transportation Network Company Service (TNC Service):** The provision of a CGT Service consisting of the transportation by a TNC and its TNC Drivers of individuals to or from or within an Airport consisting of TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Pick-Up Trips.

**Transportation Network Company Vehicle (TNC Vehicle):** The vehicle used by a TNC Driver in the provision of TNC Service.

**Transportation Network Company Permit Holder (TNC Permit Holder):** A TNC to which a permit has been issued by an Airport Manager under this Part 5.

(Res. No. 15-24, 9-16-15)

#### **§ 5.34. Transportation Network Service – Prohibited Activities.**

- (1) No person shall provide or attempt to provide on an Airport, or shall enter or be present on an Airport for the purpose of providing, TNC Service consisting of the transportation of one or more individuals from a location outside the Airport to a location on the Airport, or any part of such transportation, unless (i) such service constitutes a TNC Pre-Arranged Drop-Off Trip and the person is authorized to provide TNC Pre-Arranged Drop-Off Trips on the Airport by a permit issued under

- this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided that the provisions of this Paragraph (1) shall not apply to TNC Pre-Arranged Drop-Off Trips which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.
- (2) No person shall provide or attempt to provide on an Airport, or shall enter or be present on an Airport for the purpose of providing, TNC Service consisting of the transportation of one or more individuals from a location on the Airport to a location outside the Airport or to another location on the Airport, or any part of such transportation, unless (i) such service constitutes a TNC Pre-Arranged Pick-Up Trip and the person is authorized to provide TNC Pre-Arranged Pick-Up Trips on the Airport by a permit issued under this Part 5, or (ii) such service is authorized by a contract executed by the Authority; provided that the provisions of this Paragraph (2) shall not apply to TNC Pre-Arranged Pick-Up Trips which have been exempted from the Paragraph by the Authority pursuant to Section 5.6.
- (3) No TNC or TNC Driver, whether or not holding or operating under a permit issued under this Part 5, shall provide or attempt to provide while on an Airport, or shall be present on an Airport for the purpose of providing, the transportation of any individual for compensation other than as part of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up Trip, except (i) when traveling, immediately after entering the Airport, to a Designated Waiting Area that is described in a permit issued under this Part 5 which authorizes the TNC and its TNC Drivers to pre-arrange trips while located within the described Designated Waiting Area, or (ii) having not pre-arranged a trip while located within such Designated Waiting Area, when traveling between the area and an Airport exit. Any TNC Driver who is present on an Airport, including in an Airport terminal, and not traveling as described in clauses (i) and (ii) in the prior sentence and who does not, when requested, provide the written or electronic record of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up Trip as described in and required by Paragraph (4)(a) below, shall be presumed to be in violation of this Paragraph (3) and the presence of the TNC Driver, and consequently the TNC, on the Airport, under these circumstances, shall constitute prima facie evidence of the person's violation of this Paragraph.
- (4) Except as otherwise provided pursuant to Section 5.6:
- (a) No TNC or TNC Driver shall provide or attempt to provide on an Airport, or shall be present on an Airport for the purpose of providing, TNC Service without possession of or immediate access to an electronic record of a TNC Pre-Arranged Drop-Off Trip or a TNC Pre-Arranged Pick-Up Trip, which shall consist of the following:
- (i) the name of the TNC with which the TNC Driver is associated;
- (ii) the identification number assigned to the TNC Driver by the TNC with which the driver is associated;

- (iii) the license plate number, along with the state issuing the license plate, of the TNC Vehicle which the TNC Driver is authorized to operate; and
  - (iv) in the case of a TNC Pre-Arranged Pick-Up Trip, the date and approximate time when and the location on the Airport at which the passenger is to be, or was, picked up.
- (b) No TNC Driver who is present on an Airport and not traveling to or from a Designated Waiting Area as described in clauses (i) and (ii) in Paragraph (3) above, and whether such driver is located in or outside a motor vehicle, shall refuse or fail to make available or to provide access to the electronic record, as described in Subparagraph (a) of this Paragraph (4), of the TNC Pre-Arranged Drop-Off Trip or TNC Pre-Arranged Pick-Up Trip, which the TNC Driver is, or claims to be, in the course of providing, to an Authority law enforcement officer, another Authority employee or a representative of the Authority, upon the officer's, employee's, or representative's request.

(Res. No. 15-24, 9-16-15)

**§ 5.35. Transportation Network Company Service – Eligibility for Permit.**

- (1) No person shall be eligible for a permit under this Part 5 authorizing the person to provide TNC Service on an Airport unless the person possesses one or more Governmental Authorizations authorizing the person to be, and to conduct the business of, a TNC within the jurisdiction of the Government issuing the authorization.
- (2) To be eligible for a permit authorizing the person to provide TNC Service on an Airport, a person shall submit a permit application on a form supplied by the Authority, shall pay all applicable fees, and shall meet all eligibility requirements as may be established by the Airport Manager under Section 5.4.

(Res. No. 15-24, 9-16-15)

**§ 5.36. Transportation Network Company Service – Permits.**

- (1) The Airport Managers are authorized to issue permits which provide to eligible persons the privilege of accessing the Airports and using the Airports' facilities in order to conduct their business of providing TNC Service at the Airports, and to place such terms, conditions, and requirements in the permits as the Managers deem reasonable to achieve the purposes set out in Sections 5.1 and 5.32, to protect the traveling public, and otherwise to be in the interest of the Authority and the traveling public. When determining the terms, conditions, requirements and other provisions to place in such permits, the Airport Managers shall consider the inclusion, among



others, of provisions which address the matters that are described in Section 5.5 and, in addition, the inclusion of the provisions below:

- (a) a provision that requires the TNC Permit Holder to cause its mobile application (i) to be inaccessible to its TNC Drivers whenever they are present on an Airport in any location other than the Airport's Designated Waiting Areas and (ii) to be accessible to its drivers located outside an Airport to arrange a TNC Pre-Arranged Pick-Up Trip only in the event no drivers of the permit holder are located within the Airport's Designated Waiting Area;
- (b) a provision that (i) prohibits a TNC Permit Holder which possesses operating authority from both the Commonwealth of Virginia and one or more other Governmental Authorities (including without limitation the District of Columbia or State of Maryland) from utilizing or allowing any of its TNC Drivers who are not authorized to operate under the permit holder's operating authority from the Commonwealth of Virginia to transport passengers from a location within the Commonwealth of Virginia that is outside of an Airport to a location on that Airport and from a location on an Airport to a location outside of that Airport which is within the Commonwealth of Virginia; (ii) that requires the permit holder to prohibit and prevent all such TNC Drivers from providing any such intra-Virginia transportation; and (iii) that requires the permit holder to make its mobile application inaccessible to all such TNC Drivers to pre-arrange any such intra-Virginia trips;
- (c) a provision that (i) prohibits a TNC Permit Holder which does not possess a certificate of fitness or other form of operating authority from the Commonwealth of Virginia, but rather one (1) or more Governmental Authorizations from other Government Authorities (including without limitation the District of Columbia or State of Maryland) authorizing the permit holder to operate within such Government Authorities' jurisdiction, from utilizing or allowing any of its TNC Drivers to transport any passengers from a location within the Commonwealth of Virginia outside of the Airport covered by the permit to a location on the Airport, and from a location on that Airport to a location outside of the Airport which is within the Commonwealth of Virginia; (ii) that requires the permit holder to prohibit and prevent all of its TNC Drivers who are operating under its permit from providing any such intra-Virginia transportation; and (iii) that requires the permit holder to make its mobile application inaccessible to all of its TNC Drivers to pre-arrange any such intra-Virginia trips;
- (d) a provision requiring the TNC Permit Holder to defend, hold harmless, and indemnify the Authority in connection with any claims arising from any incident occurring in the course of the transportation of one or more passengers to or from an Airport for compensation by any of the permit holder's TNC Drivers, regardless of the location of the incident and whether or not the TNC Driver had arranged for the transportation through the permit holder's mobile application;

(e) a provision requiring the TNC Permit Holder either to:

- (i) utilize the Authority's Automatic Vehicle Identification System;
- (ii) install and utilize a Geofence, as defined in Section 5.2 and described in Section 5.5(10); or

(iii) comply with requirements set out in the permit that describe a series of actions--

(A) to be taken by the permit holder which will result in specifically defined information relating to the permit holder's on-Airport operations and activities being verified by the permit holder and third parties as accurate and trustworthy, and being made available to the Authority; such actions might include, without limitation, the following:

- (1) the compilation on a regular basis (e.g., monthly) of certain information specified or described in the permit relating to the TNC Pre-Arranged Trips undertaken by the permit holder's TNC Drivers during the period in question, including without limitation the number of such trips and the number of TNC Pre-Arranged Drop-Off and TNC Pre-Arranged Pick-Up Trips;
- (2) the preparation and delivery to the Airport Manager on a regular basis (e.g., monthly) of a report which contains all or designated components of the information referenced in Subparagraph (e)(iii)(A)(1) for the period in question, including without limitation the number of such trips and the number of TNC Pre-Arranged Drop-Off and TNC Pre-Arranged Pick-Up Trips;
- (3) the execution of a certificate, in conjunction with each such regular report, by the permit holder's chief executive officer, chief financial officer, or other officer identified in the permit, in which the officer certifies that, to the best of his or her knowledge, the report fairly and accurately presents, in all material respects, the number of TNC Pre-Arranged Trips provided by the permit holders' TNC Drivers during the period addressed by the report and all other information relating to such trips that is presented in the report; and
- (4) the real-time electronic delivery by the permit holder to designated Authority personnel, following its receipt from such personnel of a motor vehicle's license plate number and the plate's issuing state, of information described in the permit that is designed to assist the Authority in enforcing the permit's requirements, including without limitation the delivery of a statement that the license plate is or is not linked to a vehicle associated with a TNC Driver who is

authorized to access the permit holder's mobile application and, when the vehicle is so linked, a statement that the vehicle is or is not currently engaged in a TNC Pre-Arranged Drop-Off Trip or TNC Pre-Arranged Pick-up Trip;

(B) to be taken by the permit holder to verify the accuracy of the systems, processes, and procedures used by the permit holder to produce the information referenced in Subparagraphs (e)(iii)(A)(1) and (e)(iii)(A)(4): such actions might include, without limitation, the following:

- (1) the permit holder's retention, on a regular basis as defined in the permit, of an accredited accounting firm acceptable to the Airport Manager to conduct an audit of the permit holder's systems, processes, and procedures which the permit holder utilizes to collect, record, and transmit the information referenced in Subparagraphs (e)(iii)(A)(1) and (e)(iii)(A)(4);
- (2) the preparation of a report by the retained accounting firm in connection with each such audit in which the firm provides, among other things, an opinion (x) as to whether or not the permit holder's systems, processes, and procedures for collecting, recording, and transmitting the information referenced in Subparagraphs (e)(iii)(A)(1) and (e)(iii)(A)(4) fairly and accurately compile, record, and transmit, in all material respects, such information, and (y) as to whether or not the information included in each of the reports referenced in Subparagraph (e)(iii)(A)(2), which were delivered to the Airport Manager during the period covered by the audit, fairly and accurately presented, in all material respects, the information presented in the reports, including the overall number of the permit holder's TNC Pre-Arranged Trips, as well as the number of TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Trip Pick-Up Trips, occurring during the periods covered by the reports; and
- (3) the delivery to the Airport Manager of each audit report prepared under this Subparagraph (e)(iii)(B);

(C) that may be taken by the Authority itself to verify the accuracy of the information referenced in Subparagraphs (e)(iii)(A)(1) and (e)(iii)(A)(4);

(f) a provision requiring the TNC Permit Holder to maintain certain displays, trade dress or other physical identifiers on its TNC Vehicles operating under the permit which evidence the Governmental Authorizations under which the vehicles are operating; provided that the display of a decal or marker evidencing the permit issued by the Airport Manager will not be required; and

- (g) a provision requiring the permit holder to provide specified information regarding the TNC Vehicles operating under the permit but not regarding the permit holder's TNC drivers.
- (2) Permits authorizing the provision of TNC Service at an Airport will be issued only to a TNC, and such permits will only authorize the TNC Permit Holder, acting solely through its TNC Drivers, to provide TNC Pre-Arranged Drop-Off Trips and TNC Pre-Arranged Pick-Up Trips at the Airport.
- (3) Notwithstanding any provisions of this Chapter III to the contrary, between November 1, 2015, and January 1, 2016, an Airport Manager may issue interim permits under this Chapter III to eligible persons, for a duration of up to twelve (12) months and, following the expiration of such interim permits, may issue permits to eligible persons pursuant to Paragraph (1) of this Section. All fees applicable to TNC Service set out in Section 5.7, except the fee for use of a Designated Waiting Area, shall be in effect and assessed holders of such interim permits during the duration of the permits.

(Res. No. 15-24, 9-16-15)

#### **§ 5.37. Transportation Network Company Service – Penalties.**

Any person who violates any provisions of Section 5.34, which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(Res. No. 15-24, 9-16-15)

#### **§§ 5.38. - 5.40. – RESERVED.**

## **PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES**

### **Chapter IV – Taxicab Service**

#### **Subchapter A – General Provisions**

##### **§ 5.41. Introduction.**

The provisions of this Chapter IV are in addition to and supplemental to the provisions of Chapter I which also apply to Taxicab Service. However, in the case of a conflict between any provisions in this Chapter IV and in Chapter I, the provisions of this Chapter are intended to apply.

(Res. No. 15-24, 9-16-15)

##### **§ 5.42. Purpose.**

The purpose of this Chapter IV is to ensure that the traveling public obtains safe, convenient, clean, and courteous Taxicab Service on National and Dulles and at a fair price, to avoid congestion of the roadways and curbs at the Airports, and to achieve these ends 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 at National by means of a dispatch system, except under narrow circumstances, and to restrict the Taxicabs operating in that dispatch system to those which conform to the Regulations and Airport rules, as well as the laws of the jurisdiction in which the Taxicabs are licensed.

(Res. No. 94-4, 1-5-94; Res. No. 15-24, 9-16-15)

##### **§ 5.43. Definitions.**

Unless it appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter IV and other chapters of Part 5, shall have the following meanings.

**Taxicab:** Any motor vehicle that is operated for the purpose of transporting passengers for compensation, which is based on metered rates, between points along the public streets and roadways as the passengers may direct and is not being operated on a regular route or schedule or between fixed terminals. The term includes motor vehicles regulated as “taxicabs” under the laws of the Commonwealth of Virginia and the State of Maryland, their political subdivisions, and the District of Columbia. The term does not include limousines, executive sedans, or other for hire vehicles for which passengers contract on an hourly basis.

**Taxicab Dispatch System:** The system established and operated by the Authority at National to direct and control the movement and operation of Taxicabs operated by individuals holding a Taxicab Operator’s Permit.

**Taxicab Dispatch Trip:** The transportation provided by the operator of a Taxicab of one (1) or more passengers from a location on National to a location outside the Airport or to another location on the Airport which is at the direction of the Taxicab Dispatcher.

**Taxicab Dispatcher:** The individual designated and authorized by the Authority to direct the movement and operation of Taxicabs at National as part of the Taxicab Dispatch System.

**Taxicab Drop-Off Trip:** The transportation by an operator of a Taxicab of one (1) or more passengers from a location outside an Airport to a location on the Airport.

**Taxicab Official:** The employee of the Authority charged with administering and supervising the Taxicab Dispatch System.

**Taxicab Operator's Permit:** The permit issued by the Authority which authorizes an individual to provide Taxicab Dispatch Trips at National.

**Taxicab Pre-Arranged Pick-Up Trip:** The transportation by an operator of a Taxicab of one (1) or more passengers from a location on an Airport to a location outside the Airport or to another location on the Airport which is arranged in advance of the actual transportation and before the Taxicab operator enters the Airport for the purpose of picking up the pre-arranged passenger.

**Taxicab Service:** The provision of a CGT Service consisting of the transportation of individuals to and from, and within an Airport by Taxicab.

(Res. No. 94-4, 1-5-94; Res. No. 15-24, 9-16-15)

## **Subchapter B – Taxicab Service at National**

### **§ 5.44. Operating Conditions for Providers of Taxicab Service.**

- (1) Every individual operating a Taxicab at any time on National, including to provide Taxicab Drop-Off Trips, shall comply with each of the following requirements:
  - (a) The individual must possess a current, valid motor vehicle operator's license;
  - (b) The individual must possess a current, valid license, registration, or other certificate issued by one (1) or more Governments, which is applicable to the individual's Taxicab;
  - (c) The individual must possess a current, valid license issued by at least one (1) Government, to operate a Taxicab within the jurisdiction of that Government;
  - (d) The individual must not engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another;

- (e) When transporting passengers to destinations outside Virginia, the individual must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the individual's Taxicab is licensed, certified, or otherwise authorized. When transporting passengers within Virginia, including from one to another location on National, the individual must charge the passenger fares prescribed by the Virginia Governmental Authority which has licensed, certified, or otherwise authorized the individual's Taxicab;
  - (f) The individual must comply with the laws governing Taxicabs in the jurisdiction of each Governmental Authority which has licensed the individual to operate a Taxicab or has licensed, registered, or certified the individual's Taxicab. In case of any inconsistency between these Regulations and the laws of such jurisdictions, the more restrictive law shall apply; and
  - (g) The individual must comply with all conditions set out in the Taxicab Operator's Permit, if any, issued to the individual under Section 5.47.
- (2) Any individual operating a Taxicab on National while not in compliance with any of the requirements in Subparagraphs (a) through (e) of Paragraph (1) shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

**§ 5.45. Operating Conditions for Taxicabs Picking Up Passengers Outside the Taxicab Dispatch System.**

- (1) No individual who lacks a Taxicab Operator's Permit shall operate a Taxicab on National to pick up or attempt to pick up one (1) or more passengers at the Airport between the hours of 6:00 a.m. and 2:00 a.m. the following day, except at the express direction of the Taxicab Dispatcher; provided that the foregoing prohibition does not apply to any individual who is operating a Taxicab under one of the following circumstances:
  - (a) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers for hire at National, or
  - (b) the individual comes to National to provide a Taxicab Pre-Arranged Pick-Up Trip and the individual possesses a manifest or trip sheet which shows (i) the date and time the trip was pre-arranged, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time, and location of the pick-up. Such manifests or trip sheets may be maintained in written or electronic format and must clearly set out the above information.

- (2) Any individual who operates a Taxicab on National in violation of any provisions of Paragraph (1), which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor, as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 01-17, 11-8-01; Res. No. 04-30, 12-1-04; Res. No. 15-24, 9-16-15)

#### **§ 5.46. Operating Conditions for Providers of Taxicab Dispatch Trips.**

No individual shall operate a Taxicab in the Taxicab Dispatch System at National unless the individual is in compliance with each of the following conditions:

- (1) The individual must possess a current, valid Taxicab Operator's Permit issued under Section 5.47. This Permit must be kept in the individual's possession at all times that the individual is operating a Taxicab at National and must be prominently displayed according to the Airport Manager's directions while the Taxicab is on the Airport;
- (2) The individual must display in the Taxicab, in a place conspicuous to passengers, the driver's license from a Government to operate a Taxicab and a schedule of the fare rates issued by the Washington Metropolitan Area Transit Commission and by the Government that has licensed, certified, or otherwise authorized the individual's Taxicab;
- (3) The individual must, upon the request of an Authority law enforcement officer, a Taxicab Dispatcher, or the Taxicab Official, surrender for inspection the individual's Taxicab Operator's Permit and must permit any such Authority representative to inspect the individual's Taxicab to determine if the individual is displaying the license and fare rate schedule required by Paragraph (2);
- (4) The individual must wear a shirt with a collar, long pants or a skirt, shoes (not sandals), and socks or stockings;
- (5) The individual 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;
- (6) The individual must operate a Taxicab that is not more than eight (8) 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 (8));
- (7) The individual must operate a Taxicab that is equipped with air conditioning which is in good repair. The individual must turn on the air conditioning when the outside temperature exceeds eighty (80) degrees Fahrenheit and the individual is directed to do so by the Taxicab Dispatcher. Notwithstanding the foregoing, the individual



shall comply in all circumstances with the request of a passenger to turn on or turn off the air conditioning;

- (8) The individual must not smoke in the Taxicab when passengers are present. If the individual wishes passengers not to smoke, the individual must post a “No Smoking” sign in the Taxicab that is readily visible to passengers;
- (9) The individual must obey all directions and signals of the Taxicab Dispatcher regarding the orderly flow of traffic and the accommodation of passengers;
- (10) The individual must accept any orderly passenger and convey any passenger where directed upon dispatch by the Taxicab Dispatcher;
- (11) The individual may transport only those persons assigned to the individual by the Taxicab Dispatcher;
- (12) The individual may not act in a discourteous manner towards passengers or persons seeking transportation;
- (13) When requested by a passenger, the individual must give a receipt showing the individual’s name, the name of the Taxicab company (if any), the taxicab number, the time and place of the trip’s origin and destination, and the amount of the fare;
- (14) The individual must not breach the peace on the Airport. The individual must not impede the operation of the Taxicab Dispatch System, other airport operations, or the flow of traffic to and from the Airport;
- (15) The individual must remain within five (5) feet of the individual’s Taxicab at all times except while it is in a Taxicab holding structure at National or when it is legally parked on the Airport;
- (16) The individual must not give or offer to give any money or anything of monetary value to the Taxicab Dispatcher;
- (17) The individual must pay a dispatch fee, set pursuant to Section 5.7, on each occasion the individual picks up one (1) or more passengers through the Taxicab Dispatch System;
- (18) The individual must maintain in the individual’s Taxicab electronic credit card processing equipment that enables passengers to use credit cards to pay fares;
- (19) The individual must accept major credit cards as payment for fares; and
- (20) The individual must permit Authority law enforcement officers and the Taxicab Official to inspect the individual’s Taxicab to determine whether the vehicle meets the standards set forth in this Section 5.46. The individual shall not operate a

vehicle in the Taxicab Dispatch System that has failed such an inspection until an Authority law enforcement officer or the Taxicab Official has determined that the conditions causing the vehicle to fail have been corrected.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 09-13, 4-1-09; Res. No. 14-12, 5-21-14; Res. No. 15-24, 9-16-15)

#### **§ 5.47. Issuance of Taxicab Operator's Permits.**

Except when the Airport Manager at National, based on the number of outstanding Taxicab Operator's Permits, the number of pending applications for such permits, and the projected need for additional Taxicabs at the Airport, has determined to cease accepting applications for a Taxicab Operator's Permit, the Airport Manager shall issue a Taxicab Operator's Permit to each individual whom the Manager finds to be of good, moral character and who:

- (1) completes and submits an application to the Airport Manager on a form provided by the Manager;
- (2) possesses a current, valid motor vehicle operator's license;
- (3) possesses a current, valid license, registration, or other certificate, issued by one (1) or more Governments, which is applicable to the individual's Taxicab;
- (4) possesses a current, valid license to operate a Taxicab issued by one (1) or more of the following Governments: Montgomery County or Prince George's County, Maryland; the District of Columbia; or the City of Alexandria, the City of Falls Church, Fairfax County or Arlington County, Virginia;
- (5) presents an official copy of the individual's current driving record from the Government by which the individual is licensed to operate a motor vehicle and demonstrates that the criminal history records check required by the Government by which the individual is licensed has been performed;
- (6) is in compliance with all applicable laws, regulations and requirements of the Government which has licensed the individual, including by way of illustration and not limitation, the minimum insurance requirements for the Taxicab that the individual is operating;
- (7) has more than six months driving experience in the Washington, D.C., metropolitan area; provided that the Airport Manager may require the individual to demonstrate a working knowledge of the metropolitan area by means of an examination;
- (8) is at least twenty-one (21) years of age;
- (9) is not currently subject to an order of suspension or revocation of a previously issued Taxicab Operator's Permit;

- (10) meets those eligibility requirements set out in Section 5.4 which the Airport Manager has determined to apply to applicants for a Taxicab Operator's Permit; and
- (11) pays all applicable fees set pursuant to Section 5.7.

The Airport Manager at National may periodically define a number of Taxicab Operator's Permits that will be issued only to individuals who satisfy the requirements of this Section 5.47 and who will, when operating under the Taxicab Operator's Permit, operate a wheelchair accessible Taxicab meeting the standards, if any, established by the Manager; provided that a permit issued to any such individual will automatically terminate in the event the individual ceases to operate a wheelchair accessible Taxicab.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 14-12, 5-21-14; Res. No. 15-24, 9-16-15)

#### **§ 5.48. Denial of Taxicab Operator's Permits.**

The Airport Manager may refuse to issue a Taxicab Operator's Permit to any applicant for any of the following reasons:

- (1) repeated or serious violations of the motor vehicle laws of any Government or applicable provisions of this Part 5; the accumulation of twelve (12) or more uniform demerit points, calculated according to the Commonwealth of Virginia's demerit system, against the applicant's motor vehicle operator's license within a twenty-four (24) month period shall be prima facie grounds for denial of a permit application;
- (2) the conviction, plea of guilty, or plea of nolo contendere to the violation of any law involving the commission of a felony, any sex offense, soliciting for prostitution, driving while intoxicated or under the influence of alcohol or unlawful drugs, or, in the last five (5) years, any other crime reasonably indicating that the individual may not be fit to provide service to the public;
- (3) procuring or attempting to procure a Taxicab Operator's Permit by fraud, misrepresentation, false or misleading statements, evasions, or suppression of material facts;
- (4) procuring or attempting to procure more than one (1) Taxicab Operator's Permit; or
- (5) failing to meet the eligibility requirements as may be established for individuals seeking Taxicab Operator's Permits by the Airport Manager under Section 5.4.

(Res. No. 94-4, 1-5-94; Res. No. 04-30, 12-1-04; Res. No. 15-24, 9-16-15)

#### **§ 5.49. Terms and Conditions of Taxicab Operator's Permits.**

- (1) A Taxicab Operator's Permit shall expire every other year on the last day of the month of the permit holder's birthday.
- (2) A Taxicab Operator's 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 the driver 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; and
  - (e) The holder of the permit shall notify the Taxicab Official within seventy-two (72) hours of being convicted or pleading guilty to any felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, a moving vehicle violation, or of any other crime reasonably indicating that the individual may not be fit to provide service to the public.
- (3) A Taxicab Operator's Permit may contain such other terms, conditions, requirements, and other provisions deemed appropriate by the Airport Manager, including without limitation provisions addressing any of the matters described in Section 5.5.

(Res. No. 94-4, 1-5-4; Res. No. 14-12, 5-21-14; Res. No. 15-24, 9-16-15)

#### **§ 5.50. Complaints against Holders of Taxicab Operator's Permits.**

- (1) Any complaint, whether from a Taxicab Dispatcher, Authority employee, passenger or member of the public regarding the conduct of the holder of a Taxicab Operator's Permit while on or during the transportation of a passenger picked up at National, including a complaint of fare overcharge, must be made in written or electronic form to the Taxicab Official 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 or other Authority employee 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 information orally or in writing at a designated time and place to refute or explain the complaint. The Taxicab Official, or the designee of the Airport Manager, shall consider the information presented and may dismiss the complaint, issue a written reprimand to the permit holder, or, in the case of repeated or serious violations, recommend the suspension or revocation of the permit. Any recommendation of suspension or revocation shall be provided to the Airport Manager who may move forward with the recommendation by commencing the process set out in Section 5.8.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

**§ 5.51. Suspension and Revocation of Taxicab Operator's Permits.**

- (1) The Airport Manager may, after notice and an opportunity to be heard have been provided under Section 5.8 and pursuant to the process provided in such section, suspend for up to ninety (90) days or revoke the Taxicab Operator's Permit of any permit holder who:
- (a) violates a provision of a term, condition, requirement, or other provision of the permit or of this Subchapter B;
  - (b) violates the motor vehicle laws of a Government;
  - (c) is convicted of or pleads guilty to any felony, any sex offense, driving while intoxicated or under the influence of alcohol or unlawful drugs, or any other crime reasonably indicating that the individual may not be fit to provide service to the public;
  - (d) has his or her motor vehicle operator's license suspended or revoked by a Government;
  - (e) has his or her license to operate a Taxicab suspended or revoked by a Government; or
  - (f) could be denied a Taxicab Operator's Permit for any of the reasons listed in Section 5.48.
- (2) In determining whether to suspend or revoke a Taxicab Operator's Permit, the Airport Manager may take into account any prior violations of this Part 5 or of the permit by the permit holder which could have been grounds for suspension or revocation of the permit, as well as any mitigating circumstances.

(Res. No. 94-4, 1-5-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

## **Subchapter C – Taxicab Service at Dulles**

### **§ 5.52. Picking Up Taxicab Passengers.**

No individual shall operate a Taxicab on Dulles to pick up or attempt to pick up one (1) or more passengers at the Airport unless:

- (1) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers for hire at Dulles; or
- (2) the individual comes to Dulles to provide a Taxicab Pre-Arranged Pick-Up Trip and the individual possesses a manifest or trip sheet which shows (i) the date and time the trip was pre-arranged, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time, and location of the pickup. Such manifests or trip sheets may be maintained in written or electronic format and must clearly set out the above information.

(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; Res. No. 15-24, 9-16-15)

### **§5.53. Operating Conditions for Providers of Taxicab Service.**

Every individual operating a Taxicab at any time on Dulles, including to provide Taxicab Drop-Off Trips, shall comply with each of the following conditions:

- (1) The individual must possess a current, valid motor vehicle operator's license;
- (2) The individual must possess a current, valid license, registration, or other certificate, issued by one or more Governments, which is applicable to the individual's Taxicab;
- (3) The individual must possess a current, valid license issued by at least one (1) Government, to operate a Taxicab within the jurisdiction of that Government;
- (4) The individual must not engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another;
- (5) When transporting passengers to destinations outside Virginia, the individual must charge the passenger fares prescribed by the Washington Metropolitan Area Transit Commission for the jurisdiction in which the individual's Taxicab is licensed, certified, or otherwise authorized. When transporting passengers within Virginia, including from one to another location on Dulles, the individual must charge the passenger fares prescribed by the Virginia Governmental Authority which has licensed, certified, or otherwise authorized the individual's Taxicab; and

- (6) The individual must comply with the laws governing Taxicabs in the jurisdiction of each Governmental Authority which has licensed the individual to operate a Taxicab or has licensed, registered, or certified the individual's Taxicab. In case of any inconsistency between these Regulations and the laws of such jurisdictions, the more restrictive law shall apply.

(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; Res. No. 15-24, 9-16-15)

#### **§ 5.54. Penalties.**

Any individual who violates any provisions of Section 5.52 or who operates a Taxicab on Dulles while not in compliance with any of the requirements in Paragraphs (1) through (5) of Section 5.53, which provisions and requirements shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(Res. No. 94-4, 1-5-94; Res. No. 94-13, 5-4-94; Res. No. 99-5, 4-7-99; Res. No. 15-24, 9-16-15)

**PART 5 – COMMERCIAL GROUND TRANSPORTATION SERVICES**  
**Chapter V – Ground Transportation Provided by Other Vehicles For Hire**

**§ 5.61. Purpose.**

The purpose of this Chapter V is to require that the provision of for-hire ground transportation services at the Airports which are not subject to Chapters I through IV of this Part 5, and which are not being provided under a contract executed by the Authority, meets certain requirements, including that the service is provided by persons which are authorized to provide such services pursuant to licenses, certificates, or other authorizations issued by one (1) or more Governmental Authorities.

(Res. No. 15-24, 9-16-15)

**§ 5.62. Operating Conditions for Other Vehicles for Hire at National and Dulles.**

- (1) No individual who is operating a vehicle for hire with a seating capacity not larger than fifteen (15) (including the driver) at National or Dulles, and is not subject to and governed by Chapters I through IV of this Part 5 shall:
  - (a) pick up or attempt to pick up one (1) or more passengers at an Airport unless:
    - (i) the individual, or a person by which the individual is employed or for which the individual operates as an independent contractor, is authorized by a contract executed by the Authority to pick up passengers at the Airport, or
    - (ii) the individual comes to the Airport to pick up a passenger in response to a request to transport that passenger received prior to the individual's entry onto the Airport, and the individual possesses a manifest or trip sheet which shows (i) the date and time such request was received, (ii) the name of the passenger to be picked up and transported, (iii) the passenger's destination, and (iv) the date, time, and location of the pick-up. Such manifests or trip sheets may be maintained in written or electronic format and must clearly set out the above information;
  - (b) operate such vehicle to pick up passengers for hire on an Airport unless:
    - (i) the individual is licensed, certified, or otherwise authorized by one (1) or more Governments to operate the vehicle for hire,
    - (ii) the vehicle is licensed, registered, or certified to operate as a vehicle for hire by one (1) or more Governments, and
    - (iii) the individual and vehicle are in compliance with the applicable laws and regulations governing vehicles for hire in the jurisdiction of each of the Governments referenced in Subparagraphs (b)(i) and (b)(ii); or



- (c) engage in the Solicitation of passengers, directly or indirectly, personally or in concert with another.
- (2) Any individual who violates any provisions of Paragraph (1), which provisions shall have the force and effect of law, shall be guilty of a Class 3 Misdemeanor as defined in Section 5.2.

(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; Res. No. 15-24, 9-16-15)

## **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 on either Airport" includes, but is not limited to, transporting a customer or a potential customer between an Airport and a rental car facility located off the Airport and picking up from or delivering to an Airport a rental car that is stored in a rental car facility located off the Airport.

(Res. No. 94-4, 1-5-94; Res. No. 14-12, 5-21-14)

### **§ 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 on either Airport" includes transporting a customer or potential customer between an Airport and a parking facility located off the Airport.

(Res. No. 94-4, 1-5-94; Res. No. 14-12, 5-21-14)

### **§ 6.4. Permit.**

- (1) The President shall set the requirements for obtaining and retaining a permit, except as provided in Paragraph (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; and

- (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 either Airport, one hundred dollars (\$100.00) per year plus eight percent (8%) of the annual gross receipts derived from conducting the business on the Airport that exceed three hundred thousand dollars (\$300,000.00); and
- (b) for those conducting the business of operating a parking lot on either Airport, one hundred dollars (\$100.00) per year plus ten percent (10%) of the annual gross receipts derived from conducting the business on the Airport that exceed thirty thousand dollars (\$30,000.00).

(3) For ease of accounting, the Authority will assume that ninety-five percent (95%) 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; Res. No. 14-12, 5-21-14)

#### **§ 6.5. Penalty.**

Violation of this Part shall be a Class 3 misdemeanor.

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

#### **§ 6.6. Hotel Shuttles; Permit or Contract Required.**

- (1) No person shall engage in the commercial activity of providing hotel shuttle service at the Airports unless the person has first obtained a permit from or entered a contract with the Authority. The provision of hotel shuttle service at the Airports shall mean the transporting in a motor vehicle, and the picking up and discharging, of guests or potential guests within an Airport, as part of the carrying of such guests between an Airport terminal and a hotel or other business that provides lodging for compensation; provided that, for purposes of this Paragraph, guests shall not include airline crew members.
- (2) When the commercial activity of providing hotel shuttle service is authorized by permit:

- (a) the permittee shall not use any vehicle in the provision of such service unless it is specifically identified in the permit;
- (b) the driver of each vehicle identified in the permit shall comply with the provisions of Section 4.5 of these Regulations, which addresses the location at the Airports where vehicles providing hotel shuttle service must pick up and discharge passengers;
- (c) the permittee shall comply with requirements established by the Airport Manager to facilitate the computation of the per trip fee established by this Paragraph;
- (d) the permittee shall, for each vehicle identified in the permit, carry the minimum insurance coverage set by the President who, in setting the minimum coverage, shall consider the risk of operating shuttle vehicles, industry practice, and insurance requirements imposed on other businesses at the Airports;
- (e) the permittee shall pay an annual fee, due on or before January 31 of each year, for each vehicle identified in the permit according to the following schedule:

Vehicles with a seating capacity, including the driver, of	Annual fee
1-16	\$500
More than 16	\$750

- (f) the permittee shall pay a fee of one dollar (\$1.00) for each occasion that a vehicle identified in the permit enters the vehicle lane designated by the Airport Manager for hotel shuttles to pick up passengers;
  - (g) in addition to the fees imposed by Subparagraphs (e) and (f), the permittee shall pay a dwell fee of one dollar (\$1.00) for each ten (10) minute period of time (or portion thereof) beyond the first ten (10) minutes that a vehicle identified in the permit remains in the vehicle lane designated by the Airport Manager for hotel shuttles to pick up passengers; and
  - (h) provided, however, that permitted vehicles that use fuel other than solely gasoline or diesel and are eligible for clean, special fuel license plates according to the standards of the Virginia Department of Motor Vehicles shall only be obliged to pay one-half (1/2) of the annual fee imposed by Subparagraph (e) and one-half (1/2) the per trip fee imposed by Subparagraph (f).
- (3) The failure by a permittee to comply with any provision of Paragraph (2) shall be grounds to revoke the permit.

- (4) The President is authorized to establish rules reasonably necessary to foster the efficient administration of the permit system created by this Section.

(Res. No. 09-21; 7-1-09; Res. No. 14-12, 5-21-14)

## **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 (1) 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, and

- (f) to set up stands or structures.
- (2) Solicitation of money for immediate payment and the sale of printed material is prohibited inside the air terminals if conducted to or with passersby 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 or on each Airport's website in accordance with an Order and Instruction or other directive adopted by the Authority. Directions for applying for a permit shall be published on each Airport's website. 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 (1) 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 cannot 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; or

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

(Res. No. 94-4, 1-5-94, Res. No. 22-7, 2-16-22)

**§ 7.6. Terminal Areas Available for Demonstrations or Distribution.**

- (1) The sale of printed material or solicitation of money for immediate payment from passersby is prohibited inside the air terminals.
- (2) Each Airport Manager or their designee shall identify the areas at each Airport available for demonstrations or the distribution of literature and the number of persons who may engage in such activity at each location and shall publish this in an Order and Instruction or other directive and on the Airport website. Each Airport shall make available a map showing the exact location of these available areas, which shall be published on the Airport website.

(Res. No. 94-4, 1-5-94; Res. No. 98-2, 2-4-98; Res. No. 99-13, 10-6-99, Res. No. 22-7, 2-16-22)

**§ 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 (1) 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 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;
- (2) any knife with a blade longer than four inches, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, blackjack, sand club, sandbag, bow and arrow;
- (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;
- (4) any disc of whatever configuration, having at least two (2) points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart;
- (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; 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. 94-4, 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 occur.

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 twenty-five dollars (\$25.00).

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

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

- (1) Except as otherwise provided by Paragraphs (4) and (5) of this Section, a service charge of three hundred dollars (\$300.00) for Basic Life Support transport (BLS), four hundred dollars (\$400.00) for Advanced Life Support, level 1 transport (ALS-1), five hundred fifty dollars (\$550.00) for Advanced Life Support, level 2 transport (ALS-2), and seven dollars and fifty cents (\$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 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 Section 32.1-111.1 of the Code of Virginia.
- (2) Definitions. The following definitions apply to ambulance fees:
  - (a) Basic Life Support: Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician-Basic (EMT).
  - (b) 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.
  - (c) Advanced Life Support, level 2 (ALS-2): Advanced life support services provided to a patient include one (1) or more of a following medical procedures: (i) defibrillation/cardioversion, (ii) endotracheal intubation, (iii) cardiac pacing, (iv) chest decompression, (v) intraosseous line, and/or (vii) the administration of three (3) or more medications.
  - (d) 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.
- (3) The President 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.
- (4) No charge shall be imposed on persons in the following instances:

- (a) persons determined to be medically indigent by the Authority in accordance with administrative policies established by the President;
  - (b) persons in the custody of law enforcement personnel;
  - (c) 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
  - (d) persons transported pursuant to any no-charge mutual aid agreement with another jurisdiction.
- (5) The service charge of Paragraph (1) may be adjusted by the President consistent with the formula for fees for ambulance services established by the U.S. Department of Health and Human Services.

(Res. No. 07-5, 3-7-07)

#### **§ 9.10. Designation of Police to Enforce Trespass Violations.**

- (1) The lessee, custodian, or person lawfully in charge of any real property on Authority facilities may designate the 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:
  - (a) 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;
  - (b) to issue notices forbidding trespass to persons without such permission;
  - (c) to arrest persons found to be in violation of such notice; and
  - (d) 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.
- (2) The 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.

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

(Res. No. 07-4, 3-7-07)

**§ 9.11. Criminal History Records Check of Applicants for Authority Employment.**

- (1) In the interest of public welfare and safety, all applicants for positions in the Office of Public Safety to whom a conditional offer of employment with the Authority has been made shall be investigated to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration. Accordingly, the President or his or her designee shall request from the Virginia Central Criminal Records Exchange and the Federal Bureau of Investigation, a criminal record check of each such applicant for Authority employment.
- (2) Each applicant required to undergo a criminal background check pursuant to this Section, upon receiving a conditional offer of employment, shall submit to fingerprinting and provide personal, descriptive information to be forwarded along with the applicant's fingerprints through the Virginia Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.
- (3) Criminal history record information considered in accordance with this Section shall include outstanding warrants, pending criminal charges, and records of conviction.
- (4) The President or his or her designee shall review the criminal history record information to determine whether the conviction record, if any, of the applicant is compatible with the nature of the Authority employment under consideration. In making this determination and in determining whether a criminal conviction directly relates to a position, the President or his or her designee shall consider the following criteria:
  - (a) the nature and seriousness of the crime;
  - (b) the relationship of the crime to the work to be performed in the position applied for;
  - (c) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
  - (d) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
  - (e) the extent and nature of the person's past criminal activity;



- (f) the age of the person at the time of the commission of the crime;
  - (g) the amount of time that has elapsed since the person's last involvement in the commission of a crime;
  - (h) the conduct and work activity of the person prior to and following the criminal activity; and
  - (i) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.
- (5) Any applicant who is denied employment on the basis of criminal history record information obtained pursuant to this Section will be notified in writing and will be given an opportunity to inspect the information for the purpose of clarifying, explaining, or denying it.

The criminal history information provided in accordance with this Section shall be confidential, shall be used solely to assess eligibility for Authority employment and for access to restricted areas of the Airports in compliance with 49 U.S.C. § 44936 and its implementing regulations, and shall not be disseminated except as provided in this Section.

(Res. No. 12-34, 12-12-12, Res. No. 22-6, 2-16-22)

## PART 10 – DULLES TOLL ROAD

### ***(Effective until December 31, 2022)*** § 10.1. Tolls for Use of the Dulles Toll Road.

- (1) The tolls applicable to the Dulles Toll Road (also known as the Omer L. Hirst-Adelard L. Brault Expressway) shall be as follows:

Vehicle Class	Tolls	
	Main Line Plaza	Ramps
2-axle	\$3.25	\$1.50
3-axle	\$6.50	\$3.00
4-axle	\$7.75	\$3.50
5-axle	\$9.00	\$4.00
6 or more axles	\$10.25	\$4.50

- (2) Except for persons permitted free use of toll facilities under Section 33.2-613 of the Code of Virginia, it shall be unlawful for any person operating a vehicle to use the Dulles Toll Road without payment of the tolls set forth in this Section.

### ***(Effective January 1, 2023)*** § 10.1. Tolls for Use of the Dulles Toll Road.

- (1) The tolls applicable to the Dulles Toll Road (also known as the Omer L. Hirst-Adelard L. Brault Expressway) shall be as follows:

Vehicle Class	Tolls	
	Main Line Plaza	Ramps
2-axle	\$4.00	\$2.00
3-axle	\$8.00	\$4.00
4-axle	\$9.25	\$4.50
5-axle	\$10.50	\$5.00
6 or more axles	\$11.75	\$5.50

- (2) Except for persons permitted free use of toll facilities under Section 33.2-613 of the Code of Virginia, it shall be unlawful for any person operating a vehicle to use the Dulles Toll Road without payment of the tolls set forth in this Section.

(Res. No. 07-24, 8-8-07; Res. No. 09-31, 11-4-09; Res. No. 12-29, 11-14-12; Res. No. 18-18, 11-14-18; Res. No. 22-31, 11-16-22)

## **§ 10.2. Penalty.**

Persons violating Section 10.1 shall be liable for a civil penalty, consistent with Sections 46.2-819, 46.2-819.1, 46.2-819.3 and 46.2-819.3:1 of the Code of Virginia, as follows:

- (1) for any violation not addressed in Paragraphs (2) through (4) of this Section, a penalty of fifty dollars (\$50);
- (2) for the first violation occurring after, and within twelve (12) months of, the violation described in Paragraph (1) above, a penalty of one hundred dollars (\$100);
- (3) for the first violation occurring after, and within twenty-four (24) months of, the violation described in Paragraph (2) above, a penalty of two hundred fifty dollars (\$250); and
- (4) for each violation occurring after the violation described in Paragraph (3), and within thirty-six (36) months of the violation described in Paragraph (2) above, a penalty of five hundred dollars (\$500);

provided, that, for a first conviction of a person violating Section 10.1, the total amount for the first conviction shall not exceed two thousand two hundred dollars (\$2,200), including civil penalties, unpaid tolls and administrative fees, regardless of the total number of violations the person is convicted of on the date of that first conviction.

(Res. No. 09-31, 11-4-09; Res. No. 18-18, 11-14-18, Res. No. 22-5, 2-16-22)

## ***(Effective until December 31, 2022)* § 10.3. Unpaid Tolls and Administrative Fee.**

In addition to the penalty described in Section 10.2, and subject to the limitation in that Section pertaining to a person's first conviction for violating Section 10.1, persons violating Section 10.1 shall be liable, in connection with each violation, for the unpaid toll and an administrative fee designed to recover the expense of collecting the unpaid toll.

(Res. No. 09-31, 11-4-09; Res. No. 18-18, 11-14-18)

## ***(Effective January 1, 2023)* § 10.3. Administrative Fees.**

- (1) In addition to the penalty described in Section 10.2, and subject to the limitation in that Section pertaining to a person's first conviction for violating Section 10.1, persons violating Section 10.1 shall be liable, in connection with each violation, for the unpaid toll and an administrative fee designed to recover the expense of collecting the unpaid toll.
- (2) In addition to the toll set forth in Section 10.1, persons using the Dulles Toll Road without an active, functioning automatic vehicle identification device in use at the time of travel may be charged a fee to recover the costs for pay-by-plate collection of the toll. This fee may not exceed double the amount of the base toll, unless otherwise permitted

by Section 46.2-819.3:1 of the Code of Virginia. The Authority will post signs informing drivers of the pay-by-plate fee at locations where the driver may choose to not pay the fee by avoiding use of the Dulles Toll Road.

(Res. No. 09-31, 11-4-09; Res. No. 18-18, 11-14-18; Res. No. 22-32, 11-16-22)