

**SUBCHAPTER 40-10.1
AIRPORT RULES AND REGULATIONS**

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Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: Amdts Adopted 46 Com. Reg. 51334 (Oct. 15, 2024); Amdts Proposed 46 Com. Reg. 51218 (Aug. 15, 2024); Amdts Adopted 45 Com. Reg. 50658 (Dec. 28, 2023); Amdts Proposed 45 Com. Reg. 50540 (Oct. 28, 2023); Amdts Adopted 44 Com. Reg. 49225 (Nov. 28, 2022); Amdts Proposed 44 Com. Reg. 48238 (Mar. 28, 2022); Amdts Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Amdts Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Amdts Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Amdts Proposed 43 Com. Reg. 46730 (June 28, 2021); Amdts Adopted 42 Com. Reg. 44065 (Sept. 28, 2020); Amdts Proposed 42 Com. Reg. 43527 (May 28, 2020); Amdts Adopted 39 Com. Reg. 39592 (Apr. 28, 2017); Amdts Proposed 38 Com. Reg. 39040 (Dec. 28, 2016); Amdts Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Amdts Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Amdts Emergency 30 Com. Reg. 28519 (June 27, 2008) (effective for 120 days from June 3, 2008); Amdts Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Amdts Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); Amdts Adopted 23 Com. Reg. 18385 (Sept. 24, 2001); Amdts Proposed 23 Com. Reg. 17826 (Apr. 23, 2001); Amdts Adopted 23 Com. Reg. 17842 (Apr. 23, 2001); Amdts Proposed 23 Com. Reg. 17614 (Jan. 19, 2001); Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts Proposed 21 Com. Reg. 16779 (May 19, 1999); Amdts Adopted 21 Com. Reg. 16803 (June 23, 1999); Amdts Proposed 21 Com. Reg. 16693 (Apr. 19, 1999); Amdts Proposed 20 Com. Reg. 16110 (Sept. 15, 1998);* Amdts Adopted 19 Com. Reg. 15381 (May 15, 1997); Amdts Proposed 19 Com. Reg. 14878 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Amdts Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

*A notice of adoption for the 1998 proposed amendments was never published.

Commission Comment: On May 12, 2008, Governor Benigno R. Fitial issued Executive Order No. 2008-3 (Reorganization Plan No. 1 of 2008). In Executive Order No. 2008-3, Governor Fitial allocated CPA to the Office of the Governor. 30 Com. R. 28757 (September 25, 2008). On May 13, 2008, Governor Fitial signed Executive Order No. 2008-4 and declared a state of emergency “due to the inability of [CPA] to avoid technical default on the March 1, 1998 indenture on the CPA Airport Revenue Bonds.” 30 Com. Reg. 28760 (September 25, 2008). On May 13, 2008, Governor Fitial issued Executive Order No. 2008-5 (Reorganization Plan No. 2 of 2008). In Executive Order No. 2008-5, Governor Fitial superseded Executive Order No. 2008-03. 30 Com. Reg. 28762 (September 25, 2008). On June 12, 2008, Governor Fitial issued Executive Order No. 2008-6, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-4. 30

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Com. Reg. 28765 (September 25, 2008). On July 14, 2008, Governor Fitial issued Executive Order No. 2008-7, declared that a state of emergency still existed “[u]ntil a sufficient number of the appointments [on the board of directors of CPA] have been made and consented to by the Senate.” On August 13, 2008, Governor Fitial issued Executive Order No. 2008-11, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28779 (Sept. 2008). On September 3, 2008, Governor Fitial issued Executive Order No. 2008-12, which terminated the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28782 (Sept. 2008).

PL 2-48, the “Commonwealth Ports Authority Act,” codified as amended at 2 CMC §§ 2101-2190, took effect October 8, 1981. It was based on the “Mariana Islands Airport Authority Act” enacted by the Congress of Micronesia as PL 6-58. See the commission comment to 2 CMC § 2101. PL 2-48 created the Commonwealth Ports Authority to implement its provisions and operate the ports of the Commonwealth. See 2 CMC §§ 2121-22. Transition provisions of PL 2-48 provided for the transfer of the Mariana Islands Airport Authority to the newly created Commonwealth Ports Authority. See 2 CMC §§ 2181, et seq.

Executive Order 94-3 (effective August 23, 1994), reprinted in the commission comment to 1 CMC § 2001, reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. Executive Order 94-3 § 304(a) allocated the Commonwealth Ports Authority to the Department of Public Works for purposes of administration and coordination. PL 11-109 (effective December 21, 1999) vacated section 304(a) in its entirety and reenacted and reinstated all provisions of 2 CMC, division 2, chapter 1, 2 CMC §§ 2101-2190, in effect immediately prior to the effective date of Executive Order 94-3. PL 11-109 §§ 2(b) and 4.

The Commonwealth Ports Authority Act contains special provisions related to rules and regulations. See 2 CMC §§ 2141-2146.

The precursor to the Commonwealth Ports Authority with regard to airport regulation in the Commonwealth was the Mariana Islands Airport Authority (MIAA). The MIAA published several amendments to earlier Trust Territory airport rules and regulations as follows:

Amdts Proposed 3 Com. Reg. 1233 (May 20, 1981) (amending earlier regulations); Amdts Proposed 1 Com. Reg. 375 (July 16, 1979);* Adopted 1 Com. Reg. 53 (Nov. 16, 1978); Proposed 1 Com. Reg. 39 (Oct. 16, 1978) (amending earlier regulations promulgated by the Trust Territory of the Pacific Islands government).

*A notice of adoption for the July 1979 proposed amendments was never published. The MIAA May 1981 proposed amendments were adopted by the Commonwealth Ports Authority in 1983.

After its creation in 1981, the Commonwealth Ports Authority continued to amend the existing regulations as follows:

Amdts Adopted 12 Com. Reg. 7199 (July 15, 1990); Amdts Proposed 12 Com. Reg. 6871 (Apr. 15, 1990); Amdts Adopted 10 Com. Reg. 5433 (Jan 18, 1988); Amdts Proposed 9 Com. Reg. 5279 (Nov. 15, 1987); Amdts Adopted 9 Com. Reg. 4923 (Apr. 15, 1987); Amdts Proposed 9 Com. Reg. 4911 (Feb. 17, 1987); Amdts Proposed 8 Com. Reg. 4834 (Dec. 16, 1986);* Amdts Adopted 8 Com. Reg. 4392 (June 3, 1986); Amdts Proposed 8 Com. Reg. 4328 (Apr. 18, 1986); Amdts Adopted 7 Com. Reg. 4157 (Dec. 17, 1985); Amdts Proposed 7 Com. Reg. 4153 (Nov. 20, 1985); Adopted Amdts 6 Com. Reg. 2863 (June 15, 1984); Amdts Proposed 6 Com. Reg. 2742 (May 15, 1984); Amdts Adopted 6 Com. Reg. 2745 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2707 (Apr. 15, 1984); Amdts Adopted 6 Com. Reg. 2710 (Apr. 15, 1984); Amdts Proposed 6 Com. Reg. 2566 (Feb. 15, 1984); Amdts Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Amdts Proposed 5 Com. Reg. 2165 (May 27, 1983); Amdts Proposed 4 Com. Reg. 1745 (Dec. 10, 1982); Amdts Proposed 3 Com. Reg. 1233 (May 20, 1981) (proposed by the MIAA); Amdts Adopted 4 Com. Reg. 1753 (Dec. 10, 1982); Proposed Amdts 4 Com. Reg. 1453 (May 24, 1982).

*A notice of adoption for the December 1986 proposed amendments was never published.

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The Commonwealth Ports Authority published a complete revision of the Airport Rules and Regulations in 1992. The history sections in this subchapter date from that publication and adoption.

On May 12, 2008, Governor Benigno R. Fitial issued Executive Order No. 2008-3 (Reorganization Plan No. 1 of 2008). In Executive Order No. 2008-3, Governor Fitial allocated CPA to the Office of the Governor. 30 Com. R. 28757 (September 25, 2008). On May 13, 2008, Governor Fitial signed Executive Order No. 2008-4 and declared a state of emergency “due to the inability of [CPA] to avoid technical default on the March 1, 1998 indenture on the CPA Airport Revenue Bonds.” 30 Com. Reg. 28760 (September 25, 2008). On May 13, 2008, Governor Fitial issued Executive Order No. 2008-5 (Reorganization Plan No. 2 of 2008). In Executive Order No. 2008-5, Governor Fitial superseded Executive Order No. 2008-03. 30 Com. Reg. 28762 (September 25, 2008). On June 12, 2008, Governor Fitial issued Executive Order No. 2008-6, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-4. 30 Com. Reg. 28765 (September 25, 2008). On July 14, 2008, Governor Fitial issued Executive Order No. 2008-7, declared that a state of emergency still existed “[u]ntil a sufficient number of the appointments [on the board of directors of CPA] have been made and consented to by the Senate.” On August 13, 2008, Governor Fitial issued Executive Order No. 2008-11, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28779 (Sept. 2008). On September 3, 2008, Governor Fitial issued Executive Order No. 2008-12, which terminated the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28782 (Sept. 2008).

Part 001 - General Provisions

§ 40-10.1-001 Authority

The rules and regulations in this subchapter are promulgated by the Commonwealth Ports Authority in accordance with 2 CMC § 2122(j) and shall have the force and effect of law.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-005 Purpose

The purpose of this subchapter is to provide for and to insure the orderly, safe, and sanitary operation of airports in the Commonwealth of the Northern Mariana Islands under the jurisdiction and control of the Commonwealth Ports Authority. The effective date of the 2021 amendments to Subchapter 40-10.1. Part 001, Part 700, and Part 1200 shall be October 1, 2021.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-010 Definitions

The following terms, as used in this subchapter, shall have the following meanings:

(a) “Affiliated Airline Company” shall mean any Air Transportation Company that is regarded or appears to operate as a related entity and is now or hereafter (1) a subsidiary of Airline, (2) owned in whole or in part by Airline or its parent company, (3) owns Airline in part, or (4) so affiliated with Airline or its parent company by virtue of a code sharing agreement and in any case shall have been designated in writing by Airline as an Affiliated Airline Company. Airline shall be responsible for and unconditionally guarantees the

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payment of rentals, fees, and charges, including Passenger Facility Charges by its Affiliated Airline Company. An Affiliated Airline Company hosted by Airline will pay rates, fees, and charges at the rate charged to Airline.

(b) “Air Transportation Business” shall mean that business operated by an Airline for the commercial transportation by air of persons, property, mail, parcels, and cargo at one or more of the Airports.

(c) “Air Transportation Company” shall mean a legal entity engaged in the business of scheduled or non-scheduled commercial transportation by air of person, property, mail, parcels, and cargo and authorized by the Authority to conduct such business at one or more of the Airports.

(d) “Aircraft” shall mean and include any and all contrivances, now or hereafter used for the navigation of or flight in air or space, including, but not limited to, airplanes, airships, dirigibles, helicopters, gliders, amphibians, and seaplanes.

(e) “Airfield” shall mean the Landing Area and the Ramp Area of an Airport.

(f) “Airfield Cost Center” shall include the aggregate Capital Charges and all direct and indirect Operation and Maintenance Expenses allocable to all Airfields in the Airport System, as such Airfields may be changed from time to time.

(g) “Airline” shall mean an Air Transportation Company, including any Affiliates of Airline, engaged in the business of scheduled or non-scheduled commercial transportation by air of persons, property, cargo, or mail.

(h) “Airline Assigned Area or Assigned Area” shall mean those areas in a Terminal the Authority has licensed for use by an Airline as Preferential Use Premises or Common Use Premises, or licensed for use by Airlines on a per use basis.

(i) “Airport” shall mean an Authority owned Airport within the Airport System, including Francisco C. Ada/Saipan International Airport, Benjamin Taisacan Manglona International Airport, Tinian International Airport, Pagan Airport together with all appurtenances thereto, structures, buildings, fixtures, and all tangible personal property now or hereafter owned, leased, or operated by the Authority.

(j) “Airport Rules and Regulations” shall mean the rules and regulations as set forth in Northern Mariana Islands Administrative Code (NMIAC) Subchapter 40-10.1 and subsequent amendments thereto.

(k) “Airport System” shall mean all Airports owned and operated by the Authority and which includes Francisco C. Ada/Saipan International Airport, Benjamin Taisacan Manglona International Airport, and Tinian International Airport, together with all

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appurtenances thereto, structures, buildings, fixtures, and all tangible personal property now or hereafter owned, leased, or operated by the Authority.

(l) “Authority” shall mean the Commonwealth Ports Authority, a public corporation created, organized and existing under Title 2, Section 2101 et seq., Commonwealth Code, Commonwealth of the Northern Mariana Islands.

(m) “Bond Resolution” shall mean Resolution No. 02-98, dated March 4, 1998, as supplemented and amended from time to time authorizing the issuance by the Authority of Bonds or other financing obligations with respect to the Airport System or any successor resolution, indenture, or trust agreement.

(n) “Bonds” shall mean any bonds or other financing instrument or obligation of the Authority, other than Subordinated Bonds, issued for the purposes of improving the Airport System, all pursuant to the Bond Resolution.

(o) “Capital Charges” shall mean with respect to any Fiscal Year, the sum of Debt Service (exclusive of capitalized interest) and Other Debt Service payable by Authority in that Fiscal Year; plus Debt Service Coverage.

(p) “Common Use Formula” shall mean that formula which prorates one hundred percent (100%) of the cost of a Common Use space within a Terminal based on the ratio of each Scheduled Air Carrier’s Enplaned Passengers using the service or space at an Airport during the month, to the total of all Enplaned Passengers using the service or space at an Airport during the month. Notwithstanding the foregoing, Authority shall, after completion of any promotional offering, adjust the computation to reflect enplanements of additional Scheduled Air Carriers at an Airport or after the deletion of a Scheduled Air Carrier at an Airport.

(q) “Common Use Premises” shall mean space managed by Authority that may be made available to an Airline from time to time for use in common with other airlines, as assigned by the Executive Director, subject to these Airport Rules and Regulations.

(r) “Cost Centers” shall mean those areas or functional activities of an Airport used for the purposes of accounting for Operation and Maintenance Expenses and Capital Charges.

(s) “Debt Service” shall mean with respect to any series of Bonds, the total, as of any particular date of computation and for any particular period or year, of the aggregate amount required pursuant to the Bond Resolution to be deposited during such period or year in the Bond Fund, as that term is defined in the Bond Resolution

(t) “Debt Service Coverage” shall mean one hundred and twenty-five percent (125%) of the debt service payable in each Fiscal Year as stated in Section 6.11 of the Bond Indenture (adjusted as may be permitted under the Bond Indenture).

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- (u) “Deplaned Passenger” shall mean any passenger disembarking an aircraft at a Terminal, including any such passenger that shall subsequently board another aircraft of the same or a different Air Transportation Company or the same aircraft, previously operating under a different flight number.
- (v) “Enplaned Passenger” shall mean any passenger boarding an aircraft at a Terminal, including any such passenger that previously disembarked from another aircraft of the same or different Air Transportation Company or from the same aircraft, previously operating under a different flight number.
- (w) “Executive Director” shall mean the Executive Director of the Authority or his duly authorized representative.
- (x) “FAA” shall mean the Federal Aviation Administration, or its authorized successors.
- (y) “Federal Aviation Regulations” shall mean the United States Federal Aviation Regulations, as currently amended and promulgated by the United States Federal Aviation Administration.
- (z) “Fiscal Year” shall mean the annual accounting period of the Authority for its general accounting purposes which is the period of twelve consecutive months, ending with the last day of September of any year.
- (aa) “Fuel handling” shall mean the transportation, delivery, fueling, and draining of fuel or fuel waste products.
- (bb) “Fuel storage area” shall mean and include any portions of the airport designated temporarily or permanently by the Authority as areas in which gasoline or any other type of fuel may be stored, including but not limited to, gasoline tank farms and bulkheads, piers, or wharves at which fuel is loaded.
- (cc) “Gate” shall mean the area(s) on the secure side of a Terminal that transition the passenger from the Terminal to an Airline’s aircraft and includes a holdroom, landing bridge, preconditioned air and power systems.
- (dd) “General Aviation” shall mean all phases of aviation other than military aviation and scheduled or non-scheduled commercial air carrier operations.
- (ee) “General Aviation Operator” shall mean a Person conducting civil aviation operations other than scheduled or non-scheduled Air Transportation Companies.
- (ff) “Hazardous Material” shall mean: (1) any oil petroleum products, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes or substances or any other wastes, materials or pollutants which pose a hazard to the Airport System premises or to the safety and/or health of persons on or about the Airport System

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and/or cause an Airline Assigned Area to be in violation of federal, Commonwealth, or local laws governing or regulating hazardous materials; (2) asbestos in any form, urea formaldehyde foam insulation, transformers or other equipment which contains dielectric fluid containing regulated levels of polychlorinated biphenyls, or radon gas; (3) any chemical, material or substance defined as or included in the definition of “hazardous substances”, “hazardous waste”, “hazardous material”, “extremely hazardous waste”, “restricted hazardous waste”, “toxic substance” or similar words under any applicable local, Commonwealth, or federal laws, or any regulations promulgated pursuant thereto, including, but not limited to: the Comprehensive Environmental Response, Compensation Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9601 et. seq; the Hazardous Materials Transportation Act, as amended, 49 U.S.C. §§ 5101, et. seq; the Federal Water Pollution Control Act (CWA), 33 U.S.C. §§ 1251 et. seq; the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §§ 6901 et. seq; the Toxic Substances Control Act (TSCA), as amended, 15 U.S.C. §§ 2601 et. seq; or defined by the US DOT Pipeline and Hazardous Materials safety admin in 49 Code of Federal Regulations (CFR) 172.101. Also applicable are the Commonwealth of the Northern Mariana Islands (CNMI) BECQ Harmful Substance & Hazardous Waste Regulations; Pesticide and Used Oil Regulations; Storage Tanks; Aboveground & Underground Regulations and Solid Waste Management Regulations; (4) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by government authority, and which may pose a hazard to the health and safety of occupants of the Airport System, and or to any person entering upon the Airport System or adjacent property; and/or (5) any other chemical, material or substance which may pose a hazard to the environment or persons.

(gg) “Indenture” shall mean that certain bond indenture dated March 1, 1998 authorizing the issuance of \$20,050,000.00 Senior Series A, Airport System Revenue Bonds, authorized by the Bond Resolution, and successor indentures.

(hh) “Landing Area” shall mean those portions of an Airport provided for the landing, taking off, and taxiing of aircraft, including without limitation, approach and turning zones, aviation or other easements, runways, taxiways, runway and taxiway lights, and other appurtenances in connection therewith.

(ii) “Landing Fee” shall mean a fee expressed in tenths of a cent per thousand pounds of the Maximum Gross Landed Weight of each type of Airline’s aircraft and shall be multiplied by the total of all Maximum Gross Landed Weight for all Revenue Landings of each type of aircraft landed at the Airport System by Airline as further specified in Section 40.10.1-1205

(jj) “Letter of Authorization” shall mean a letter issued by the Authority which constitutes a permit by the Authority authorizing an Air Transportation Company with the requisite federal regulatory approvals to conduct Air Transportation Business at an Airport or Airports and to use and occupy certain premises at an Airport or Airports in compliance with the terms of the Airport Rules and Regulations.

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(kk) “Maintenance and Operation Expenses” shall mean “Maintenance and Operation Expenses” as defined in the Indenture including the current expenses, paid or accrued, of operation, maintenance, and ordinary current repairs of an Airport and shall include, without limiting the generality of the foregoing, insurance premiums, administrative expenses of the Authority relating solely to said Airport, including engineering, architectural, legal, consultants, and accounting fees and expenses as shall be in accordance with sound accounting practice. “Maintenance and Operation Expenses” shall not include any allowance for depreciation or renewals or replacements or obsolescence of capital assets of the Authority, or any operation and maintenance expenses of Special Purpose as that term is defined in the Bond Resolution, facilities buildings where the lessees thereof are obligated to pay such operation and maintenance expenses.

(ll) “Maximum Gross Landed Weight” shall mean the maximum gross certificated landing weight in one-thousand-pound units for which each aircraft operated at an Airport by Airline as certificated by the FAA.

(mm) “Net Requirement” shall mean, with respect to a Terminal, the direct and indirect Maintenance and Operation Expenses for said Terminal and reserves required by the Indenture, plus its proportional share of Capital Charges, less reimbursements; with respect to an Airfield, the direct and indirect Maintenance and Operation Expenses for the Airfield and reserves thereof, plus the proportional share of Capital Charges, as further specified in Sections 40-10.1-1205 and 40-10.1-1206.

(nn) “Operational Area” shall mean any place on an Airport not leased or demised to a Person for exclusive use, and not a public area, highway, or public vehicular area. Operational Areas include runways, public taxiways, Ramp Areas, Public cargo ramp and apron areas, public aircraft parking and storage areas, Terminal Aircraft Aprons, and Fuel storage areas.

(oo) “Operator” shall mean the owner of an aircraft or any person who is using an aircraft for the purpose of operation by himself or his agents.

(pp) “Other Debt Service” shall mean any principal, interest, premium, and other fees and amounts, either paid or accrued, on Other Indebtedness of Authority.

(qq) “Other Indebtedness” shall mean any debt incurred by Authority for Airport System purposes that is outstanding and not authenticated and delivered under and pursuant to the Indenture.

(rr) “Passenger Facility Charge” or “PFC” shall mean the fees authorized by 49 U.S.C. 40117 and regulated by 14 CFR Part 158 as such statute and regulations currently exist or as they may be amended.

(ss) “Permission” or “permit” shall mean permission granted by the Executive Director unless otherwise herein specifically provided. “Permission” or “permit” whenever required by this chapter shall always mean written permission, except that verbal permission in

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specific instances may be granted under special circumstances where the obtaining of written permission would not be practicable.

(tt) “Person” shall mean any individual, firm, partnership, co-partnership, corporation, trust association, or company (including any assignee, receiver, trustee, or similar representatives thereof) or the United States of America, any state or political subdivision thereof, any foreign government, or the United Nations.

(uu) “Preferential Use Premises” shall mean those portions of a Terminal and Terminal Aircraft Apron to which an Airline has been assigned priority rights over all other users, subject to the provisions of the Airport Rules and Regulations.

(vv) “Public aircraft parking and storage area” shall mean that area of an Airport to be used for public aircraft parking and storage space for the parking and storing of aircraft, or for the servicing of aircraft with fuel, lubricants, and other supplies, or for making emergency repairs to aircraft, or for any or all such purposes.

(ww) “Public cargo ramp and apron area” shall mean and include any portions of an Airport designated and made available temporarily or permanently by the Authority for the loading or unloading of cargo, freight, mail, and supplies, to and from aircraft, and for performing those operations commonly known as “ramp service,” and for performing inspections, minor maintenance, and other services upon or in connection with aircraft incidental to performing “ramp service,” but shall not mean those areas designated for the storage of cargo, freight, mail, and supplies, nor those areas designated for the purpose of performing fueling and other ramp services, or those areas designated for the purpose of parking operations.

(xx) “Public Space” shall mean all utility rooms, duct-ways, janitorial rooms and closets, stairways, hallways, elevators, escalators, entranceways, public or common use lobbies and areas, public toilet areas and other areas used for the operation, maintenance, or security of a Terminal, even if used solely by Authority.

(yy) “Public taxiway” shall mean and include any public taxiways designated for the purpose of the ground movement of aircraft on an Airport.

(zz) “Public vehicular parking area” shall mean and include any portion of an Airport designated and made available, temporarily or permanently, by the Authority for the parking of vehicles.

(aaa) “Ramp Area” shall mean the aircraft parking and maneuvering areas adjacent to a Terminal, and shall include within its boundaries all Terminal Aircraft Aprons.

(bbb) “Rentable Premises” means the sum of the total square footage of assigned and unassigned Preferential Use Premises, Common Use Premises and other space within the Terminals that are available for rent by Airlines or other users of the Terminals.

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(ccc) “Revenue Landing” shall mean any aircraft landing by Airline at an Airport for which Airline receives revenue.

(ddd) “Rota Terminal” shall mean the Benjamin Taisacan Manglona International Airport terminal building, associated curbside entrance areas, adjoining landscaped areas, and aircraft aprons at the Benjamin Taisacan Manglona International Airport terminal building.

(eee) “Runway area” shall mean and include any portion of the paved runway as well as the clear zones and field area to the lateral clearance lines of said runway.

(fff) “Saipan Commuter Terminal” shall mean the Francisco C. Ada/Saipan International Airport terminal building for passengers flying within CNMI, associated curbside entrance areas, adjoining landscaped areas and aircraft aprons at the Francisco C. Ada/Saipan International Airport terminal building for passengers flying within CNMI as well as to and from Guam.

(ggg) “Saipan Main Terminal” shall mean the Francisco C. Ada/Saipan International Airport international passenger terminal building, associated curbside entrance areas, and aircraft aprons at the Francisco C. Ada/Saipan International Airport terminal building.

(hhh) “Scheduled Air Carrier” shall mean any Air Transportation Company performing or desiring to perform, pursuant to published schedules, seasonal or non-seasonal commercial air transportation services over specified routes to and from an Airport or Airports and holding the necessary authority from the appropriate federal or Commonwealth agencies to provide such transportation and any Air Transportation Company authorized to use the Airports under a Letter of Authorization.

(iii) “Sightseeing flights” shall mean flights on which passengers are carried for hire, and which originate and terminate at an Airport with no intermediate stops other than emergency stops.

(jjj) “Shall” means mandatory and not merely directory.

(kkk) “Subordinated Bond Indenture” shall mean an indenture or trust agreement subordinated to the Indenture authorizing the issuance by Authority of Subordinated Bonds, as such may be supplemented or amended from time to time.

(lll) “Subordinated Bonds” shall mean any bonds or other financing instrument or obligation subordinate to the Bonds, issued pursuant to any Subordinated Bond Indenture.

(mmm) “Terminal Aircraft Aprons” shall mean those areas of an Airport that are designated for the parking of passenger aircraft and support vehicles, and the loading and unloading of passenger aircraft.

(nnn) “Terminal” shall mean the Francisco C. Ada/Saipan International Airport Commuter Terminal Building and Temporary Commuter area, Francisco C. Ada/Saipan

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International Airport Main Terminal Building, Benjamin Taisacan Manglona International Airport Terminal Building or Tinian Terminal Building and appending structures, law enforcement and security activities, paging systems, multi-user flight information display systems, and terminal roadway systems including entrance/exit/recirculating roadways, terminal curb front, and taxi/bus/staging areas, but excluding roadways exclusively serving the public parking areas.

(ooo) “Terminal Cost Center” shall include all Capital Charges, and all direct, indirect, and general administrative Operation and Maintenance Expenses for a Terminal.

(ppp) “Terminal Rental Rate” shall mean the rates calculated in accordance with Section 40-10.1-1206.

(qqq) “Ticket Counter” shall mean those areas in a Terminal designated by the Authority for use by Airlines for ticketing and processing passengers and their baggage, and similar activities, including associated queueing areas.

(rrr) “Tinian Terminal” shall mean the Tinian International Airport terminal building, associated curbside entrance areas, adjoining landscaped areas, and aircraft aprons at the Tinian International Airport.

(sss) “Transportation Security Administration” or “TSA” shall mean the Office of Homeland Security and Transportation Security Administration, or their authorized successors.

(ttt) “Turn” means the arrival and departure of an aircraft from a Gate.

(uuu) “Turn Fees” shall mean a charge assessed by the Authority for each use of an unassigned Gate of Ticket Counter for a period not to exceed two (2) hours, as further specified in Section 40-10.1-1206. Turn Fees shall not apply to the use of Gates Ticket Counters that are included in an Airline’s Preferential Use Premises pursuant to a Letter of Authorization. The location of a Gate or Ticket Counter will be assigned by the Executive Director and will be contingent upon the size of the aircraft operating at the Airport.

(vvv) “Vehicles” shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, push carts, and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land, aircraft excluded.

(www) The words “ingress” and “egress” shall refer to the use of an area, or portion of an Airport, as a means of going from one place to another without undue delay.

Modified, 1 CMC § 3806(g).

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 100 - General Operational Rules and Regulations

§ 40-10.1-101 General Rules

(a) All aeronautical activities at an Airport, and all flying of aircraft departing from or arriving at an Airport, shall be conducted in conformity with applicable provisions of the regulations of the Federal Aviation Administration, the United States Department of Transportation, or any successor agencies.

(b) The owner, operator, pilot, agent, or their duly authorized representatives agree, as a condition of use of an Airport, to release and discharge the Authority, its officers, and its employees of and from any liability for any damage which may be suffered by any aircraft and its equipment, and for any personal injury or death, except where such damage, injury, or death is due solely to the negligence of the Authority.

(c) All persons using any part of an Airport shall be held liable for any property damage caused by carelessness and negligence on or over the Airport, and any aircraft being operated so as to cause such property damage may be retained in the custody of the Authority and the Authority may have a lien on said aircraft until all charges for damages are paid. Any persons liable for such damage agree to indemnify fully and to save and hold harmless the Authority, its directors, its officers, and its employees from claims, liabilities, and causes of action of every kind, character, and nature and from all costs and fees (including attorney's fees) connected therewith, and from the expenses of the investigation thereof.

(d) The pilot or operator of any aircraft involved in an accident causing personal injury or property damage shall, in addition to all other reports required to be made to other agencies, make a complete report concerning said accident to the office of the Executive Director within 24 hours of the accident. When a written report of an accident is required by the Federal Aviation Regulations, a copy of such report may be submitted to the Executive Director in lieu of the report required above.

(e) Subject to compliance with appropriate Federal Aviation Regulations, the aircraft owner shall be responsible for the prompt removal of all disabled aircraft and/or parts of such aircraft at an Airport, as reasonably directed by the Executive Director. In the event of the owner's failure or refusal to comply with such directions, such disabled aircraft or any and all parts thereof may be removed by the Authority at the owner's expense and without liability for damage which may be incurred as a result of such removal.

(f) The Executive Director shall have the right at any time to close an Airport in its entirety or any portion thereof to air traffic, to delay or restrict any flight or other aircraft, and to deny the use of an Airport or any portion thereof to any specified class of aircraft or to any individual or group when the Executive Director considers any such action to be necessary and desirable to avoid endangering persons or property and to be consistent with the safe and proper operation of an Airport. In the event the Executive Director believes

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the condition of an Airport to be unsafe for landings or takeoffs, it shall be within his authority to issue, or cause to be issued, a NOTAM (notice to aircraft) closing an Airport or any portion thereof.

(g) All aircraft landing or taking off at an Airport shall have a properly functioning two-way radio capable of communicating with an Airport communication system.

(h) The Executive Director may require from time to time and may designate, at his or her discretion, appropriate locations for the registration of pilots and aircraft using an Airport, and such pilots shall comply with the requirements of such registration. The payment of rentals, fees, and charges relating to the use of Airport premises and facilities shall be made before takeoff. In lieu of such payment, satisfactory credit arrangements shall be made by the operator of aircraft with the office of the Authority or such office as may be otherwise designated by the Executive Director before the aircraft leaves an Airport.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-105 Compliance with Rules and Regulations

(a) Any permission granted by the Authority, directly or indirectly, expressly or by implication, to any person or persons, to enter or use the airport, or any part thereof (including aircraft operators, crew members and passengers, spectators, sightseers, operators of pleasure and commercial vehicles, officers and employees or airlines, and any other persons occupying space on or within the airport, persons doing business with the Authority, or at the airport, its lessees, or sublessees and permittees, and any other persons whatsoever) is conditioned upon strict compliance with the rules and regulations in this subchapter.

(b) The Executive Director may, upon notice and for cause consisting of repeated or flagrant violation of this subchapter, terminate the permission or privilege of any person to utilize an Airport, and/or disqualify any such person from bidding or submitting a proposal for any concession or contract to be let by the Authority. Such action shall be in addition to any civil penalties which may be assessed under this subchapter. Any person affected by the Executive Director's decision to terminate their permission or privilege may petition the Authority for reconsideration. The petition shall set forth a clear statement of the facts and grounds upon which reconsideration is sought. The Authority shall grant the petitioner a public hearing within 30 days after filing the petition and the Authority's decision shall be publicly released not more than 20 days after the final public hearing held upon the petition.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-110 Commercial Activity

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No person shall carry on any commercial activity whatsoever at an Airport without the written consent of the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-115 Sightseeing

No person shall conduct sightseeing flights at an Airport, except under a permit from the Executive Director or his duly appointed representative establishing conditions and specifying fees payable to an Airport for such privileges. Sightseeing passengers shall not be subject to the fees imposed pursuant to § 40-10.1-1255 of this subchapter.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-120 Parking and Storage of Aircraft

Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of an Airport (other than the public aircraft parking and storage areas) for parking and storage of aircraft without the permission of the Executive Director. If, notwithstanding the above prohibition, a person uses such areas for parking or storage as aforesaid, without first obtaining permission, then the Executive Director shall have the authority to order the aircraft removed, or to cause same to be removed and stored, at the expense of the owner or consignee thereof, without responsibility or liability for damages arising therefrom.

History: Amdts Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Amdts Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-125 Storage of Cargo, Etc.

Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of an Airport for storage of cargo, equipment or any other property without permission of the Executive Director. If, notwithstanding the above prohibitions, a person uses such areas for storage as aforesaid, without first obtaining such permission, then the Executive Director shall have authority to order the cargo or equipment or any other property removed, or to cause the same to be removed and stored, at the expense of the owner or consignee thereof, without responsibility or liability for damages arising therefrom.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-130 Use of Operational Areas

No person shall use or occupy an Operational Area for any purpose whatsoever, except for a purpose pertaining to the landing, takeoff operations and servicing of aircraft, airline

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activities associated with aircraft, or governmental agencies in the performance of their functions or for a purpose connected with the maintenance and operation of an Airport.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-135 Payment of Charges

(a) No person shall land an aircraft on or take off from an Airport, or use an Operational Area, except upon the payment of such fees and charges as may from time to time be approved and published by the Authority, unless such person is entitled to use such area under a lease or other contract providing therefor. Except as otherwise provided therein, any operating rights under a lease or contract shall be null and void if the payment of fees and charges for the use of an Airport are more than ninety days in arrears, and any subsequent landing or takeoff of an aircraft from an Airport, or use of an Operational Area, shall be conditioned upon the payment of such fees and charges at the time of use as provided for in Part 1200 hereof.

(b) Except as otherwise specifically provided in an agreement to which the Authority is a party, all fees and charges due to the Authority from any person, arising out of the use and/or occupancy of an Airport, shall be due ten days after the delivery of the Authority's invoice. In the event that the Executive Director finds that a particular airline, concessionaire, tenant, or other Person is habitually late in the payment of invoices, or in the event a particular invoice is not paid within ten days, the Executive Director may, in his sole judgment, and upon notice to the debtor, shorten the time for the payment of future invoices to and including a requirement for payment upon presentation of the invoice.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-140 Commercial Photography

No person shall take still, motion, or sound pictures for a commercial purpose, nor shall they transmit any program for commercial purposes on an Airport, without written permission of the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 200 - Operation of Vehicles

§ 40-10.1-201 Required Licenses

No vehicles shall be operated in or upon a public vehicular parking area, or any road within an Airport, or upon any of the Operational Areas of the airport, unless:

(a) The driver thereof is duly authorized to operate such vehicle under the laws of the Commonwealth of the Northern Mariana Islands, except that approved ramp equipment

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may be operated on an Airport by accredited employees certified by their employer to the Executive Director as qualified to operate such equipment; and

(b) Such vehicle is registered in accordance with the laws of the Commonwealth of the Northern Mariana Islands or is specifically authorized by the Executive Director to be operated on or within an Airport, but not on public highways or parking areas.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-205 Obeying Signals and Orders

Every person operating a vehicle in or upon a public vehicular parking area, Operational Area, or any road, must at all times comply with any lawful order, signal, or direction of any authorized representative of the Authority, or of any airport security officer. Whenever traffic is controlled by traffic lights, signs, mechanical or electrical signals, or pavement markings, all such shall be obeyed unless an authorized Authority representative or airport security officer directs otherwise.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-210 Speed Limits

All vehicles operated within an Airport shall comply with the speed limits prescribed and posted by the Executive Director. Where no limit is posted, the speed limit in the area shall be twenty-five miles per hour.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-215 Vehicles Within Operational Areas

No vehicle shall be operated within any Operational Area, except as authorized by the Executive Director, who may require that such vehicles display visible identifying symbols or numbers. The movement of vehicles may be restricted by the Executive Director to specific zones within the Operational Areas.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-220 Responsibility in Cases of Accidents

In addition to all other requirements of law, the driver of any vehicle involved in an accident on Airport property which results in injury or death to any person or damage to property, shall make a report to an airport security officer, or police officer assigned to the Airport, within twenty-four hours of such accident.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-225 Right-of-way

(a) The driver of a motor vehicle shall, on approaching an intersection, give right-of-way to every vehicle which is approaching to enter said intersection from the main street of entrance or departure a Terminal area whenever traffic is not regulated by traffic signals, signs, or security or police officers.

(b) On approaching a street, intersection, or junction of any road, speed shall be reduced. Likewise, speed shall be reduced on approaching any public conveyance which has stopped to discharge or take on passengers.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-230 Parking

(a) No person shall park a motor vehicle on the airport except in an area specifically designated and posted for parking.

(b) No person shall park a motor vehicle in any area on the airport for a period longer than is prescribed and posted for that space by the Executive Director.

(c) No person shall park a motor vehicle in a restricted or reserved area on the airport unless such person displays, in the manner prescribed by the Executive Director, a parking permit issued by the Executive Director for that area.

(d) No person shall double park a motor vehicle on the roadways of the airport.

(e) No person shall abandon a motor vehicle on the airport. A motor vehicle will be presumed abandoned if it is left parked and unattended for a period greater than forty-eight hours, unless it is parked in a space specifically set aside for parking longer than forty-eight hours. In such event, a motor vehicle shall be presumed abandoned if left unattended for a period twenty-four hours longer than the maximum authorized parking period.

(f) No person shall park a motor vehicle on the airport, in a space marked for the parking of vehicles, in such a manner so as to occupy a part of another marked space.

(g) No person shall leave a motor vehicle unattended or parked on the airport with a key in the ignition switch or the motor running, or a key in the door lock, or with a door open.

(h) No person shall park a motor vehicle at any place on the airport in violation of any sign posted by the Executive Director.

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- (i) No person shall park a motor vehicle within ten feet of a fire hydrant or in front of a driveway.
- (j) Except as otherwise authorized by the Executive Director, no person shall park a motor vehicle for the purposes of cleaning, polishing, or repairing said vehicle except for those minor repairs necessary to remove said vehicle to an authorized area or from the airport.
- (k) Every parked motor vehicle shall be parked, when parallel to the roadway, to its extreme right and at a distance of not more than six inches from the sidewalk or promenade, unless the parking space is otherwise marked. The entrance and exit of passengers shall be on the right-hand side of the vehicle.
- (l) Public parking shall be permitted for a period of greater than forty-eight hours only in those areas designated for extended parking. No person may park a motor vehicle in an extended parking facility unless such person has purchased a permit authorizing the use of the extended parking facility from the Airport Security Office, or other designated location. The fee for an extended parking permit shall be FIVE DOLLARS per day which shall be paid in advance at the time the permit is purchased. The permit shall be displayed on the dashboard of the vehicle at all times while parked in the extended parking facility. In addition to the penalties available under § 40-10.1-255(f) of this section the permittee, or owner, of any vehicle left parked in the extended parking facility shall be subject to a charge of TEN DOLLARS per day for each day, or part of a day, the vehicle remains parked in the facility without a permit or in excess of the permitted period.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-235 Taxicab Operations and Permits

- (a) Before being permitted to load passengers at the airport, a taxicab shall:
 - (1) Be currently licensed as a taxicab by the Bureau of Motor Vehicles and driven by a person with a license properly endorsed for the transportation of passengers for hire pursuant to the laws of the Commonwealth of the Northern Mariana Islands.
 - (2) Have secured from the Executive Director a current written authorization enabling such loading.
 - (3) Have paid to the Executive Director the appropriate fees, if any, required for said permit.
- (b) Taxicabs shall conduct their business at the airport in a manner and at places to be designated from time to time by the Executive Director by written notice to the permit holders and otherwise in accordance with this subchapter.
- (c) All taxicabs shall be stopped or parked in such manner and in such areas as may be designated from time to time by the Executive Director.

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(d) Operators of taxicabs shall load passengers at the airport only in designated zones as may be from time to time prescribed in writing by the Executive Director.

(e) Only taxicab operators authorized in writing by the Executive Director may solicit taxi fares on the airport premises; provided, however, that the Executive Director will not issue an exclusive authorization under this subparagraph to any one taxi company or taxi operator; and provided further that solicitation shall be expressly restricted to areas designated by the Executive Director. The term “solicitation” as used in this subparagraph shall be specifically defined to mean the asking of a passenger or other person if he or she desires a taxicab. Upon request, taxicab operators shall courteously inform passengers or other of alternate means of ground transportation, the location, and frequency, if any exists.

(f) Taxicab drivers or any other persons connected therewith shall be specifically prohibited from soliciting taxicab fares on the airport at places other than those designated by the Executive Director. Cruising of taxicabs is prohibited.

(g) Taxicab permits shall be valid for a period of one year commencing at the beginning of the fiscal year of the airport, which at the present time commences on October 1. Initial permits granted upon the promulgation of this subchapter and any permits granted during a fiscal year shall have the annual fees prorated according to the length of time the permits will remain valid. All permits will expire automatically on September 30 of each year.

(h) Each taxicab company or taxicab operator holding a permit shall pay a monthly fee to the Authority, in advance, of five dollars per month for each taxicab owned or operated by said permit holder.

(i) Each taxi servicing the airport must carry the following minimum coverages of insurance:

Liability for bodily injury, including death (limits \$100,000.00 for each person, \$300,000.00 each accident) and for property damage (limit \$50,000.00).

(j) Each taxicab company or operator shall submit a certificate of insurance and a copy of the insurance policy for review and acceptance by the Executive Director as part of the conditions to obtain a permit to operate a taxicab at the airport. Such policy shall not be cancellable except upon 30 days’ notice to the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-240 Attire for Taxicab Operators and Related Matters

(a) Because all ports of entry in the Commonwealth convey to guests and visitors a “first impression” of the Northern Mariana Islands and its people, it is important that such impression convey not only its natural beauty and the friendliness of its people, but also that of safety, neatness, and proper decorum. To promote these objectives, the Authority finds it both necessary and proper to implement a dress code for taxicab operators

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authorized by the Authority to pick up passengers and customers at all airports under its jurisdiction.

(b) All taxicab operators having a valid permit to pick up passengers and customers at airport premises are required to wear dark dress pants, island print dress shirt, and dark dress shoes with socks. No taxicab operator shall be permitted to wear zorris or slippers, t-shirt or polo shirt, or short pants. All dress attire required of taxicab operators shall be neat and clean.

(c) No employee, officer, or director of the Commonwealth Ports Authority shall be permitted to operate a taxicab at any public airport in the Commonwealth.

(d) No person having a felony conviction or a misdemeanor conviction involving moral turpitude shall be given a permit by the Authority to operate a taxicab on airport premises.

(e) All taxicab operators applying for a permit to pick up passengers at airports under the jurisdiction of the Authority shall be required to provide the Authority with a current police clearance, a copy of the applicant's business license and driver's license, a copy of the applicant's current automobile liability insurance policy, and a copy of the applicant's Taxicab Bureau permit. Furthermore, the taxicab operator shall provide the Authority with a certified copy of his/her business gross revenue (BGR) report as filed with the CNMI Division of Revenue and Taxation, no later than 30 days after the end of each calendar year.

(f) All taxicab operators shall provide service to their customers and passengers courteously, cheerfully, promptly, and safely. Further, a taxicab operator shall, at all times, not be under the influence of intoxicating liquor or drugs, shall not be disorderly, boisterous, or argumentative, shall not be sleeping in his/her cab and shall comply with all rules and regulations of the CNMI Taxicab Bureau [NMIAC, title 20, chapter 80].

(g) No taxicab operator shall leave his/her vehicle unattended for longer than ten minutes. Leaving one's vehicle unattended for longer than ten minutes may result in the vehicle being towed away, at the operator's expense; unless for good reason, written permission is granted by the Commonwealth Ports Police for a taxicab operator to be away from his/her vehicle for longer than ten minutes.

(h) All taxicab operators shall adhere to this subchapter and the directions and instructions of the Commonwealth Ports Police Office. The Commonwealth Ports Police Office shall make sure that all taxicab operators are in compliance with this subchapter. Failure to comply may result in the suspension or revocation of the taxicab operator's permit to pick up passengers and customers at the airport.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 19 Com. Reg. 15381 (May 15, 1997); Proposed 19 Com. Reg. 14878 (Jan. 15, 1997).

§ 40-10.1-245 Permit Required for Vehicle Rental Service

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(a) No vehicle rental business or solicitation for such business may be conducted upon or within the airport unless:

(1) On-premises Vehicle Rental Concessionaires. The vehicle rental business is operating under the terms of a valid lease or concession agreement with the Authority; or,

(2) Off-premises Vehicle Rental Permittees. The vehicle rental business shall obtain and have in full force and effect a written permit issued by the Executive Director, upon such terms and conditions as he shall deem to be in the best interests of the Authority. Such permit shall authorize the permittee to pick up pre-confirmed and prearranged customers only and only at such areas as the Executive Director shall designate for customer pick-up. In no event shall permittee be allowed to solicit customers at the airport, nor shall permittees be allowed to pick up any disembarking passengers or their baggage at the customs/passenger arrival area of the airport nor at the commuter terminal.

(b) Any vehicle rental business operating under the terms and conditions of a permit issued under this section shall provide transportation for its customers by unmarked vehicles, so as not to encourage the solicitation of customers at the airport. The term “solicitation” as used in this section shall be specifically defined to mean the asking of a passenger or other person if he or she desires to rent a vehicle. Use of the public vehicular parking area by vehicle rental business operating under the terms of subsection (a)(2) is strictly prohibited. Such vehicle rental businesses shall not suffer or permit its customers to use such areas to pick up or drop off any rental vehicle, or for the storage of any rental vehicle. Permits issued under subsection (a)(2) shall not be exclusive. The fee for any permit issued under subsection (a)(2) shall not be less than 150% of the highest Minimum Annual Guarantee of any car rental concessionaire operating at that specific airport. If the highest Minimum Annual Guarantee changes after a permit is issued, then the permit fee shall be adjusted within thirty days to reflect that change. Permit Fees shall be payable monthly in advance. Failure to pay such permit fee within seven days of its due date shall serve to invalidate any permit understanding. Any vehicle rental business operating at or upon the airport without a valid permit, or in violation of the terms and conditions of its permit, or this subchapter, shall be subject to such penalties as set forth under § 40-10.1-255(f) and may have its privilege to conduct such business at the airport terminated pursuant to § 40-10.1-105.

(c) Each vehicle rental business servicing the Airport under § 40-10.1-245(a)(2) shall carry at least the following insurance coverage for its customers: Liability for bodily injury, including death (limits \$100,000.00 for each person, \$300,000.00 each accident and for property damage (limit \$50,000.00).

(d) Each vehicle rental business shall submit a CNMI business license, a certificate of insurance and a copy of the insurance policy for review by the Executive Director prior to obtaining a permit to operate a vehicle rental business at the airport. A certificate or certificates evidencing such insurance shall provide that such insurance coverage will not be cancelled or reduced without at least thirty days prior written notice to the Authority.

(e) Each vehicle rental business shall employ or permit the employment of only such personnel as will assure a high standard of service to the public. All such personnel, while

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on duty, shall be clean, neat in appearance and courteous at all times and shall be appropriately attired, with uniforms in such instances as are appropriate. If the vehicle rental business does not have a uniform, dress shirt and dress pants shall be worn, with shoes. Personnel may not wear zoris, tank tops, or T-shirts, unless it is the vehicle rental business's uniform. Personnel shall not use improper language, act in a loud, boisterous or otherwise improper manner or be permitted to solicit business in an inappropriate manner.

Modified, 1 CMC § 3806(g).

History: Adopted 44 Com. Reg. 49225 (Nov. 28, 2022); Proposed 44 Com. Reg. 48238 (Mar. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-250 Group Transportation Permits

No owner or operator of any vehicle carrying passengers for hire, including tour buses or any hotel/motel vehicle carrying hotel guests, shall pick up or unload passengers upon the airport without a written permit issued by the Executive Director, which permit shall state, among other requirements, those which relate to safety, licensing, traffic regulations, and insurance, and shall prescribe fees and shall state what privileges are granted by the permits issued. Permits issued under this section will not be exclusive.

(a) Bus, or any vehicle with a seating capacity in excess of 25 (licensed for hire)
A basic monthly fee of one hundred and twenty-five dollars per vehicle.

(b) Bus, limousine, stretch-out or any vehicle with a seating capacity of 25 or less (licensed for hire)
A basic monthly fee of one hundred dollars per vehicle.

(c) Hotel-motel vehicles (owned, leased, or operated)
A basic monthly fee of seventy-five dollars per hotel or motel.

(d) Time and place of payments

(1) The monthly permit fees shall be applicable only for the period in which issued and shall be paid to the Executive Director in advance of providing ground transportation services at the airport.

(2) Payments shall be made at the Office of the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-255 Implementing Rules

(a) Notice of Violation. Any person violating any of the provisions of §§ 40-10.1-201 through 40-10.1-250, inclusive, shall be given written notice thereof by a duly authorized employee of the Authority.

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(b) Same; Form of Notice. The written notice shall be in a form prescribed by the Executive Director. The form shall be prepared in a duplicate, with the original copy being served upon the violator in the manner provided herein, and the duplicate copy being returned to the Office of the Executive Director.

(c) Same; Manner of Service. Service of the notice of violation shall be served upon the violator as follows: If the violator is physically present at the scene of the violation, the notice of violation shall be served upon him personally. If the violator is not so present, service may be effected by leaving the notice of violation upon the windshield of the offending vehicle, or alternatively upon any other prominent place upon such vehicle.

(d) Same; Who May Serve. Persons authorized to serve the notice of violation provided for herein are the Executive Director, the Airport Manager, any employee of the Department of Public Safety of the Government of the Northern Mariana Islands, and any security officer of the Authority.

(e) Denial of Liability. Any person against whom a violation of any of the provision of §§ 40-10.1-201 through 40-10.1-230, inclusive, is alleged shall have ten days either to deny liability therefor, or to pay the fine as established herein. The notice of violation shall state that failure to pay fine assessed within the ten day period may result in collection of said fine through the courts of the Northern Mariana Islands. In the event suit is brought to recover any fine assessed under this part 200, the offender shall also be liable for court costs and reasonable attorney's fees.

(f) Schedule of Fines. The schedule of fines to be assessed for the violation of §§ 40-10.1-201 through 40-10.1-250 of this part shall be as follows:

- (1) § 40-10.1-210: \$50.00
- (2) §§ 40-10.1-201, 40-10.1-205, 40-10.1-215, 40-10.1-220 and 40-10.1-225: \$30.00
- (3) § 40-10.1-230: \$20.00 plus towing and storage charges.
- (4) §§ 40-10.1-235, 40-10.1-245, 40-10.1-250: \$100.00; and in addition, any found in violation of these sections may have the privilege to conduct such business at the airport terminated pursuant to § 40-10.1-105.

(g) Removal of Vehicles. Whenever a vehicle is parked so as to create a blockage or other hazard to the orderly flow of traffic to, in, or from the airport, or when a vehicle has been abandoned, or when a rental vehicle operating pursuant to § 40-10.1-245 is parked within the public vehicular parking area, the Executive Director may order the vehicle removed to an authorized parking location, or to the Authority impound lot, if no authorized space can be found at the airport. All abandoned vehicles shall be taken to the impound lot where the owners may reclaim them in accordance with applicable law and regulations, and upon payment of fines or charges established by the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 300 - General Operation on Public Aircraft Area

§ 40-10.1-301 Identification

Drivers of all vehicles operating on an Operational Area shall obtain permission from the Executive Director before entering upon the taxiways and runways. Between the hours of sunrise and sunset such vehicle shall have a functioning radio receiver in operation or an overhead red light shall be displayed, or it shall be painted bright yellow, or it shall display a checkered flag, not less than three feet square of international orange and white, the checks being at least one foot on each side; and between the hours of sunset and sunrise conspicuous overhead operating red lights shall be displayed. The Executive Director shall in all cases specify in writing the identifications required.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-305 Enplaning or Deplaning Passengers

No vehicle shall move on or across the Airline Ramp Area or Terminal Aircraft Apron while passengers are enplaning or deplaning, except in conformity with traffic directives issued by the Executive Director. No vehicle shall be operated without operating lights on an Operational Area during the hours of darkness.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-310 Safety of Aircraft Operation

The Executive Director may suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed reasonably necessary in the interest of safety.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-315 Deviation from Rules

Any deviation from the rules in this part shall be coordinated with the Executive Director prior to conducting operations which are contrary to provisions herein contained, except that the Executive Director may temporarily authorize deviation or suspension of portions of this part as may be required in the interest of safety. Any deviation from this part shall be the sole responsibility of the person conducting the operation which is not in strict accord with the provision herein contained.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 400 - Taxiing Rules

§ 40-10.1-401 Taxiing and Ground Rules

- (a) No aircraft engine shall be run at the airport unless a pilot or a certificated A & P (airframe and power-plant) mechanic qualified to run the engines of that particular type of aircraft is attending the controls.
- (b) No person shall taxi an aircraft on the airport until he has ascertained that there will be no danger of collision with any persons or objects.
- (c) All aircraft shall be taxied at a safe and reasonable speed.
- (d) All aircraft operating on the airport shall be equipped with wheel brakes in proper working order.
- (e) No aircraft shall taxi between the airline passenger terminal gates and aircraft parked on Terminal apron.
- (f) Where taxiing aircraft are converging, the aircraft involved shall pass each other bearing to the right-hand side of the taxiway unless otherwise instructed by traffic control.
- (g) No aircraft shall be taxied into or out of any hangar under its own power.
- (h) All aircraft being taxied, towed, or otherwise moved at the airport shall proceed with navigation lights on during the hours between sunset and sunrise.
- (i) Aircraft engines shall be started or operated only in the places designated for such purposes by the Authority.
- (j) All repairs to aircraft or engines shall be made in the areas designated for this purpose. Adjustments and repairs may be performed on air carrier aircraft at gate positions on Terminal apron when such repairs can be accomplished without inconvenience to other persons. Any aircraft being repaired at a gate position shall be moved immediately upon the request of the Executive Director. No aircraft engine shall be run up above idle power for test purposes at any gate position.
- (k) Aircraft shall not be washed except in areas and in the manner designated by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 500 - Traffic Pattern, Landing and Takeoff

§ 40-10.1-501 Left-hand Traffic

All aircraft in flight below fifteen hundred feet above the ground surface within a three mile radius of the airport shall conform to a standard left-hand flow of traffic and to the

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designated traffic pattern, and to the following rules, unless specifically instructed otherwise by traffic control, when operational:

- (a) The traffic direction shall be as indicated by such devices as a segmented circle or by wind sock.
- (b) All landings and takeoffs shall be confined to the paved runway and shall not be conducted on a taxiway or apron, except by helicopters which may land on designated Apron Areas.
- (c) No turn shall be made after takeoff until the airport boundary has been reached and the aircraft has attained an altitude of at least four hundred feet and the operator has ascertained there will be no danger of collision with other aircraft.
- (d) Aircraft shall enter the traffic pattern on or before the downwind leg and shall exercise caution and courtesy so as not to cause aircraft already in the pattern to deviate from their course at the discretion of the pilot.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-505 Ceiling Limitations

When ceiling and/or visibility are less than those authorized by Federal Aviation Regulations for conduct of visual flight operations, no takeoffs or landings are to be authorized at the airport, except when proper clearance has been obtained from traffic control, when operational.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-510 General Traffic Rules

- (a) In advance of any flight test, practice instrument flight, or practice low approach to be conducted within the airport clear zone, the pilot shall make the necessary arrangements with the FAA airport traffic controller on duty, when available, and shall receive clearance before starting such maneuvers, and shall observe all local traffic and avoid interference with same.
- (b) No motorless aircraft shall land or take off from the airport.
- (c) The Executive Director shall have the right to deny the use of the airport to any aircraft or pilot violating Authority or federal regulations, whether at the airport or elsewhere, pursuant to § 40-10.1-105.
- (d) All aircraft operations shall be confined to hard-surfaced runways, taxiways, and aprons.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-515 Helicopter Operations Rules

- (a) Helicopters arriving and departing the airport shall operate under the direction of the airport communication system at all times while within three miles of the airport.
- (b) Helicopters shall avoid fixed-wing aircraft traffic patterns and attitudes to the maximum extent possible.
- (c) Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least fifty feet in all directions from the outer tips of the rotors.
- (d) Helicopters shall not be operated within two hundred feet of any area on the airport where unsecured light aircraft are parked.
- (e) During landings and takeoffs, helicopter aircraft shall not pass over any airport buildings, structures, their adjacent auto parking areas, passenger concourses, or parked aircraft.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 600 - Rules for Ground Operations

§ 40-10.1-601 Engine Run-up Restrictions

Aircraft engines shall be started or warmed up only by qualified persons, and at the places designated for such purposes. At no time shall engines be run-up in hangars, shops, other buildings, or when spectators are in the path of propeller streams or jet blasts.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-605 Aircraft Parking

Aircraft shall only be parked in areas designated for such purposes by the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-610 Area for Repairs

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All repairs to aircraft or engines, except emergency repairs, shall be made only in areas designated for this purpose by the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-615 Runway Area Restrictions

No person or persons, except personnel authorized by the Executive Director, shall be permitted to enter the public runway area.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-620 Overparking of Aircraft on Apron

Any aircraft operator, upon notice from the Executive Director, shall move or cause an aircraft to be removed from any portion of the Public ramp and apron area within twenty minutes of such notification, notwithstanding the fact that he published tariffs of the Authority may prescribe fees for ramp occupancy by aircraft, establishing definite periods of time for such purpose.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-625 Power-in, Push-out of Aircraft

(a) All jet aircraft parking anywhere on the apron at Francisco C. Ada/Saipan International Airport shall be permitted to power-in, but must be pushed or towed out upon departure.

(b) It is recognized that some models of jet aircraft require starting of engines prior to push-out due to lack of an internal APU. In such case, the push-out requirement of subsection (a) of this section shall not apply; however, in such cases, such aircraft shall be towed or pushed out to a safe distance away from a Terminal and from other aircraft before breakaway jet engine power is applied.

(c) Subject to the provisions of § 40-10.1-315, the Executive Director may make exceptions to the provisions of this section when he determines that power-out operations will not pose a hazard to other operations or aircraft upon the apron, and will not pose a hazard, inconvenience, or discomfort to passengers in the departure area of a Terminal or in the process of boarding or deboarding another aircraft. However, no exception to this section may be granted by the Executive Director when more than one jet aircraft is on the apron at any one time.

Modified, 1 CMC § 3806(g).

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-630 Running of Engines During Operations

No propeller-driven aircraft engine shall be operated while such aircraft is parked on the ramp, or during the loading or unloading of passengers or cargo, unless

(a) A duly authorized agent of operator of the aircraft is present during such loading or unloading, and such agent shall take all necessary steps to assure the safety of passengers and other persons upon the ramp; and

(b) The operator of such aircraft shall have deposited with the Authority a certificate or other evidence of insurance, in a form and upon a company satisfactory to the Authority, insuring the operator, the Authority, and their respective agents, employees, and officers, against the risks of personal injury, loss of life, and property damage in an amount of not less than \$1,000,000.00 per person, \$3,000,000.00 for each accident, and \$500,000.00 for property damage, provided that this insurance requirement shall not apply to any airline which has a Letter of Authorization with the Authority, while such agreement remains in force and effect.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-635 Flight Service Station

(a) The Authority operates a flight service station at Benjamin Taisacan Manglona and Tinian International Airports. The purpose of the flight service station is solely for the purpose of providing information to aircraft operators concerning weather, and for no other purpose.

(b) This service is provided strictly as a convenience to aircraft operators, each of whom is free to obtain weather information from any other source whatsoever. No operator of an aircraft is entitled to rely on any information provided by the flight service stations, for any purpose whatsoever, whether such information relates to weather or any other subject matter.

(c) Without limiting the generality of any of the foregoing, all aircraft operators are reminded that all decisions relating to the operation of aircraft in the air are outside the responsibility of the Authority and the flight service station, and that neither the Authority nor its flight service station has any authority to transmit any orders relating to the operation of aircraft in the air. However, the Authority and its flight service station have authority to transmit orders relating to the operation of aircraft on the ground.

(d) Every person who owns or operates an aircraft to, from, or within any airport in the Northern Mariana Islands which is under the direction and control of the Authority, or

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within any airspace of the Northern Mariana Islands, as a condition of such operation, hereby agrees to save, hold harmless, and indemnify the Authority, and its agents, servants, workmen, officers, and employees, from any and all claims demands, and liabilities whatsoever arising out of the operations of the flight service station.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 700 - Conditions of Use of Airport

§ 40-10.1-701 Public Apron and Aircraft Parking Area Use

All aircraft, whether operated for revenue or nonrevenue purposes, shall use the public apron and aircraft parking area only under the conditions stated in this subchapter and shall be subject to such fees and charges as may from time to time be approved and published by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-705 Departing Passenger Restrictions

All passengers departing from the airport and being carried for hire shall be processed through the facilities designated for such purpose by the Executive Director, and the use of such facilities shall be subject to such fees and charges as may from time to time be approved and published by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-710 Arriving Passenger Restrictions

All terminating passengers and their baggage being carried for hire arriving at the airport shall be processed only through the facilities designated for such purposes by the Executive Director, and the use of such facilities shall be subject to such fees and charges as may from time to time be approved and published by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-715 Transit Passenger Restrictions

Passengers transiting the airport may utilize, in common with the general public, the facilities of any terminal building. At any time, when required by Commonwealth of the Northern Mariana Islands Health, Immigration, and/or Customs regulations, all such transit passengers shall be held during any transit layover in a separate transit lounge provided by the Authority. If transit passengers are so required to use such transit lounge, such

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passenger use shall be subject to such fees and charges for use thereof as may from time to time be approved and published by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-720 Restrictions on Purchase of Aviation Fuels

No aircraft may be fueled on the airport unless the operator thereof has a valid agreement with the Authority permitting such fueling, or unless said operator has obtained a written clearance therefor from the Executive Director. Such fueling clearance shall be issued to an aircraft operator upon showing the Executive Director that all of these conditions of use of airport have been or will be responsibly complied with and the fees and charges have been, or will be, paid under the terms hereof.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-725 Cargo Operations

(a) Except for tenants operating under a valid lease which provides otherwise, cargo may be boarded on aircraft only at locations designated by the Executive Director and subject to the conditions stated in this chapter, and shall be subject to such fees and charges as may from time to time be approved and published by the Authority.

(b) Air cargo may not be accepted for carriage, or delivered to consignees, at airline ticket counters or inside any security fence at an Airport; except that shipments not exceeding 25 lbs in weight and 45 inches in the sum of length, width, and height, may be accepted or delivered at ticket counters.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-730 Ground Handling Services

(a) Ground Handling Permits.

(1) No person or company shall operate at any airport as a ground handling company without a ground handling permit issued by the Authority.

(2) In order to provide for and to insure the orderly, safe, effective and efficient operation of the airports at the three major islands, and in keeping with international standards on ground handling operations, the Authority shall issue not more than three ground handling permits for each major island.

(b) Qualified Services. Each ground handler shall provide ground handling services to the highest international standards and in accordance with any reasonable requirements of the Authority as stipulated from time to time. Without limiting the particular requirements of each airline and the general need for orderly, safe, effective, and efficient operations of the airport, a ground handler may provide the following services:

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- (1) Loading and unloading of freight and luggage to and from aircraft and the movement of such freight and luggage between passenger and/or freight terminals and the supervision of the collection of baggage and freight;
- (2) The removal from aircraft of waste, rubbish, sewage, and the like;
- (3) Cleaning the aircraft cabins, cockpit, galleys, toilets;
- (4) Replenishing supplies of literature, toiletries and other in-flight consumable used by passengers other than those to be supplied by the airline flight catering contractors;
- (5) Move, park, and provide day-to-day services for aircraft;
- (6) Provide concierge services; and
- (7) Carry out such other operations and activities as may be conveniently carried out if related to the overall responsibilities accorded ground handlers under international standards.

(c) **Qualified Employees.**

- (1) In carrying out its responsibilities hereunder, each ground handler shall use staff specifically approved by the Authority who have been fully and properly trained to operate typical equipment at the airport including but not limited to the operation of air bridges, lifts, escalators, conveyors, power supply units, and sewage disposal systems and will only use equipment previously approved by the Authority.
- (2) Each ground handler bears the responsibility to provide competent supervisors and staff at all times and also bears the burden of obtaining federal licenses and permits to qualify its employees to the technical particulars of the ground handling operations.
- (3) Because of security concerns at the airport, it is necessary that all personnel employed by each ground handler have appropriate security clearance and be acceptable to the Authority and accordingly the ground handler must comply with all requirements imposed by the Authority relative to personnel. Furthermore, the Authority has the right at any time at its sole and absolute discretion to advise the ground handler that any person employed by the ground handler is not acceptable to the Authority in connection with the airport operation, and thereafter, the ground handler shall not use such person in connection with its ground handling activities.

(d) **Equipment Requirements.**

- (1) In carrying out its responsibilities under the permit, each ground handler must at all times maintain the minimum equipment inventory necessary to provide the qualified services contained in this part. The equipment inventory must include, but is not limited to, the following: aircraft tow tractors, air start units, aircraft axle jacks, baggage carts, belt conveyor loaders, generator units, ground power units, container and pallet dollies, and lavatory trucks.
- (2) The ground handler bears the responsibility to include additional equipment in its inventory to meet the requirements of the airline(s) it is servicing.

(e) **Authority Right of Inspection.** During the term of the permit, the Authority has the right to inspect the workplace, offices, equipment and other possessions and facilities of each ground handler at any reasonable time.

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(f) **Indemnity by Ground Handler.** In accepting a ground handling permit, each ground handler shall protect, defend, and hold the Authority and its officers, employees, agents, and representatives completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to legal and court costs and expert fees), of any nature whatsoever arising out of or incidental to the permit and/or the use of airport facilities or the acts or omissions of the ground handler, its officers, agents, employees, contractors, subcontractors, invitee regardless of where the injury, death, or damage may occur, unless injury, death, or damage is caused solely by the negligence of the Authority.

(g) **Insurance Requirements.**

(1) Each ground handler must maintain in force during the term of the permit public liability and property damage insurance in the sum of \$5,000,000.00 for injury to or death of each of any one person, and in the sum of \$5,000,000.00 for injury to or death of more than one person, and in the sum of \$1,000,000.00 for damage to property. The ground handler agrees that the Commonwealth Ports Authority shall be named as an additional insured under such insurance policy or policies. A certificate of insurance evidencing such insurance shall provide that such insurance coverage will not be canceled or reduced without at least thirty days prior written notice to the Commonwealth Ports Authority.

(2) The ground handler shall submit a certificate of insurance and a copy of the insurance policy for review and acceptance by the Executive Director as part of the conditions to obtain a permit to operate a ground handling service at the airport.

(h) **Financial Responsibilities.**

(1) In order to assure orderly, safe, effective, and efficient airport operations, each ground handler must demonstrate and maintain financial suitability during the duration of the permit term. At a minimum, the ground handler must maintain a total equity of \$500,000.00.

(2) The Authority may inspect the financial and accounting records of the ground handler at any time during working hours after having given sufficient notice for such inspection.

(3) The ground handler shall submit semi-annual financial reports within thirty days after the end of such period. Audited annual financial statements shall be submitted to the Authority within ninety days after the end of the fiscal year.

(i) **Permit Period.** A ground handling permit shall be for a period of five years and shall be renewable for additional five-year periods provided that the Authority finds the services provided by the ground handler acceptable and that the ground handler has complied with all general mandates as to order, safety, efficiency, and effectiveness as intended in this chapter, and the specific provisions of this subchapter.

Modified, 1 CMC § 3806(g).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-735 Security Screening

Whenever security screening of passenger departing from the airport, and their carry-on baggage, is required by federal or other applicable laws or regulations, such security screening shall be conducted electronically, utilizing an electronic security screening system. Hand screening of passengers and their carry-on baggage shall also be permitted. The Authority provides an electronic security screening system for this purpose, which is available for use by all airlines serving Francisco C. Ada/Saipan International Airport on a reasonable and non-discriminatory basis. The use of said system is subject to the payment of such reasonable fees and charges as may be established, either by agreement with the system operator or otherwise.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-740 Use Regulations for Airline Operations

(a) General Provisions.

The provisions of this chapter shall apply to all Airlines from and after the date of adoption of the Airport Rules and Regulations unless (and during the period that) the Airline shall have a lease for the use of the Airport System with the Authority. Said lease, if in effect, shall be subordinate to the Airport Rules and Regulations. Upon termination of any such lease, the provisions of this chapter shall apply as to any authorized activity on the Airport system.

(b) Requirements to Occupy and Use Airline Assigned Areas; Letter of Authorization.

(1) Prior to occupying and using space in a Terminal or otherwise engaging in an Air Transportation Business at an Airport, an Airline shall present satisfactory evidence to the Executive Director that the Airline meets the requirements of the Airport Rules and Regulations, including, without limitation, insurance requirements established by Authority for engaging in Air Transportation at the Airport. Upon Authority's acknowledgement that an Airline meets the requirements of the Airport Rules and Regulations, including the insurance requirements of § 40-10.1-745, the Executive Director shall issue a Letter of Authorization to conduct an Air Transportation Business at the Airport and occupy and use its Assigned Area in a Terminal. Once the Executive Director receives an executed Letter of Authorization from Airline, an Airline shall occupy its Assigned Area and commence operations. Such Airline Assigned Area occupancy shall be on a month-to-month basis until such occupancy is canceled by the Airline or Authority. An Airline's submittal to the Authority of satisfactory evidence of insurance and executed Letter of Authorization shall be deemed to constitute acceptance by Airline of all terms and conditions of the Letter of Authorization and the Airport Rules and Regulations.

(2) Any permission granted by the Authority, directly or indirectly, expressly or by implication, to any Airline to enter upon or use the Airport or any part thereof is conditioned upon compliance with the Airport Rules and Regulations; and entry upon or into the Airport by any Airline shall be deemed to constitute an agreement by said Airline to comply with such Airport Rules and Regulations.

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(3) A Letter of Authorization will be automatically renewed each month provided Airline is in compliance with the provisions of the Airport Rules and Regulations. In the event an Airline violates any of the provisions of the Letter of Authorization or the Airport Rules and Regulations, the Executive Director may terminate the Letter of Authorization at the end of the current month by providing no less than fifteen (15) days' notice to the Airline of non-renewal. An Airline may terminate a Letter of Authorization by providing notice to the Executive Director no less than fifteen (15) days prior to the end of the current month. If not terminated, a Letter of Authorization will automatically be renewed on its monthly anniversary date. The Airline's rights and privileges to use the Airline Assigned Area, the services, and facilities of an Airport shall cease upon cancellation of the Letter of Authorization.

(c) Description of Privileges, Uses, and Rights.

Airline shall be entitled, in common with others authorized by the Authority, to the general use of all Public Airport System facilities and improvements which now are or may hereafter be connected with or appurtenant to an Airport, except as hereinafter provided. "Public Airport System facilities" shall include, but not be limited to runways, taxiways, aprons, aircraft parking areas, roadways, sidewalks, navigational aids, lighting facilities or other public facilities at an Airport.

Airline's use of Public Airport System facilities shall be for the sole purpose of operating its Air Transportation Business, which use, without limiting the generality hereof, shall include:

- (1) The handling, ticketing, billing, and manifesting of passengers, baggage, cargo, mail, and Airline's property, in air transportation by Airline.
- (2) The repairing, maintaining, conditioning, servicing, testing, parking, or storing of aircraft or other equipment operated by Airline.
- (3) The training of personnel in the employ of or to be employed by Airline.
- (4) The sale, lease, transfer, disposal or exchange or Airline's aircraft engines, accessories, and other equipment or supplies. Said right shall include the sale, lease, transfer or disposal or any article or goods used by or bought for use by Airline in connection with its conduct of its Air Transportation Business; provided, however, that Airline shall not:
 - (i) Sell food or beverages, except for consumption aloft, as provided in subsection (c)(8).
 - (ii) Sell gasoline, fuel, propellants, greases, or other lubricants except when said products are of particular grade desired by others and are not otherwise available.
- (5) Upon approval from the Authority, and subject to the Airport Rules and Regulations, Airline may provide technical and mechanical services to other airlines not having a valid agreement with the Authority.
- (6) The landing, taking off, flying, taxiing, towing, parking, loading, and unloading of Airline's aircraft or other equipment operated by Airline used in the operation of schedules, shuttle, courtesy, test, training, inspection, and emergency flights. Said right shall include, without limiting the generality hereof, the right to load and unload airline's aircraft adjacent to a convenient entrance to a Terminal; provided, however, that flights carrying cargo or

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freight only shall load and unload at convenient and accessible points to be designated by Authority.

(7) The loading and unloading of property, cargo, and mail by such motor vehicles or other means of conveyance as Airline may desire or require in the operation of its air transportation service, with the right to designate the particular carrier or carriers who shall transport Airline's property, cargo, and mail.

(8) The right to provide food and beverage for consumption by passengers and crews of Airline. Nothing in a Letter of Authorization or these Airport Rules and Regulations shall be deemed to give Airline the right, without prior written approval from the Authority, to maintain or operate a cafeteria, restaurant, vending machine, bar or cocktail lounge or club for the purpose of selling or in any manner otherwise providing food or beverage to the public or to its employee and passengers.

(9) The right to replace existing signs identifying Airline's business on and in a Terminal. Signs shall be substantially similar to existing signs in size, type, design, and location shall be subject to the written approval of Authority prior to installation. Such installation and operation shall be without cost to the Authority.

(10) The right to install, maintain, and operate by Airline alone, by Airline in conjunction with any other scheduled passenger Air Transportation Companies who have been issued Letters of Authorization, or through a nominee, radio communication, meteorological and air navigation equipment and facilities in or on Airline's Preferential Use Premises. The installation, maintenance and operation of such equipment shall be without cost to Authority and shall require the prior written approval of Authority as to location, method, and type of installation.

(11) The right, except as herein otherwise specifically provided, to purchase or otherwise obtain personal property of any nature (including, but not limited to, gasoline, fuel, propellants, and supplies) deemed by Airline necessary or incidental to its operation, its exercise of the rights herein imposed. These purchases may be made through any person, partnership, firm, association, or corporation Airline may choose.

(12) Airline may, upon receiving prior written approval from the Authority, exercise on behalf of any other Air Transportation Company having Letter of Authorization issued by the Authority any of the rights granted Airline herein, so long as Airline is concurrently exercising those same rights in the operation of Airline's own Air Transportation Business

(d) Rights and Privileges Specifically Excluded.

(1) Except as specifically provided for in § 40-10.1-740(b), Airline shall not sell any goods or services to the public or to its employees and passengers, other than those directly related to its Air Transportation Business without the prior written approval of the Authority. Airline shall not exercise, or take any action inconsistent with, any right granted to any concessionaire of the Authority at any Airport.

(2) Airline shall not receive and dispatch property, cargo, or freight (except that owned by Airline) within Airline's Preferential Use Premises, except packages normally tendered to Airline in small, single shipment packages for counter-to-counter express delivery services.

(e) Right to Ingress and Egress.

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(1) Airline shall have the right of ingress to and egress from those areas and facilities designated as Preferential Use or Joint Use Premises by the Authority, and by Airline in common with other airlines, for Airline, its employees, agents, nominees, passengers, guests, patrons, its suppliers of materials or furnisher of services, its aircraft, equipment, vehicles, machinery, or other property.

(f) Accommodation of Other Airlines.

(1) If a Scheduled Air Carrier not currently serving an Airport wishes to initiate Scheduled Air Carrier service, and such air carrier has a requirement for Preferential Use Premises (Requesting Scheduled Air Carrier) and Authority has insufficient Preferential Use Premises to offer for use to such air carrier, then Authority shall in writing request all existing Scheduled Air Carriers having substantially similar Letters of Authorization with the Authority (Existing Scheduled Air Carriers), to accommodate such Requesting Scheduled Air Carrier, either individually or jointly. Such accommodation may consist of an agreement between any or all Existing Scheduled Air Carriers to accommodate such Requesting Scheduled Air Carrier, whereby;

(i) Any or all Existing Scheduled Air Carriers shall handle the operations of the Requesting Scheduled Air Carrier, or;

(ii) An Existing Scheduled Air Carrier shares its Preferential Use Premises, as defined within its Letter of Authorization, with the Requesting Scheduled Air Carrier.

(2) If the reasonable requirements of the Requesting Scheduled Air Carrier are not met in the foregoing manner within thirty (30) days of such written request of the Authority to the Existing Scheduled Air Carriers, then the Authority shall have the right to direct any Existing Scheduled Air Carrier to share its Preferential Use Premises with the Requesting Scheduled Air Carrier. In making this determination, the Authority shall: (i) calculate the number of revenue passengers carried by each Existing Scheduled Air Carrier, and any other carrier handled at its Preferential Use Premises, or with which it shares its Preferential Use Premises during the previous six (6) months and (ii) divide the number of revenue passengers calculated in (i) above by the linear feet of ticket counter space preferentially leased by each Existing Scheduled Air Carrier. The Existing Scheduled Air Carrier having the lowest quotient shall be required by the Authority to share its Preferential Use Premises with the Requesting Scheduled Air Carrier as necessary to accommodate the reasonable requirements of the Requesting Scheduled Air Carrier. In no event shall an Existing Scheduled Air Carrier be required to share more than one-half of its Preferential Use Premises with a Requesting Scheduled Air Carrier.

(g) Installed Improvements and Property.

(1) All improvements, fixtures, equipment, and other property bought, installed erected or placed by Airline in, on, or about the Airport System and its Assigned Area shall be deemed to be personal and remain the property of Airline.

(h) Airport System Security.

(1) Airline shall be responsible for obtaining and/or coordinating any required Airport System badging, vehicle decaling, training and/or other activities required to ensure their agents, employees, vendors, suppliers, service providers, directors, or officers are in compliance with the Authority's security plan, TSA Regulations 49 CFR Parts 1500, 1515,

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1520, 1540, 1542, 1544, 1546, 1548, 1549, 1550, and 1560, as promulgated, and the terms and conditions of the Airport Rules and Regulations. Airline shall be responsible to pay any and all related costs associated with such badges and/or access privileges. Said badges shall be valid only for the period, of issuance and in no event shall said badges and the access privileges which they authorize exist beyond the term of a Letter of Authorization. Badges shall be returned within twenty-four (24) hours or the next business day after expiration of the badge, termination, suspension or other cessation of employment, or cancellation of a Letter of Authorization, whichever shall occur first.

(2) Airline shall be responsible for the proper certification and background check for all its employees, agents, vendors, suppliers, service providers, contractors, subcontractors, officers, and directors for which it requests and/or obtains an Authority issued Security Badge. In the event Airline, or any of its employees, agents, vendors, suppliers, service providers, contractors, subcontractors, officers, or directors fails to return such badges upon cessation of employment or other similar circumstances, and/or any cause of action that either singularly or collectively would require Authority to re-badge all badged personnel, as required under TSA Regulations and the Authority's security plan, Airline shall bear the total cost of such re-badging process.

(3) Airline will at all times preserve the integrity of the Authority's security plan and TSA Regulations 49 CFR Parts 1500, 1515, 1520, 1540, 1542, 1544, 1546, 1548, 1549, 1550 and 1560, as promulgated and that it will always preserve the security of any airfield access which Airline maintains. Airline shall be responsible for any and all of the actions of its employees, contractors, subcontractors, suppliers, agents, and/or representatives and shall provide any and all escorts, as outlined in the Authority's security plan, at all times.

(4) Should Airline, its employees, contractors, subcontractors, suppliers, agents, and/or representatives cause any security violation, and should Authority be cited for a civil penalty for such violation, Airline shall reimburse Authority for any monetary civil penalty which may be imposed by the FAA and/or TSA. Airline may have badge/access privileges immediately suspended and/or revoked by the Authority for failure to adhere to the Authority's security plan or for failure to return all badges within the time frame specified herein. In the event of a severe incident, such actions may also result in the immediate cancellation of a Letter of Authorization, at the sole discretion of the Authority.

Modified, 1 CMC § 3806(g).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed 16 Com. Reg. 11681 (Feb. 15, 1994).

§ 40-10.1-742 Airline Assigned Areas

(a) "As-Is" Condition of Airline Assigned Area.

Airline's submittal to the Authority of satisfactory evidence of insurance and an executed Letter of Authorization shall be deemed to constitute acceptance of its Assigned Area in an "As-Is" condition. Airline's occupancy and use of its Assigned Area shall serve as acknowledgement that Authority has made no representations or warranties of any nature whatsoever regarding the Airport System facilities or its Airline Assigned Area including, but not limited to, the physical and/or environmental condition of its Airline Assigned Area, or any improvements located thereon, or the value of the Assigned Area or

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improvements thereto, their zoning, the suitability of the Assigned Area, or any improvements thereto, or Airline's legal ability to use the Assigned Area or Airport for Airline's intended use.

(b) Surrender of Assigned Area.

(1) Except as otherwise provided for herein, Airline shall, upon cancellation of its Letter of Authorization, quit and deliver up the Assigned Area to Authority peaceable, quietly and in as good order and condition as the same now are or many hereafter be improved by Airline or Authority; reasonable use and wear, damage by the elements, fire, explosion, or other causes beyond the control of Airline excepted.

(2) Provided Airline is not in default for payment of rentals, fees, and charges, Airline shall have the right at any time during the occupancy of the Airline Assigned Area, and prior to cancellation of the Letter of Authorization, to remove its aircraft, tools, equipment, trade fixtures, and other personal property, title to which shall remain in Airline, unless otherwise set forth in the Airport Rules and Regulations, and shall remove such aircraft, tools, equipment, trade fixtures, and other personal property within fifteen (15) business days following cancellation of a Letter of Authorization, subject to any valid lien which Authority may have thereon for unpaid rentals, fees, and charges. Airline shall not abandon any portion of its property on an Airport without the written consent of Authority. Any and all property not removed by Airline within thirty (30) business days following the cancellation of a Letter of Authorization shall, at the option of Authority, (i) become the property of Authority at no cost to Authority; (ii) be stored by Authority at no cost to Authority; or (iii) be sold at public or private sale at no cost to Authority. Except as may be agreed to otherwise by Authority, and Airline, all Authority property damaged by or as a result of the removal of Airline's property shall be restored by Airline to the condition existing before such damage at Airline's expense.

(3) In the event Airline uses its Assigned Area without the written consent of Authority after cancellation of a Letter of Authorization, Airline shall be deemed a tenant at sufferance during the period of such use and shall pay the rate for rental, fees, and charges established by Authority for Air Transportation Companies during such period. In such event, Authority shall have the right to all remedies provided under applicable laws.

Modified, 1 CMC § 3806(g).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-743 Operation and Maintenance

(a) Authority Operation and Maintenance Responsibilities.

(1) Except as otherwise specifically provided herein, Authority shall, maintain, operate, and keep in good repair all Airports in the Airport System.

(2) Authority shall take all action reasonably necessary, with reasonable promptness, to keep the Airport System runways, taxiways, and loading areas free and clear in order to insure the safe, convenient, and proper use of the Airport System by the Airline. Authority shall maintain and operate the Airport System in a reasonably prudent manner and in all respects in a manner at least equal to the highest standards or rating issued by the Federal Aviation Administration for Airport Systems of substantially similar size and activity and

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in accordance with all rules and regulations of the Federal Aviation Administration, or its successor organization.

(3) Authority shall keep the public and passenger space in a Terminal adequately supplied, equipped, furnished, and decorated, and shall provide signs in said spaces and in all other public spaces on the Airport System. Said signs shall include, but not limited to, signs indicating the location of all public restaurants, rest rooms, shops, telephones, customs area, baggage area, security office, holding room and all other facilities for passenger or public use in a Terminal or elsewhere on the Airport System.

(4) Authority shall provide and supply adequate lighting for ramps and adequate airfield lighting.

(5) Authority shall also provide janitors and other cleaners necessary to keep all Common Use Premises, public and passenger space, and the Landing Area of the Airport System clean, neat, orderly, sanitary, and presentable at all times.

(b) Maintenance and Service in Airline's Preferential Use Premises.

(1) Authority shall provide, at no additional charge, the following services to Airlines in the Airport's Preferential and Common Use Premises: exterior building maintenance; structural maintenance; centralized heating, ventilation, and air conditioning system (HVAC) maintenance; mechanical and electrical systems maintenance and exterior window washing. Each Airline shall be responsible for the maintenance, repair, and replacement of split-type HVAC system as they exist now or into the future.

(c) Governmental Facilities.

(1) If funds for the provision, and maintenance and operation of air navigation aids or other facilities required or permitted by the United States and/or Authority and needed by Airline for its operation at the Airport System and which are now or may hereafter be furnished by the United States and/or Authority are discontinued by the United States and/or Authority, Authority shall not be required to furnish said facilities,

(d) Utility Charges.

(1) Airline will pay to the Commonwealth Utilities Corporation directly or the Authority a charge for the use of electricity, water, and sewer on Airline's Assigned Area. Such charges will not be more than the actual charge to Authority by Authority's supplier of electrical, water, and sewer services. Telephone services are the sole responsibility of the Airline.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-744 Obligation of Airline

(a) Maintenance of Airline's Preferential Use Premises.

(1) Except for exterior building, structural, and electrical mechanical systems maintenance, and exterior window washing by Authority, Airline shall be obligated, without cost to Authority, to maintain its Preferential Use Premises and every part thereof in good order, repair, and safe condition.

(2) Airline shall, at its own expense, provide janitorial services in Airline's Preferential Use Premises. Said services may be provided by Airline alone, by Airline in conjunction

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with other firms or companies who may hereafter be lessees at the Airport System, or by a nominee approved by Authority.

(3) Airline shall re-lamp light fixtures as necessary, shall repaint the interior of the Airline's Preferential Use Premises as necessary, and shall provide for interior window washing at periodic intervals. All such maintenance, repairs and replacement shall be of quality equal to the original in materials and workmanship. All paint colors shall be subject to the prior approval of Authority.

(b) Alterations, Additions or Replacements.

(1) Airline shall make no alterations, additions, or replacements to the Airline Assigned Area without the prior written approval of Authority.

(2) Airline shall likewise obtain prior approval from Authority before installing, at its own expense, any additional equipment which requires new electrical or plumbing connections or changes in those already installed on the Airline Assigned Area.

(c) Trash Garbage and Aircraft Sewage.

(1) Airline shall provide and use suitable receptacles that meet local health standards for all trash, garbage, aircraft sewage and all other refuse on or in connection with the Airline Assigned Area or in the operation of Airline's aircraft. Piling of receptacles, boxes, cartons, barrels, or other similar items in an unsafe or unsightly manner in or about the Airline Assigned Area shall not be permitted. The removal or disposal of such trash, garbage, and aircraft sewage containers from an Airport will be at the sole expense of the Airlines.

(2) Airline shall utilize the Authority's incinerator and triturator for the disposal of aircraft trash and sewage and will pay applicable service fees as established in the Airport Rules and Regulations.

(d) Taxes and Licenses.

(1) Airline shall pay all taxes of whatever nature that may be levied or charged upon Airline's improvements or operations and upon Airline's right to use the Airline Assigned Area. Airline shall obtain and pay for all licenses or permits necessary or required by law for the construction of any additional improvements, the installation of equipment and furnishings, and any other licenses necessary for the conduct of its Air Transportation Business. The Authority may assist Airline where necessary in obtaining said permits. The Authority shall not be required to pay any taxes by reasons of Airline's use of the Airline Assigned Area. Airline shall indemnify fully and save harmless Authority from any taxes imposed or levied against Authority by reason of Airline's use of the Airline Assigned Area.

(e) Public Address System and Flight Information Display Systems.

(1) A public address system and flight information display systems may be provided by Authority to all Airlines on a nondiscriminatory basis. The use of such facilities may be provided for in one or more separate agreements between the Authority and one or more Airlines. and any Airline desiring the use of such facilities may have such use in accordance with the terms of such agreement or agreements. Copies of such agreements are available for inspection at the offices of the Authority.

(d) Hand-Carried Items.

(1) Airline shall accept, free of charge, as accompanying baggage, merchandise purchased by a passenger from, or delivered to a passenger by, any concessionaire of the Authority, subject only to Airline's usual size and weight limitations on accompanying baggage, and to any and all governmental limitations on accompanying baggage.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-745 Indemnification and Insurance

(a) Indemnification.

(1) Airline is and shall be deemed to be an independent contractor and operator and not an agent or employee of the Authority with respect to its acts or any omissions.

(2) Airline shall indemnify and save harmless the Authority, its directors, officers, agents, employees, elected or appointed officials, or volunteers from and against any and all liabilities, losses, damages, cost and expenses, claims, suits, judgments, actions and proceedings resulting from any injuries to, or death of, any person or persons, or loss or damage to property (including property and officers, employees, and agents of the Authority) arising out of the following except to the extent caused by the negligent acts or omission of the Authority of its agents, officers and employees:

(i) Suits alleging a taking of property or interest in property without just compensation, trespass, nuisance, or similar suits based upon the use of the Airport System for the landing and taking off of an aircraft;

(ii) Airline's use or occupancy of the Airport System (other than that covered by Subsection (i) of this Section);

(iii) The condition of Airline's Preferential Use Premises and/or Common Use Premises, including any equipment or facilities located thereon, and any repairs, construction, and alteration thereto by Airline, its employees, agents, contractors, or subcontractors;

(iv) The violation by Airline of any covenant or condition of the Airport Rules and Regulations, or the violation by airline of any other contract, law, ordinance, regulation, or court order relating to the Airport System or Authority;

(v) Acts and omissions of the Airline's employees and agents;

(vi) Claims for environmental and pollution damages arising from the acts and omissions of the Airline and its employees; and

(vii) Patent and trademark infringement claims arising from or related to Airline or its operations.

(3) The Authority shall promptly notify Airline in writing of any claim or action brought against the Authority in respect of which indemnity may be sought by the Authority against Airline hereunder, furnishing Airline with a copy of all suit's papers and legal process, Airline shall have the right to assume the defense thereof, including the right to employ counsel and the right to compromise or settle such claim or action to the extent of its interest.

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(b) Airline's Insurance.

(1) Airline shall at all times during its use of the Airport System keep in effect the forms of insurance set forth in this Section. All policies or certificates shall contain a provision that written notice of cancellation, reduction in amount, non-renewal of coverage or any material change in said policy by the insurer shall be delivered to Authority ninety (90) days in advance of the effective date thereof. Airline shall procure all insurance coverages from carriers rated at least "A" or higher by the A.M. Best Company, or Aa3 (Excellent) by Moody's, or AA- (Strong) by Standard & Poors; all such carriers shall be subject to the approval of the Authority.

(2) All policies of insurance shall name the Authority as an additional insured party. Airline shall furnish Authority with certificates of insurance from the insurance carrier evidencing all insurance required hereunder to be in full force and effect during the entire term of its Letter of Authorization. No operations shall commence at an Airport unless and until the required insurance is in effect and the required certificate(s) of insurance has been approved by Authority.

(3) The insurance coverages and limits required of Airline under the Airport Rules and Regulations are designed to meet the minimum requirements of the Authority. They are not designed as a recommended insurance program for Airline. Airline is responsible for insuring its real and personal property located at the Airport. Airline, alone, shall be responsible for the sufficiency of its own insurance program and its Affiliates' programs. Should Airline have any question concerning its exposures to loss under the Airport Rules and Regulations, or the possible insurance coverages needed thereof, it should seek professional advice.

(4) The minimum limits of the insurance herein required may from time to time become inadequate, and Airline shall increase such minimum limits as reasonably required by Authority upon receipt of written notice. Airline shall furnish Authority, within sixty (60) days of the effective date thereof, a certificate of insurance evidencing such insurance is in force for itself and its Affiliates.

(5) Airline's insurance companies or its authorized representative shall give Authority sixty (60) days prior written notice by certified mail and email of any cancellation, intent not to renew in any policy's coverage, except in the application of the Aggregate Limits Provisions. In the event of a reduction to the Aggregate Limit, immediate steps will be taken to have it reinstated. Said notices shall be sent to the addresses indicated in Section 752 of the Airport Rules and Regulations.

(6) Should any time Airline not provide or maintain the insurance coverages required in the Airport Rules and Regulations, Authority may terminate or suspend Airline's Letter of Authorization. Such insurance coverages include:

(i) Property Insurance: Airline shall procure and maintain coverage for risks Direct Physical Loss or Damage to all real and personal property of every kind and description belonging to the Airline and the property of others which is (a) in Airline's care, custody, or control, and (b) for which the Airline is legally liable, in an amount equal to the full replacement value of such property. All property insurance policies shall name both Airline and Authority as insured parties as their respective interests may appear at the time of loss.

(ii) Aviation Liability Insurance: Airline shall procure and maintain Commercial Airline Liability insurance providing coverage for Bodily Injury, Personal Injury, Property

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Damage, Airport Liability, Premises Liability, Product Liability, Hangarkeepers Legal Liability, Passenger Liability, Cargo Legal Liability, Contractual Liability, and Liquor Liability. Insurance shall be procured with a combined single limit of liability not less than the product of One Million Dollars (\$1,000,000.00) multiplied by the number of passenger seats in the largest aircraft operated by the Airline, but in no event less than Ten Million Dollars (\$10,000,000.00) combined single limit of liability. Bodily injury insurance coverage shall include sickness or disease including death therefrom. Property Damage insurance shall include the loss of use of such property.

(iii) **Automobile Liability Insurance:** Airline shall procure and maintain Commercial Automobile Liability providing coverage for Bodily Injury and Property Damage for all owned and non-owned vehicles used on the premises of the Airport System. Insurance shall be procured with a combined single limit of liability not less than One Million Dollars (\$1,000,000.00) land side, and Four Million Dollars (\$4,000,000.00) air side.

(iv) **Workman's Compensation Insurance:** Airline shall procure and maintain statutory Workman's Compensation Insurance in amounts required under the laws of the Commonwealth of the Northern Mariana Islands.

(c) Every General Aviation Operator shall carry liability insurance as follows:

(1) Auto - Owned and Non-owned

(i) \$300,000 Landside

(ii) \$4,000,000 Airside over 100 feet from aircraft

(iii) \$10,000,000 Airside less than 100 feet from aircraft

(2) General Liability - \$300,000 Landside

(3) Aviation Liability - \$1,000,000 per passenger seat, minimum \$4,000,000

(d) The provisions of § 40-10.1-745 are the minimum requirements established by the Authority and shall not be modified or waived.

Modified, 1 CMC § 3806(g).

History: History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-746 Rights and Privileges Reserved by Authority

(a) Right to Improve and Protect the Airport System.

(1) The Authority specifically reserves the following privileges:

(i) The right to develop or improve the Airport System as it deems necessary. If feasible, such improvements shall be made in a manner, which will cause Airline as little inconvenience as possible.

(ii) In the event a governmental order or requirement results in significantly increased cost or expense that may affect Airline, Authority shall notify Airline with reasonable promptness in the manner provided in Section 752.

(iii) The right to take any action it considers necessary to protect the aerial approaches of the Airport System against obstructions, together with the right to prevent Airline from erecting or permitting to be erected any building or other structure on the Airport System

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which, in the opinion of Authority, would constitute a hazard to aircraft or limit the usefulness of the Airport System.

(iv) The right during time of war or national emergency to lease the Airport System or any part thereof to the United States Government for military use. In the event any such lease is executed, the privileges granted in its Letters of Authorization, insofar as they are inconsistent with the privileges of the lease to the government, shall be suspended.

(b) Subordination to Indenture.

(1) The Airport Rules and Regulations, and all rights granted to Airline, are expressly subordinated and subject to the lien and provisions of the pledges, transfer, hypothecation, or assignment made by the Authority in the Indenture. The holder, or holders, of the Bonds, or their designated representatives, shall have the right to exercise any and all rights of the Authority.

(2) The Authority shall notify Airline in advance of any amendments or supplements to the Indenture that would materially alter the terms and provisions of the Airport Rules and Regulations.

(3) With respect to property by Authority to Airline which was or is to be acquired by the Authority with proceeds of Bonds, the interest on which is, or is intended to be, excludable from the gross income of the holders of such Bonds for federal income tax purposes, Airlines shall protect the tax-exempt status of the Bonds.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-747 Damage or Destruction of Assigned Area

(a) Partial Damage.

(1) If Airline's Assigned Area is partially damaged by fire, explosion, the elements, the public enemy, or other casualty, but not rendered untenable, Airline shall not be entitled to any abatement of or reduction in any of the fees and charges payable to the Authority under Part 1200 of the Airport Rules and Regulations. Such damage will be repaired with due diligence by Authority, at its own cost and expense; provided, however, that if such damage is caused by an act or omission of Airline, its sublessees, agents, nominees, or employees, Airline shall reimburse Authority for its reasonable cost incurred in making such repairs.

(b) Extensive Damage.

(1) If Airline's Assigned Area is damaged by fire, explosion, the elements, the public enemy, or other casualty, and thereby reduced to at least partially untenable, but capable of being repaired within ninety (90) days, Airline shall be entitled to a reduction in the fees and charges payable to the Authority pursuant to the provisions of Part 1200 of the Airport Rules and Regulations, in a percentage equal to the percentage of Airline's Assigned Area so rendered untenable, until such damage shall be repaired. Such damage shall be repaired with due diligence by Authority, at its own cost and expense, provided, however, Airline shall reimburse Authority for its reasonable cost incurred in making such repairs.

(c) Complete Destruction.

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(1) If the Airline's Assigned Area is damaged by fire, explosion, the elements, the public enemy, or other casualty, and thereby rendered at least partially untenable and not capable of being repaired within ninety (90) days, Airline shall be entitled to a reduction in the fees and charges payable to Authority, pursuant to the provisions of Part 1200 of the Airport Rules and Regulations. In such event, Authority shall be under no obligation to repair or reconstruct said Assigned Area. Authority may, in its discretion, repair the Assigned Area at its own cost and expense; provided, however, that if such damage is caused by an act or omission of Airline, its sublessees, agents, nominees or employees, Airline shall reimburse Authority for its reasonable costs incurred in making such repairs.

(2) Airline shall not be entitled to any reduction in any fees and charges by reason of any damage to Airline's Common Use Premises. Airline shall not be entitled to any abatement or reduction of any other charge payable to Authority pursuant to the provisions of Part 1200 of the Airport Rules and Regulations on account of any damage to its Preferential Use Premises.

(d) Right to Recover Damages.

(1) Nothing in the Airport Rules and Regulations shall be construed as a waiver of the right of either Authority or Airline to recover damage from the other arising out of the fault or negligence of the other.

(e) Limit of Authority's Obligation Defined.

(1) It is understood that, in the application of the foregoing Sections of the Airport Rules and Regulations, Authority's obligation (if any) shall be limited to repair and reconstruction of a Terminal to the same extent and of equal quality as obtained at the commencement of the operations hereunder. Redecoration and replacement of Airline's furniture, equipment and supplies in its Assigned Area shall be the responsibility of Airline unless damages thereto are caused by an act or omission of the Authority, its agents or employees, in which event the Authority shall be responsible for the redecoration and replacement. Any such redecoration and refurbishing-re-equipping shall be equivalent quality to that originally installed hereunder.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-748 Environment

(a) General Conditions.

(1) Notwithstanding any other provisions in the Airport Rules and Regulations, and in addition to any and all other requirements of the Airport Rules and Regulations or any other covenants, representations or warranties of Airline, Airline expressly covenants, warrants, and represents to Authority in connection with Airline's operations at the Airport System the following:

(i) Airline shall adhere to all applicable federal, Commonwealth, and local environmental laws, ordinances, rules, regulations, and orders which apply to Airline's operations.

(ii) Airline shall not cause or permit any Hazardous Material to be placed, stored, generated, used, released, or disposed of in, on under about or transported from any Airport by Airline, its agents, employees, contractors or other person, unless it has complied with

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the following: (a) with respect to Hazardous Materials other than oil, petroleum products, and flammable substances reasonably necessary in connection with Airline's Air Transportation Business, the prior written consent of Authority shall be required, which shall not be unreasonably withheld. Authority in its sole discretion may deem reasonable or desirable, including without limiting the generality of the foregoing, requirements as to the manner in which, the time at which, and the contractor by whom such work shall be done, and (b) Airline must comply with all environmental laws and regulations, and with prudent business practices, with respect to such Hazardous Materials and (c) the presence of Hazardous Materials must be reasonably necessary for the operation of Airline's Air Transportation Business.

(iii) Except as provided for in (ii) above, Airline shall comply, and shall at all times ensure that its Assigned Area is kept in compliance with all applicable federal, Commonwealth, and local laws, ordinances, regulations, guidelines, and orders relating to health, safety, and protection of persons, the public, and the environment (collectively "Environmental Laws"). Airline shall furnish all reports, assessments or other documents satisfactory to the Authority showing that its Assigned Area is being used nor have been used by Airline for any activities involving, directly or indirectly, the use, generation, treatment, storage or disposal of any Hazardous Materials.

(iv) Airline shall not install or allow to be installed any above ground or underground storage tanks on the Airport System unless done in compliance with all federal and Commonwealth applicable laws, done with the required permits, certification, and maintenance for such storage, and approved in writing by the Authority's Executive Director according to the Airport Rules and Regulations (NMIAC Subchapter 40-10.1).

(v) Airline shall warrant that it shall keep its Assigned Area free of all environmental, health or safety hazards and nuisances of any kind whatsoever. Prior to Airline's occupancy of any Assigned Area, Airline and Authority, or Authority's designated agent shall review the condition of premises to be occupied by Airline, and shall make written notation of any pre-existing conditions discovered; subsequently, Airline shall not be responsible to Authority with respect to such pre-existing conditions.

(vi) Airline shall notify Authority immediately upon discovery of any Hazardous Material on, in, under or emanating from its Assigned Area, any release or threat of release of a Hazardous Material, illness caused by exposure thereto, as well as any actual, threatened, or potential environmental health or safety liability, including but not limited to claims lawsuits, notices of violation, complaints and investigations. Airline shall immediately, and at its own expense, take all action necessary to remediate, abate, and rectify any such conditions at or upon the Airport System. If Authority is required to remediate or abate any such condition on or upon Airline Assigned Areas, it may do so upon reasonable notice to Airline, and Airline shall pay all costs incurred by Authority in undertaking such remediation or abatement.

(vii) Except as may otherwise be provided therein, Airline will not make or allow to be made any change in usage, addition, or improvements in, on or to any Airport which will result in the presence or release of Hazardous Materials.

(viii) If Airline breaches the obligations stated in this section, or if the presence of Hazardous Materials on Airline's Assigned Area or contamination of the Airport System (including groundwater), or if contamination of the Airport System by Hazardous Materials otherwise occurs as a result of Airline's actions or operations, then, in addition to any other

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indemnification provisions contained in the Airport Rules and Regulations, Airline shall indemnify, and hold Authority, its directors, officers, employees, agents, and volunteers harmless from any and all resulting claims, judgments, damages, penalties, fines, costs, liabilities or losses, (including without limitation, diminution in value of the premises, damages for the loss or restriction of use of rentable or usable space or of any amenity of the premises, natural resource damages, damages arising from any adverse impact on marketing of space, damage to other property, or the environment, and such paid in settlement of claims, attorney's fees, consultant and expert fees) except to the extent caused by the negligence or willful misconduct of Authority.

(ix) Airline shall cooperate with any investigation, audit or inquiry by Authority or any governmental agency, regarding possible violation of any environmental law or regulation upon the Airport System.

(x) All remedies of Authority provided herein with regard to violation of any federal, Commonwealth or local environmental laws, ordinances, rules, regulations, or orders shall be deemed cumulative in nature and shall survive cancellation of an Airline Letter of Authorization.

(xi) Any notice of violation, notice of non-compliance, or other enforcement action shall be provided to Authority within twenty-four (24) hours of receipt by Airline or Airline's agent. Any violation or notice of violation or non-compliance with federal, state, or local environmental law or ordinance shall be deemed a default under the Airport Rules and Regulations. Such default shall be cured within ten (10) days and thereafter diligently prosecutes the cure to completion. Any such default that is not cured shall be grounds for immediate cancellation of its Letter of Authorization.

(b) Groundwater.

(1) Certain properties within the Airport System or owned by the Authority contain groundwater and a water lens that provides water to inhabitants of the Commonwealth. These properties are subject to certain rules and regulations issued by both the federal and Commonwealth governments governing use of said property. Airline shall observe and abide by such groundwater rules and regulations as may be applicable to Authority's property and uses thereof.

(c) Solid and Hazardous Waste.

(1) If an Airline is deemed to be a generator of hazardous waste as defined by federal, Commonwealth, or local law, Airline shall obtain a generator identification number from the Environmental Protection Administration (EPA), and the appropriate generator permit shall comply with all federal, Commonwealth and local laws, and any rules and regulations promulgated thereunder, including but not limited to, insuring that the transportation, storage, handling and disposal of such hazardous wastes are conducted in full compliance with applicable law.

(2) Airline shall provide Authority, upon request, copies of all hazardous waste permit application documentation, permits, monitoring reports, transportation, responses, storage, and disposal plans and material safety data sheets, within ten (10) days of any such requests by Authority.

Modified, 1 CMC § 3806(g).

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-750 Surety Bond

(a) Unless Airline has provided regularly scheduled flights to and from an Airport during the eighteen (18) months prior to the effective date of its Letter of Authorization without the occurrence of any act or omission that would have resulted in Airline being in violation of the Airport Rules and Regulations, if its Letter of Authorization had been in effect during that period, and any such violation of the Airport Rules and Regulations remains uncured, Airline shall provide Authority on the effective date of its Letter of Authorization with a contract bond, irrevocable letter of credit or other similar security acceptable to Authority (“Contract Security”) in an amount equal to the estimate of three (3) months’ rentals, fees, and charges payable by Airline (excluding PFC’s) pursuant to Part 1200, to guarantee the faithful performance by Airline of its obligations under the Airport Rules and Regulations and the payment of all rentals, fees, and charges due hereunder. Airline shall be obligated to maintain such Contract Security in effect until the expiration of eighteen (18) consecutive months during which period Airline commits no violation of the Airport Rules and Regulations. Such Contract Security shall be in a form and with a company reasonably acceptable to Authority and licensed to do business in the CNMI. In the event that any such Contract Security shall be for a period less than the full period required by this subsection (a) or if Contract Security shall be canceled, Airline shall provide a renewal or replacement Contract Security for the remaining required period at least sixty (60) days prior to the date of such expiration or cancellation.

(b) In the event Authority is required to draw down or collect against Airline’s Contract Security for any reason, Airline shall, within ten (10) business days after Authority’s written demand, take such action as may be necessary to replenish the existing Contract Security to its original amount (three months’ estimated rentals, fees, and charges) or to provide additional or supplemental Contract Security from another source so that the aggregate of all Contract Security is equal to three months’ estimated rentals, fees, and charges payable by Airline.

(c) Notwithstanding the above subsection (a), Authority shall have the right in its sole discretion to waive such Contract Security requirements for an Airline which has not provided regularly scheduled flights at and from the Airport during the eighteen (18) months prior to the effective date of its Letter of Authorization. Any such waiver by Authority shall be conditioned upon said Airline having provided regularly scheduled flights at six (6) other airports with activity levels and characteristics similar to the Airport during the most recent eighteen (18) month period, without committing any material default under the terms of the respective lease and use agreements at each of the six (6) facilities, and without a pattern of untimely payments for rentals, fees and charges. The burden shall be on Airline to demonstrate to Authority its compliance with these requirements at the six (6) other airports.

(d) Upon the occurrence of any Airline act or omission that results in a violation of the Airport Rules and Regulations, by written notice to Airline given at any time within fifteen (15) days of the date such event becomes known to Authority, may impose or reimpose the

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requirements of subsection (a) on Airline. In such event, Airline shall provide Authority with the required Contract Security within ten (10) days from its receipt of such written notice and shall thereafter maintain such Contract Security in effect until the expiration of a period of eighteen (18) consecutive months during which Airline commits no additional violation of the Airport Rules and Regulations.

(e) If Airline shall fail to obtain and/or keep in force such Contract Security required hereunder, such failure shall be grounds for immediate cancellation of its Letter of Authorization. Authority's rights under this Section shall be in addition to all other rights and remedies provided to Authority under the Airport Rules and Regulations

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).; Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-751 Property Rights Upon Termination

(a) Airline's Right of Removal.

(1) Upon termination of its Letter of Authorization for any reason, Airline shall have the right, for a period of thirty (30) days after the date of termination, to remove any or all of its property from the Airport System; provided, however, that Airline shall not be in default in its payments to Authority and provided that Airline shall restore said premises to their original condition as of the beginning of occupancy, ordinary wear and tear, damage by the elements, fire, explosion or other causes beyond the control of Airline excepted.

(b) Authority Rights at Termination.

(1) Title to any and all property not removed by Airline prior to the expiration of the aforesaid 30-day period shall vest in Authority; provided, however, that Authority reserves the right to require Airline to remove such improvements and property, the cost of which shall be borne by Airline.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-752 General Provisions

(a) Compliance with Airport Rules and Regulations.

(1) The Authority may prescribe civil penalties and injunctive remedies for violations of the Airport Rules and Regulations and same may be applied to Airline for violations of their agents, employees, and contractors acting on Airline's behalf.

In the event Authority shall be subject to any civil fine or penalty by reason of Airline's violation of any governmental rules, regulations, and standards as now or hereafter promulgated or enacted, the cost of such fine or penalty shall be borne by Airline. Airline shall indemnify fully and save harmless Authority from any fine or penalty charged against Authority by reason of Airline's violation of any governmental rules, regulations, and standards.

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(b) Interpretation of Airport Rules and Regulations.

(1) Nothing in the Airport Rules and Regulations shall be construed or interpreted in any manner whatsoever as limiting, relinquishing or waiving any rights of ownership enjoyed by Authority in the Airport System, or in any manner waiving or limiting the Authority's control over the operation, maintenance and general administration of Airport System property or operations, not in derogation of, such governmental rights as Authority possesses. Upon cancellation of its Letter of Authorization, all rights of Airline with respect to the use of facilities at the Airport System shall at once cease and terminate.

(c) Invalid Provisions.

(1) In the event any condition or provision of the Airport Rules and Regulations is held to be invalid by any court of competent jurisdiction, the invalidity of such condition or provisions shall in no way affect any other condition or provision of the Airport Rules and Regulations.

(d) United States Government.

(1) The Airport Rules and Regulations shall be subordinate to the provisions of any existing or future agreement between:

(i) The Authority and the United States of America relative to the maintenance and operation of the Airport System, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport System.

(ii) CNMI and the United States of America relative to the joint use of the Airport System.

(e) Nondiscrimination.

(1) The Airline, for itself, its successors in interest and assigns, warrants and certifies, that in the event facilities are constructed, maintained or otherwise operated on the said property described in the Airport Rules and Regulations for a purpose for which a Department of Transportation program or activity is extended or another purpose involving the provision of similar services or benefits, the Airline shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, CFR, Department of Transportation, Sub-Title A, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, effectuating the provisions of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

(2) The Airline, for itself, its successors in interest assigns, as part of the consideration hereof, warrants and certifies, that:

(i) No person on the grounds of race, color, creed, or national origin shall be excluded from participation in, denied the benefit of, or be otherwise subjected to discrimination in the use of said facilities;

(ii) In the construction of any improvements on, over or under the Airport Assigned Area, and the furnishing of services thereon, no person, on the grounds of race, color, creed, or national origin shall or otherwise be subjected to discrimination; and

(iii) That the Airline shall use the Airport System in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department

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of Transportation, Sub-Title A, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, effectuating the provisions of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Authority shall have the right to immediately terminate its Letter of Authorization and to reenter and repossess said Airline Assigned Area and the facilities thereon, and hold the same as if said Letter of Authorization had never been made or issued.

(f) No Exclusive Right.

(1) Nothing contained in the Airport Rules and Regulations shall be construed to grant or authorized the granting of an exclusive right prohibited by Section 308 of the Federal Aviation Act of 1958, as amended, and the Authority reserves the right to grant to others the privilege and right of conducting any one or all activity of the aeronautical nature.

(g) Inspection.

(1) Authority, through its authorized agents, shall have the right at all reasonable times to enter upon the Assigned Area to inspect said Assigned Area, to observe the performance by Airline of its obligations hereunder, and to do any act which Authority may be obligated to have the right to do under the Airport Rules and Regulations.

(h) Covenant of Quiet Enjoyment.

(1) Authority warrants that, upon payments of all rental and other charges due hereunder by Airline to Authority, and upon observance by Airline of all the remaining covenants of Airline provided for in the Airport Rules and Regulations, Airline shall hold and may quietly enjoy its Assigned Area described in its Letter of Authorization.

(i) Public Auditor.

(1) The Public Auditor of CNMI shall, pursuant to 1 CMC § 7845, have the right to examine and copy any records, data or papers relevant to the Airline's use and occupancy of the Airport System for a period of three (3) years after cancellation or termination of a Letter of Authorization.

(j) Rules and Regulations Made in Accordance with Local Laws.

(1) The Airport Rules and Regulations has been made in and shall be construed in accordance with laws of the CNMI.

(k) Notices.

(1) Any Notice made by Airline to Authority shall be sufficient if sent by certified mail, postage prepaid, addressed to:

The Commonwealth Ports Authority
Attention: Executive Director
Francisco C. Ada/Saipan International Airport
P.O. Box 501055
Saipan, MP 96950

(l) The provisions of this chapter shall apply to all Airlines from and after the date of adoption unless (and during the period that) the Airline shall have a lease for the use of the Airport Facilities with the Authority which lease is not subordinate to the Airport Rules and Regulations. Upon termination of any such lease, the provisions of this chapter shall apply as to any authorized activity on the Airport System.

(m) Nothing herein shall be construed to exempt any Airline from compliance with any and all provisions of this title.

Modified, 1 CMC § 3806(g)

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-755 Notice of Airline Schedule Changes

Every air carrier operating regularly scheduled service, or scheduled charter service, to or from any airport of the Commonwealth shall, as soon as practicable, notify the Authority of any and every change in the scheduled arrival and departure of its flights. The Authority deems such notification necessary in order that the Authority may assure that airports are adequately staffed to handle such flights. If notification of a proposed scheduled change is not provided to the Authority at least forty-five days prior to the effective date of such schedule change, the Authority cannot guarantee that sufficient staff will be available at the airport affected.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: See the comment to § 40-10.1-740.

Part 800 - Conduct of the Public

§ 40-10.1-801 Obstruction of Public Use

No person shall travel by foot or vehicle on any portion of an Operational Area of an Airport, except upon the roads, walkways, or places provided for the particular class of traffic, nor occupy the roads or walkways in such a manner as to hinder or obstruct their proper use.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-805 Restricted Areas

No person shall enter any restricted area of the airport posted as being closed to the public, except those persons authorized by the Executive Director.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-810 Entrance Into Public Areas

Operational Areas are closed to the public, and no tenant, either corporate or personal, shall permit any unauthorized person to gain access to such areas either by private or common-use passageways or through private areas. No person shall enter upon an Operational Area, except those persons authorized by the Executive Director, and those persons assigned to duty therein, or those persons entering upon the Ramp Areas for purposes of aircraft embarkation or debarkation.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-815 Signs and Advertisements

No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter of any kind or character at the airport or on any leased premises therein where such signs are visible from any public area, except when authorized in writing by the Executive Director. All signs shall be of a design, size, and character placed in a manner approved in writing by the Executive Director, and subject to such fees and charges as may from time to time be approved and published by the Authority.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-820 Soliciting of Funds

No person shall solicit funds, for any purpose whatsoever, at the airport.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-825 Selling, Soliciting, and Entertaining

(a) No person, except those persons authorized by written contract to do so, or any other persons with the written permission of the Executive Director for specific occasions, shall in or upon any area of the airport:

- (1) Sell, offer for sale, distribute, or give away any article of merchandise, any promotional or informational materials, leaflets, or anything of value;
- (2) Solicit any business or trade, including the carrying of baggage for him, the shining of shoes or boot blacking, or the rental or hire of cars, taxicabs, or aircraft;
- (3) Entertain any persons by singing, dancing, or playing any musical instrument;
- (4) Solicit alms or other contributions.

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(b) The Executive Director shall grant permission for activities protected by the First Amendment, but subject to such restrictions as to time, manner, and place as the Executive Director shall deem reasonable under the circumstances.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-830 Loitering

No person shall loiter in or about any toilet area, waiting room, or any other appurtenance of the airport. Continued and willful violation of this rule by any individual will justify his ejection from the airport; and admittance again thereto will be barred unless a legitimate purpose can be shown.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-835 Gambling

To the extent authorized by law and to the extent not prohibited by any existing contractual obligations, the Commonwealth Ports Authority (CPA) may authorize the operation of lawful gambling and amusement devices at any of the public airports under its jurisdiction to interested concessionaires, on such terms and conditions as the Authority may determine necessary or appropriate to govern such operation. Such conditions shall include, but shall not be limited to, the types of gambling and/or amusement devices permitted, the location and placement of such devices, access thereto, the hours of operation, the minimum qualifications that a concessionaire must have, and so forth.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 23 Com. Reg. 18385 (Sept. 24, 2001); Proposed 23 Com. Reg. 17826 (Apr. 23, 2001); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-840 Disorderly Conduct

Any person who shall commit any disorderly or obscene act or engage in other offensive conduct, or commit any criminal act on the airport will be immediately ejected therefrom, and may be subjected to prosecution in accordance with the laws of the Commonwealth of the Northern Mariana Islands.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-845 Preservation of Property

No person shall:

(a) Destroy, injure, deface, or disturb in any way any building, sign, furniture, equipment, marker, other structure, tree, flower, lawn, or other property on the airport.

- (b) Walk or operate a vehicle on lawns and seeded areas on the airport.
- (c) Abandon any personal property on the airport.
- (d) Litter or dispose of any waste on any portion of airport property or portion of access road.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-850 Disposition of Waste Articles

No person shall dispose of paper, cigars, cigarettes, bottles, chewing gum, betel nut, or any waste or refuse material, on the floor of any terminal building or grounds adjacent thereto, except in receptacles provided for such purposes.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-855 Pets

(a) No persons shall enter any public building or Operational Area with any pet, except a “seeing-eye” dog, or one properly confined for shipment, on a leash, or confined in such a manner as to be under control.

(b) No tenant of a Terminal, or any employee of such tenant, shall be permitted to keep pets on airport premises.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-860 Other Animals

No person shall permit livestock or any other animals under his or her control or custody to enter the airport, except one properly confined for shipment. Any stray livestock or animal on the airport will be disposed of by the Authority in accordance with the laws and ordinances applicable thereto.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-865 Sanitary Care

No person shall place, discharge, or deposit, in any manner whatsoever, any offal, garbage, or refuse in or upon any airport road or Operational Area, except at such places and under such conditions as the Authority may prescribe. Spitting on the floor or sidewalks of the terminal buildings is prohibited.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-870 Penalties

(a) Any person violating any provision of this part shall be given written notice thereof by a duly authorized employee of the authority and shall be assessed a civil penalty as follows:

- (1) \$25 for violations of §§ 40-10.1-801, 40-10.1-815, 40-10.1-820, 40-10.1-825, 40-10.1-830, 40-10.1-855, and 40-10.1-860.
- (2) \$100 for violations of § 40-10.1-835, 40-10.1-840, 40-10.1-845, 40-10.1-850, 40-10.1-865.
- (3) \$1,000 for violations of § 40-10.1-805, and 40-10.1-810.

(b) The provisions of § 40-10.1-255(e) shall apply if liability for such penalty is denied.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 900 - Use of Particular and Designated Areas

§ 40-10.1-901 Areas Designated for Specific Uses

Except as otherwise provided for in contracts with the Authority, the use of the following designated areas shall be limited to the following purposes:

(a) Public aircraft parking and storage areas may be used only for parking and storing aircraft fuel and lubricants which must be in tanks, other supplies for use on such aircraft, and for making repairs to aircraft.

(b) Terminal Aircraft Aprons and Ramp Areas may be used only for loading and unloading passengers, cargo, mail and supplies, to or from aircraft, servicing aircraft with fuel and lubricants, performing the operations commonly known as “ramp service,” performing inspections, minor maintenance, and other services upon or in connection with aircraft incidental to performing “ramp service” and parking mobile equipment actively used in connection with such operations. Washing of aircraft, vehicles or other equipment, without the authorization of the Executive Director, is prohibited.

(c) Public taxiways may be used only for the ground movement of aircraft to, from, and between runways, Public cargo ramp and apron areas, Terminal Aircraft Aprons, Ramp Areas, public aircraft parking and storage areas, and other portions of the airport; and for the movement of approved ramp equipment and airport equipment properly identified.

(d) Runways may be used only for the landing and takeoff of aircraft and for the towing of aircraft to the closest towing exist thereupon after completion of landing roll. No braked wheel turns will be permitted on the runways.

(e) Airport roads may be used as a means of ingress and egress for vehicles to, from, and between the public roads with which such roads connect, and the various buildings and land areas at the airport abutting upon such roads; and sidewalks along such roads (and other portions of such roads, when designated for that purpose) may be used by pedestrians as a means of ingress and egress to, from, and between various portions of the airport.

(f) In case of labor disputes, picketing or other demonstrations shall be confined to the entrance road of the airport, and in no event within five hundred feet of any terminal buildings.

(g) Hallways, corridors, lobbies, and waiting rooms in passenger terminal buildings may be used as a means of ingress and egress to, from, and between the airport roads and the ramp and apron space and the various offices and places of business within the a Terminal. Such hallways, corridors, lobbies and waiting rooms may also be used at such places of business for the purposes of carrying on any transactions authorized by a valid lease, permit, or license from the Authority.

(h) Hallways, corridors, and lobbies in buildings to which members of the public are admitted, other than passenger terminal buildings, may be used as a means of ingress and egress to, from, and between the airport highways and other portions of the airport, abutting upon such buildings, and the various offices and other places of business in such buildings.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-905 Personnel Authorized to Use Areas

Nothing herein contained shall be construed to limit the use of any area, or portion of the airport, by any security officer, fireman, Customs Officer, Immigration and Naturalization Officer, Law Enforcement Officer, or any other public officer or employee, from entering upon any part of the airport when properly required in the performance of his official duties.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-910 Compliance with Rules and Regulations

The use of the foregoing areas and portions of the airport is subject to compliance with this subchapter, and the payment of such rates, fees, or charges as may be established by the Authority for such use.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 1000 - Safety Provisions

§ 40-10.1-1001 Dangerous Acts

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No persons in or upon the airport shall do, or omit to do, any act if the doing or omission thereof endangers unreasonably, or is likely to endanger unreasonably, persons or property.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1005 Smoking

(a) No person shall smoke or carry lighted cigars, cigarettes, pipes, matches, or any naked flame, in or upon any fuel storage area, Ramp Areas, Public cargo ramp and apron areas, Terminal Aircraft Aprons, or public aircraft parking and storage area, or in any other place where smoking is specifically prohibited by signs, or upon any open space within fifty feet of any fuel carrier or aircraft which is not in motion; nor shall any person throw from any open deck, gallery, or balcony, contiguous to such areas or such carriers or aircraft, cigars, cigarettes, or similar articles.

(b) No person shall start fires of any type, including flare pot and torches, on any part of the airport without permission of the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Amdts Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1010 Explosives

No person shall, without prior permission of the Executive Director, keep, transport, handle, or store at, in, or upon the airport any cargo of explosives or other dangerous articles which are barred from loading in, or transportation by, civil aircraft in the United States, under the provisions of the Federal Aviation Regulations. No waiver of such regulations, or any part thereof, shall constitute, or be construed to constitute, a waiver of this section, nor an implied permission to keep, transport, handle, or store such explosives or other dangerous articles at, in, or upon the airport.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1015 Use of Fire Extinguishers

Fire extinguishing equipment at the airport shall not be tampered with at any time, nor shall it be used for any purpose other than firefighting or fire prevention. All such equipment shall be kept inspected in conformity with the regulations of the National Board of Fire Underwriters. Tags showing the date of the last inspection shall be attached to each unit, or records acceptable to fire underwriters shall be kept, showing the status of such equipment.

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Modified, 1 CMC § 3806(f).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1020 Storage of Inflammable Materials

No person shall keep or store any volatile inflammable liquids, gasses, signal flares, or other similar material in the hangars or in any other building on the airport. Such material, however, may be kept in aircraft or vehicles in their installed supply or operating tanks, or in approved containers, or in rooms or areas specifically approved for such storage by the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1025 Lubricating Oils

No person shall keep or store lubricating oils in or about the airport; provided, however, that such material may be kept in aircraft or vehicles in their installed supply or operating tanks, or in containers provided with suitable draw-off devices, or in areas or sealed containers specifically approved for such storage by the Executive Directors.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1030 Fire Apparatus

All tenants, or lessees, or owners of hangars, or shop facilities shall supply and maintain adequate and readily accessible fire extinguishers and fire equipment of the type approved by the Department of Public Safety. They shall be subject to the periodic inspection of the Department of Public Safety. The Executive Director may prescribe fire drills for all tenants from time to time.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1035 Fuel Handling while Engines Are Running

Aircraft fueling is prohibited while the engine of the aircraft being fueled is running, unless carried out in accordance with a previously approved company standard operating procedure.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1040 Proper Grounds

During all fuel handling operations, in connection with any aircraft at the airport, the aircraft and the fuel dispensing, or draining apparatus, shall be grounded by wire to prevent the possibility of static ignition of volatile liquids.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1045 Distance from Buildings

Aircraft fuel handling at the airport shall be conducted at a distance of at least fifty feet from any hangar or other building.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1050 Fire Extinguishers Required

During fuel handling operations, in connection with any aircraft at the airport, at least two CO₂ fire extinguishers (15-pound or larger) or other type extinguisher approved by the fire underwriters shall always be immediately available for use in connection therewith.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1055 When Passengers Are Aboard

During fuel handling, in connection with any aircraft, no passenger shall be permitted to remain in such aircraft unless a cabin attendant is at the door and a passenger ramp is in position for the safe and rapid debarkation of passengers.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1060 Smoking Near Aircraft

Smoking is prohibited in or about any aircraft or on any ramp, apron, or loading position. Only personnel engaged in fuel handling or in the maintenance and operation of the aircraft being fueled shall be permitted within a distance of fifty feet of the fuel tanks of such aircraft during fuel handling operations.

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History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1065 Starting Engines

No person shall start the engines of any aircraft when there is gasoline, or any type of fuel, on the ground under the aircraft. In the event the spillage of gasoline, or any type of fuel, no person shall start an aircraft engine in the area in which the spillage occurred, even though the spillage may have been flushed, until permission has been granted for the starting of engines in that area by the Airport Fire Chief or his designee.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1070 Cleaning of Aircraft

Interior and exterior cleaning of aircraft shall be done only in areas designated or approved for that purpose.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1075 Fuel and Oil Spillage

(a) In the event of spillage or dripping of fuel, oil, grease, or any other material, except such spillage or dripping as may be normal in aircraft or vehicular operation, which may be hazardous or unsightly or detrimental to the pavement in any area at the airport, the same shall be removed immediately. The responsibility for the immediate removal of such fuel, oil, grease, or other material will be discharged by the operator of the equipment causing the same, or by tenant or concessionaire responsible for the deposit thereof.

(b) Receptacles containing waste oil, or such waste oil, must be placed in containers provided by the tenant for such purposes for further disposition. Throwing oil on pavement or on any grassed or planted area is prohibited, and any offender shall be liable for damage thereto or subject to § 40-10.1-1120.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: See the comment to § 40-10.1-1001.

§ 40-10.1-1080 Enforcement of Safety Provisions

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(a) In case of any violation of this part, the Executive Director shall take such steps as may be required by the situation to prevent any harmful effects upon persons or property, and to preserve the safe and efficient operation of the airport facilities.

(b) In the event the Executive Director shall take such steps as he or she deems necessary to prevent any harmful effects upon persons or property, the Executive Director and the Authority shall be held harmless and without liability for any and all adverse consequences and/or damages resulting from the Executive Director's actions pursuant to this part.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Proposed 20 Com. Reg. 16110 (Sept. 15, 1998); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 1100 - Miscellaneous Provisions

§ 40-10.1-1101 Conformance with U.S. Regulations

All aeronautical activities at the airport shall be conducted in accordance with rules, regulations and provisions adopted in conformity with applicable provision approved by the Federal Aviation Administration. The Air Traffic Rules as contained in the regulations of the United States Federal Aviation Agency and other appropriate rules and regulations of that body as they pertain to aircraft operations on the airport are hereby adopted by reference and made a part of this subchapter rules as though they were fully contained herein.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1105 Careless or Reckless Operation

No person shall operate an aircraft in a careless or reckless manner so as to endanger life or property or to constitute a disturbance of the peace.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1110 Safety of the Public

The Executive Director shall, at all times, have authority to take such summary action as may be convenient or necessary to safeguard the public.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1115 Lost and Found Articles

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Any person finding mislaid articles at the airport shall turn over to a security officer or to the office of the Executive Director. Articles unclaimed by the owner within ninety days after their receipt will be considered as lost articles to be disposed of in a manner to be determined by the Authority. Nothing in this section will be construed to deny the right of scheduled air carriers to maintain lost and found services for their passengers.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1120 Observance of Rules and Regulations

Tenants on the airport are responsible for their employee's observance of the rules; however, for continued willful and flagrant violation, any employee of any tenant, may be ejected or barred from the airport by the Executive Director.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1125 Penalties

(a) Except as otherwise provided, any violation of this subchapter is punishable by a fine of not to exceed one thousand dollars or by imprisonment not to exceed three months, or both upon conviction by a court of competent jurisdiction. If the violation is a continuing one, each day the violation continues is a separate offense. Any person who has received notice of violation and assessment of a civil penalty shall have fifteen days to answer the assessment by denying liability, by offering a compromise to the Executive Director, or by paying the assessment. If such civil penalty is not paid fifteen days,* the Authority may seek collection of the penalty through the Commonwealth Superior Court or the U.S. District Court pursuant to 2 CMC § 2146(b).

*So in original.

(b) Personal property or other goods placed on the airport premises in violation of this subchapter may be removed from the place where found by the Executive Director and kept by the Executive Director until reclaimed by the owner, or if not reclaimed, then disposed of by the Executive Director. Such articles may not be reclaimed except upon the payment of a fee, to be determined by the Executive Director, for the cost of storage and removal of the property in question.

(c) Nothing contained within this section shall in any way alter or restrict the rights and remedies of the parties having valid leases or other agreements with the Authority as may be found in the respective agreements with the Authority.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Part 1200 - Schedule of Fees and Charges

§ 40-10.1-1201 Rate Methodology and Adjustments

(a) **Airline Rents, Fees, and Charges.** The fees and rents to be charged by the Authority and paid by Airlines operating at the Airports for their use of the Airfields and the Terminals will be calculated using the compensatory rate-setting methods set forth in this Part 1200 (the “Rate Methodology”). In calculating the revenue requirements used to derive each of these kinds of rates and charges, the Authority shall exclude any cost (net of the cost of collection) that (a) has been reimbursed or covered by government grants or PFC’s, (b) has been reimbursed or covered by any insurance recovery, condemnation proceeds or other third-party payment, or (c) has been reimbursed or is required to be reimbursed to the Authority by an individual Airline in connection with projects undertaken by the Authority at the request and for the benefit of an individual Airline. For each Fiscal Year, the Authority shall develop budgeted Landing Fees, Terminal Rental Rates, Common Use Charges and Per Use Fees (collectively, the “Airline Rents, Fees, and Charges”). Illustrative calculations of Airline Rents, Fees, and Charges are provided in Exhibit X.

(b) **Mid-Year Adjustments.** If it appears to the Authority on the basis of information it is able to accumulate during the course of any Fiscal Year that the budgeted Capital Charges and Maintenance or Operation Expenses or projected levels of Airline activity it has used to calculate the Airline Rents, Fees, and Charges set forth in the Rate Methodology are likely to vary significantly (higher or lower) from actual results, the Authority may make adjustments to such rates and charges at mid-year or at such other time during the calendar year (a) as the need for such an adjustment becomes apparent to the Authority or (b) the variance between the budgeted Capital Charges and Maintenance and Operation Expenses or projected levels of Airline activity and actual results is expected to be ten percent (10%) or more. The Authority shall provide Airlines operating at the Airports with at least thirty (30) days advance written notice (“Mid-Year Adjustment Notice”) of any adjustments to be made under this Section 1.02.*

(c) **Year-End True-Up.** Within one hundred eighty (180) days after completion of the audit for the preceding Fiscal Year, the Authority will recalculate the Airline Rents, Fees, and Charges as set forth in this Rate Methodology on the basis of actual Capital Charges and Maintenance and Operation Expenses. Airline activity and other factors affecting the prescribed calculations and shall determine the amount of any overpayment (credit) or underpayment (debit) due to or from Airline. Any resulting credit will be issued to Airline, and any resulting debit will be invoiced to and payable by Airline. Airline may request that the Authority issue a payment to Airline, instead of a credit, for all or a portion of any overpayment. Any such request must be made in writing to the Authority and the Authority shall submit a payment for the amount requested within 90 days of receipt of the request.

(d) **Cost Centers.** To allocate Capital Charges and Maintenance and Operation Expenses, the following Centers shall be utilized by Authority:

(1) **Direct Cost Centers.** Includes Airfield, Saipan Main Terminal, Saipan Commuter

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Terminal, Rota Terminal, Tinian Terminal and Non-Airline and are defined below:

(i) **Airfield.** The Airfield cost center includes the portion of the Airports provided for the landing, taking off, and taxiing of aircraft, including runways, taxiways, approach and runway protection zones, safety areas, infield areas, landing and navigational aids, and land areas required by or related to aeronautical use of the Airports.

(ii) **Saipan Main Terminal.** The Saipan Main Terminal cost center includes the Saipan International Airport main terminal passenger building and associated curbside entrance areas and adjoining landscaped areas. This cost center also includes the aircraft aprons at the Main Terminal.

(iii) **Saipan Commuter Terminal.** The Commuter Terminal cost center includes the Commuter Terminal building and associated curbside entrance areas and aircraft aprons at the Commuter Terminal.

(iv) **Rota Terminal.** The Rota Terminal cost center includes the Rota Terminal building, associated curbside entrance areas, and aircraft aprons at the Rota Terminal.

(v) **Tinian Terminal.** The Tinian Terminal cost center includes the Tinian Terminal building, associated curbside entrance areas, and aircraft aprons at the Tinian Terminal.

(vi) **Non-Airline.** The Non-Airline cost center includes all structures and areas other than those included in the Airfield, Saipan Main Terminal, Saipan Commuter Terminal, Rota Terminal and Tinian Terminal.

(2) **Indirect Cost Centers.** Includes ARFF, Security, Administrative, Accounting and AAS:

(i) **ARFF.** The ARFF cost center includes all aircraft rescue and firefighting functions of the Airport System.

(ii) **Security.** The Security cost center includes all functions of the Airport System related to security.

(iii) **Administrative.** The Administrative cost center includes the administrative functions of the Airport System.

(iv) **Accounting.** The Accounting cost center includes accounting functions of the Airport System.

(v) **AAS.** The AAS cost center includes weather observation functions of the Airport System.

To calculate Airline Rents, Fees, and Charges, the Authority shall account for the allocate annual Maintenance and Operation Expenses and Capital Charges to the Direct Cost Centers and the Indirect Cost Centers. The Maintenance and Operation Expenses and Capital Charges allocated to the Indirect Cost Centers will then be allocated to the Direct Cost Centers based on cost causation principles and airport industry standards.

* So in original.

Modified, 1 CMC § 3806(a)

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1205 Landing Fees

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(a) **Landing Fees.** Each Airline shall pay Landing Fees for its use of the Airfields within the Airport System based on its Maximum Gross Landed Weight at the Airports during the Fiscal Year. The Landing Fees effective October 1st of each Fiscal Year shall be determined according to the rate-setting method set forth in this Section 40-10.1-1205(a).

(1) **Airfield Net Requirement.** The Authority shall calculate the Airfield Net Requirement as follows for each Fiscal Year:

(i) The sum of Maintenance and Operation Expenses and Capital Charges allocable to the Airfields in the Airport System; *minus*

(ii) Any federal, State, or local grants or PFCs that are allocable to the Airfields in the Airport System.

(2) **Calculation of Landing Fees.** The Authority shall calculate the Average Landing Fee for each Fiscal Year by dividing by the cumulative Maximum Gross Landed Weight of all Airlines in the Airport System for the Fiscal Year. The Authority shall then calculate a Saipan Main Terminal Landing Fee and a Commuter Terminal Landing Fee such that the Commuter Terminal Landing Fee is sixty percent (60%) of the Saipan Main Terminal Landing Fee. Aircraft utilizing the Saipan Main Terminal shall pay the Saipan Main Terminal Landing Fee and Aircraft utilizing the Saipan Commuter Terminal or landing at Rota Airport or Tinian Airport shall pay the Commuter Terminal Landing Fee.

(3) **Payment of Landing Fees.** Each Airline shall pay monthly to the Authority the applicable Landing Fees for Revenue Landings for the preceding month upon receipt of invoice from the Authority, Airline's Landing Fees shall be determined as the product of the applicable Landing Fee rate for the period, and Airline's total landed weight for the month. Airline's landed weight for the month shall be determined as the sum of the products obtained by multiplying the Maximum Gross Landed Weight of each type of Airline's aircraft by the number of Revenue Landings of each said aircraft during such month.

(4) **Exemptions.** Exempted from paying landing fees are diplomatic, U.S. military, and Mariana Islands government aircraft, and any other aircraft operator which has a valid written agreement with the Authority, which provides for landing fees other than as provided for in this section.

Modified, 1 CMC § 3806(a).

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 21 Com. Reg. 16803 (June 23, 1999); Proposed 21 Com. Reg. 16693 (Apr. 19, 1999); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1206 Terminal Rentals

(a) **Terminal Rental Rates.** Each Airline shall pay rent and fees for Preferential Use Premises, Common Use Charges and Per Use Fees for its use of the Terminals in the Airport System based on the Terminal Rental Rates. The Terminal Rental Rates effective October 1st of each Fiscal Year shall be determined according to the rate-setting method set forth in this Section 40-10.1-1206(a).

(1) **Terminal Net Requirement.** The Authority shall calculate the Terminal Net Requirement as follows for each Fiscal Year:

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- (i) The sum of Maintenance and Operation Expenses and Capital Charges allocable to the Terminals in the Airport System; *minus*
 - (ii) Any federal, State, or local grants or PFCS that are allocable to Terminals in the Airport System.
 - (2) Calculation of Terminal Rental Rates. The Authority shall calculate the Average Terminal Rental Rate by dividing the Terminal Net Requirement by the square footage of the Rentable Premises. The Authority shall then calculate a Saipan Main Terminal Rental Rate and a Commuter Terminal Rental Rate such that the Commuter Terminal Rental Rate is forty percent (40%) of the Saipan Main Terminal Rental Rate. Airlines utilizing the Saipan Main Terminal shall pay the Saipan Main Terminal Rental Rate and Airlines utilizing the Saipan Commuter Terminal, Rota Terminal or Tinian Terminal shall pay the Commuter Terminal Rental Rate.
- (b) **Rent for Preferential Use Premises.** Each Airline shall pay rent to the Authority for any Preferential Use Premises assigned to the Airline in its Letter of Authorization by multiplying the applicable Terminal Rental Rate by the total square footage of the assigned Preferential Use Premises.
- (c) **Common Use Charges.** Each Airline shall pay the Authority Common Use Charges for its use of Common Use Premises in each Terminal. The Common Use Charges for each Terminal effective October 1st of each Fiscal Year shall be determined according to the Common Use Formula.

For inclusion in the Common Use Formula, each Airline shall include in its monthly report of Enplaned Passengers and Deplaned Passengers the total number of Enplaned Passengers and Deplaned Passenger handled or otherwise accommodated by the Airline for its Affiliated Airline Companies and other Air Transportation Companies handled by Airline and not having a Letter of Authorization from the Authority that provides for the direct payment to Authority of appropriate charges for the use of Common Use Premises.

- (d) **Turn Fees.** Each Airline shall pay the Authority Turn Fees for its use of certain Ticket Counters and Gates in the Saipan Main Terminal. The Turn Fees effective October 1st of each Fiscal Year shall be determined according to the rate-setting methods set forth in this Section 40-10.1-1206(d).
- (1) Turn Fee for Ticket Counters. The Authority shall calculate the Turn Fee for Ticket Counters by:
 - (i) Dividing the aggregate amount of Ticket Counter space assigned to Airlines at the Saipan Main Terminal by the total number of Ticket Counters assigned to Airlines at the Saipan Main Terminal to derive the Average Assigned Ticket Counter Space; *then*
 - (ii) Multiplying the Average Assigned Ticket Counter Space by the Saipan Main Terminal Rental Rate to derive the Average Ticket Counter Cost; *and then*
 - (iii) First dividing the Average Ticket Counter Cost by 365 days to derive a daily rate and then dividing the daily rate by the three.
 - (2) Turn Fee for Gates. The Authority shall calculate the Turn Fee for Gates by:
 - (i) Multiplying the average square footage of a Holdroom B Gate by the Saipan Main Terminal Rental Rate to derive the Average Cost of a Holdroom B Gate; *and then*

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(ii) First dividing the Average Cost of a Holdroom B Gate by 365 days to derive a daily rate and then dividing the daily rate by the average number of Turns per day.

(3) Payments for Terminal Rents, Fees, and Charges. Each Airline shall pay monthly to the Authority the applicable rent for Preferential Use Premises. Common Use Charges and Turn Fees for the preceding month upon receipt of invoice from the Authority.

(e) Exemptions. Exempted from paying terminal rental rates, rent for preferential use premises, common use charges, and turn fees are any aircraft operator which has a valid written agreement with the Authority, which provides for terminal rental rates, rent for preferential use premises, common use charges, and turn fees other than as provided for in this section.

History: Adopted 46 Com. Reg. 51334 (Oct. 15, 2024); Proposed 46 Com. Reg. 51218 (Aug. 15, 2024); Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-1210 [RESERVED]

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1215 Departure Facility Service Charge (DFSC)

Notwithstanding the foregoing terminal rental service charge schedule, the Authority may provide to airlines servicing the airports of the Commonwealth, an airline incentive fee discount on the terminal rental charges and other airport fees and charges, based on a discount rate which the Authority determines to be reasonable and appropriate under the circumstances, taking into account the Authority's financial condition, the Authority's future revenue projection, the Authority's revenue bond debt service obligations, and its operations and maintenance expenses. The airline incentive fee discount program is intended to encourage the airlines to bring in more visitors to the Commonwealth and stimulate its economy.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 23 Com. Reg. 17842 (Apr. 23, 2001); Proposed 23 Com. Reg. 17614 (Jan. 19, 2001); Adopted 21 Com. Reg. 16803 (June 23, 1999); Proposed 21 Com. Reg. 16693 (Apr. 19, 1999); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1220 [RESERVED]

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1225 [RESERVED]

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History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1230 [RESERVED]

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1235 Catering Fee

(a) A fee equal to twelve percent of the gross billings (charges) made for the sale, delivery, boarding, and removal of inflight catering food and beverages shall be paid to the Authority by the supplier thereof as a condition of access to the airport.

(b) Exceptions.

Inflight catering provided directly and not by contract, by a bona fide airline lessee of the airport, or by a concessionaire operating on the airport, under the terms of a valid lease.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1240 Fuel Flowage Fee

A fee equal to two and one-half cents for each gallon of aviation gasoline and jet fuel delivered to the airport is hereby imposed. The fuel flowage fee shall be paid by the seller thereof, upon the delivery of aviation gasoline and jet fuel to the airport. The seller shall deliver to the Authority, no later than the 15th day of every month, the fuel flowage fee payable for deliveries made to the airport during the previous month, together with appropriate documentation evidencing such fuel deliveries.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 21 Com. Reg. 16855 (July 23, 1999); Proposed 21 Com. Reg. 16779 (May 19, 1999); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1245 Ground Handling Permit Fee

The fee for a ground handling permit shall be ten thousand dollars per calendar quarter.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 21 Com. Reg. 16855 (July 23, 1999); Proposed 21 Com. Reg. 16779 (May 19, 1999); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1250 Ground Rent

(a) Any exclusive use of ground space on the airport shall be subject to ground rent.

(b) Any such exclusive use of ground space shall encompass the entire amount of ground space effectively occupied (i.e., in the case of building or facility, the ground space

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underlying that building or facility; and, in addition, all surrounding area effectively utilized for setbacks, parking, access, etc., shall be included). In the case where such effectively utilized area cannot be precisely described, it shall be assumed that the effective area shall be, at a minimum, equal to five times the ground space occupied by the building or facility.

(c) No tenant of the Authority may sublease or assign its leased premises or any interest thereon, without the prior written consent of the Authority. Such consent, if granted, shall be conditioned upon payment to the Authority of not less than 25% of the total consideration for such sublease or assignment.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1255 Passenger Facility Charges

(a) The Authority is authorized to impose passenger facility charges (PFCs) not to exceed four dollars and fifty cents per eligible enplaning passengers. All such charges shall comply with applicable federal laws, rules, and regulations as amended from time to time.

(b) Pursuant to the requirements of 14 CFR Part 158, Authority shall have the right to cancel a Letter of Authorization in the event any portion of the Assigned Area is not fully utilized and is not made available for use by potentially competing air carriers or foreign air carriers. The foregoing provision shall apply only if and to the extent required by 14 CFR Part 158 or by any PFC assurance executed by Authority pursuant to said regulation

(c) As long as a PFC is being collected by the Authority, the Authority may immediately cancel, in whole or in part, a Letter of Authorization should an Airline not fully utilize its Assigned Area or not make available for us its Assigned Area by potentially competing Air Transportation Companies.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1256 Other Fees and Charges

(a) Other fees and charges include, but are not limited to:

(1) Airport System security recovery fees and incinerator and triturator use fees incorporated into the Airport Rules and Regulations.

(2) Reasonable and non-discriminatory fees and charges for services or facilities not enumerated in the Airport Rules and Regulations, but provided by Authority or its contractors and utilized by Airline.

(3) Pro rata shares of any charges for the provision of any services or facilities which Authority is required or mandated to provide by any governmental entity (other than Authority acting within its proprietary capacity) having jurisdiction over the Airport System.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-1257 [RESERVED]

History: Adopted 44 Com. Reg. 48802 (Aug. 28, 2022); Proposed 44 Com. Reg. 48330 (Apr. 28, 2022); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-1258 Airline Reports

(a) Airline shall file with Authority, on forms prescribed by Authority, no later than the tenth (10th) day of each month, Airline’s report showing the actual landings made at an Airport during the preceding month, which report shall include the number and type of aircraft. The Airline shall provide the Authority with FAA-approved certified maximum gross landing weights for each type of aircraft it operates at an Airport.

(b) Airline shall also file with the Authority, no later than the tenth (10th) day of each month, Airline’s report showing the actual number of Enplaned and Deplaned Passengers and the amount of enplaned and deplaned cargo and enplaned and deplaned mail at an Airport during the preceding month. Airline shall also provide to the Authority copies of other public statistical reports pertinent to the Airport System as may be requested by the Authority, without charge to the Authority, and within a reasonable time after such request.

(c) Authority shall have the right to audit Airline’s books, and records, at any or all mutually convenient times, to determine the accuracy of Airline’s reports to Authority. All costs of such audit shall be borne by Authority; provided, that if such audit discloses an underpayment of fees or charges due from the Airlines to the Authority of a magnitude of three (3) percent or greater, Airline shall promptly reimburse the Authority for the total cost of such audit.

(d) Airline shall have the right to audit the Authority’s books and records, at any or all mutually convenient times, to determine whether the fees and charges paid by the Airline, and other airlines operating at the Airport System, are consistent with the provisions of the Airport Rules and Regulations. All cost of such audit shall be borne by Airline.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021).

§ 40-10.1-1260 Payment of Charges

(a) All fees are to be paid in U.S. currency by the aircraft operator to the Office of the Executive Director as described in the following sections, unless special arrangements have been made with the Authority in writing in advance. The Executive Director may authorize, in writing, fees to be paid in a manner different from that provided herein.

(b) For all fees and charges set forth in the Airport Rules and Regulations, Airline shall tender monthly the amounts due within ten (10) days after receipt of invoice from Authority. In the event that an unpaid balance remains after thirty (30) days from such receipt:

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- (i) an additional one percent (1%) per month of the unpaid balance shall become due and payable by Airline; and
- (ii) airline shall be liable for all costs of collection, including reasonable attorney's fees and court costs.

(c) In the event that Airline shall fail to tender any payment due, the Authority may tender statements of fees and charges due on a basis more frequent than monthly, and/or may require payment of such fees and charges upon presentation of statements; and/or may require that payment be made in cash or by cashier's check or money order if:

- (i) an unpaid balance remains after forty-five (45) days from receipt of the invoice; or
- (ii) the Airline has previously failed to tender the monthly amounts due as provided in Section 1260(b) within the prior 12 months; or
- (iii) the Airline tenders a negotiable instrument as payment upon invoice and such instrument is not honored upon presentment.

(d) All fees and charges due and owing by Airline are payable to Authority or its assignee under any security interest granted by the Authority provided, that in the event of default by Authority the Indenture, to which it is a party, such fees and charges shall be payable to the Trustee of such Bonds may from time to time direct.

(e) Procedures to Recover Over-Payment.

(1) It is the obligation of Airline to pay all fees and charges levied against it pursuant to the Airport Rules and Regulations, on or before the date due. In the event that Airline desires to contest the validity or amount of any such fees or change, Airline shall first pay the same to Authority, and may then seek a refund in any appropriate forum.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1265 Surcharges on Airline Tickets Prohibited

No airline or other seller of tickets for air transportation operating at any airport owned and operated by the Authority shall state, charge, or collect any fees and charges specified in § 40-10.1-1205 through § 40-10.1-1225 separately from the price of an airline ticket; provided, however, that nothing herein shall prevent or restrict any such airline or other seller from charging and collecting a single fare, which may be periodically adjusted, subject to applicable restrictions imposed by law, to reflect the airline's costs, which costs include but are not limited to such fees and charges.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

§ 40-10.1-1270 Taxicab Operator Permit Fee

(a) All taxicab operators authorized by the Executive Director to operate a taxicab at the airport shall pay a monthly taxicab permit fee of \$25.00 per vehicle, payable upon issuance of the taxicab permit.

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(b) No vehicle or taxicab may operate at the airport without a valid taxicab decal issued by the Authority on an annual basis. This fee shall become effective on July 1, 1999.

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 21 Com. Reg. 16855 (July 23, 1999); Proposed 21 Com. Reg. 16779 (May 19, 1999).

§ 40-10.1-1275 Public Parking Fee

(a) All vehicles owned by members of the general public shall park their vehicles in designated public parking areas, and shall pay a public parking fee, as follows:

Parking Category	Fee
0 minutes to 30 minutes	\$3
30 to 60 minutes	\$5
Each additional hour (or fraction of an hour)	\$2
Daily rate (maximum 24 hours)	\$20
Annual rate per vehicle for employees of airport tenants	\$75
Rate per vehicle for frequent flyers – annual	\$400
Rate per vehicle for frequent flyers – semi annual	\$250
Annual rate per vehicle for service and delivery vehicles	\$200

(b) No fee is imposed for CPA vehicles, for vehicles owned by CPA employees and officials, for cars rented from companies with whom CPA has a car rental concession agreement, and for U.S. government and CNMI government vehicles.

History: Adopted 45 Com. Reg. 50658 (Dec. 28, 2023); Proposed 45 Com. Reg. 50540 (Oct. 28, 2023); Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 39 Com. Reg. 39592 (Apr. 28, 2017); Proposed 38 Com. Reg. 39040 (Dec. 28, 2016); Adopted 23 Com. Reg. 17842 (Apr. 23, 2001); Proposed 23 Com. Reg. 17614 (Jan. 19, 2001); Adopted 21 Com. Reg. 16855 (July 23, 1999); Proposed 21 Com. Reg. 16779 (May 19, 1999).

§ 40-10.1-1280 Miscellaneous Fee Schedule

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SIDA BADGE FEES	
Fee Type	Cost per Badge
Fingerprint and Security Threat Assessment Processing	\$45.00
New, Renewal, Broken, or Change of Status on SIDA Badge	\$15.00
Lost or Stolen Badge	\$50.00
Failure to Immediately surrender SIDA Badge after expiration	\$100.00

PERMITS	
Fee Type	Per Permit
AOA Driving Permit	\$15.00
AOA Driving Permit - Replacement	\$5.00
Ground Transportation Permit – Replacement	\$15.00
Hot Work Permit	\$25.00
Filming/Photography	\$25.00

PACIFIC REGION ARFF/AVIATION TRAINING FACILITY (PRATC)	
Fee Type	Per Student
FAR Part 139 Live Fire Burn	\$500.00
Structure Fire Burn	\$300.00
ARFF Basic Academy (Airport Fire Fighter, Driver Operator, EMS First Responder)	\$5,500.00
Part 139 Course – 5 Days (Bundle)	\$2,205.00
Part 139 Course – 4 Days	\$1,850.00
Part 139 Course – 3 Days	\$1,400.00
Part 139 Course – 2 Days	\$950.00
Part 139 Course – 1 Day	\$500.00

COPY FEES	
Fee Type	Per Page
8.5” x 11” – Black and white	\$0.25
8.5” x 11” – Color	\$0.50
8.5” x 14” – Black and white	\$0.25
8.5” x 14” – Color	\$0.50
11” x 17” – Black and white	\$0.50
11” x 17” - Color	\$1.00
24” x 36” – Black and white	\$2.00
24” x 36” – Color	\$5.00
36” x 48” – Black and white	\$3.75
36” x 48” – Color	\$6.00

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Decals, Cards, Keys, Room and Equipment Rental	Fees
Vehicle Decals – Secured Area	\$15.00 per vehicle
Fingerprint Cards – 2 Sets	\$15.00 per set of 2
Tenant Key Replacement	\$14.00 each
Airport Conference Room Rental – Room Use Only	\$10.00 per hour
Airport Conference Room Equipment Fee	\$25.00 per use
Saipan Airport ARFF Classroom Rental – Room Use Only	\$10.00 per hour
Saipan Airport ARFF Class Room Rental Equipment Fee	\$25.00 per use
ARFF Self Contained Breathing Apparatus (SCBA) Refill- Maximum of 10 cylinders per refill	\$5.00 per refill
Returned Check	\$25.00 plus additional bank fees
Administrative Fee	25% of Total Billing

History: Adopted 43 Com. Reg. 47306 (Aug. 28, 2021); Proposed 43 Com. Reg. 46730 (June 28, 2021); Adopted 42 Com. Reg. 44065 (Sept. 28, 2020); Proposed 42 Com. Reg. 43527 (May 28, 2020).

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