

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-14
Hawaii Administrative Rules
March 20, 2009

SUMMARY

1. §§19-14-2, 19-14-3 and 19-14-4 are amended.
2. Chapter 19-14 is compiled.

LIEUTENANT GOVERNOR'S
OFFICE

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DIRECTOR'S OFFICE
DEPT. OF
TRANSPORTATION

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 14

PUBLIC CONDUCT AT PUBLIC AIRPORTS

| | |
|------------|-------------------------------|
| §19-14-1 | Purpose |
| §19-14-2 | Definitions |
| §19-14-3 | Conduct of the public |
| §19-14-3.1 | Keehi Lagoon |
| §19-14-3.2 | Prohibited activities |
| §19-14-4 | Airport security |
| §19-14-4.1 | Fees |
| §19-14-5 | Director's powers |
| §19-14-6 | Discrimination or segregation |
| §19-14-7 | Enforcement |
| §19-14-8 | Penalty |
| §19-14-9 | Severability |
| §19-14-10 | Repeal |

Historical note. This chapter is based substantially on parts IV and VI of the rules and regulations pertaining to airports. [Eff 8/1/73; am 3/23/78; R 8/10/81]

§19-14-1 Purpose. The purpose of this chapter is to insure the safe and convenient access and use of, public air travel facilities compatible with the

general welfare of the people of this State. Accordingly, the intent of this chapter is to harmonize and coordinate public laws which affect the operation, maintenance, and use of public airports, and to promote and establish standards which are conducive to the attainment of the above-mentioned purpose.

This chapter shall be applicable to all public airports. [Eff 8/10/81; comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009]
(Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Air carrier" means any person engaged for hire in the business of carrying passengers or cargo, or mail by air.

"Aircraft parking and storage areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the parking and storing of aircraft, for the servicing of aircraft with fuel, lubricants and other supplies and for the making of minor or emergency repairs to aircraft.

"Department" means the department of transportation of the State of Hawaii.

"Director" means the director of transportation or his authorized representative.

"Enforcement officer" means the director of transportation, officers and employees of the department of transportation and every state and county officer charged with the enforcement of state laws and ordinances.

"Fuel storage area" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the storing and loading of gasoline, turbine fuel or any other type of fuel or other petroleum products used for aeronautical purposes.

"Keehi Lagoon" means the portion of Keehi Lagoon that includes all its surface water areas, lands and submerged lands within the boundaries of Honolulu International Airport.

"Operational area" means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and which is not leased or demised to anyone for exclusive use and includes runways, taxiways, all ramps, cargo ramps and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of a public airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Permission," "permit," "authorization" or "authorize" means written consent granted by the director, except verbal consent that may be granted under special circumstances where the obtaining of a written consent would not be practicable.

"Person" means any individual, firm, partnership, co-partnership, corporation, trust, association, company, joint venture, or any other legal entity (including any assignee, receiver, trustee or similar representative thereof), or the United States of America or any state or political subdivision thereof, or any foreign government, or the United Nations.

"Public airport" means any area of land or water under public or governmental ownership or jurisdiction which is used, or intended for use, for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon; provided, however, that federally owned facilities are included in this definition only to the extent of their use by non-military persons who hold a contract, lease, license, or other right granted by the department.

"Restricted area" means the operational area and

all other portions of a public airport from which the public is excluded by fences or appropriate signs or both.

"Secured" means that an entry, building or fenced area is locked using a padlock, cypher lock, magnetic pad or other mechanical or electronic device or is being physically attended to by an employee or security guard to prevent unauthorized entry.

"Service animal" means any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Emotional support animals who assist owners with severe emotional or mental disabilities are included under this definition if the owner can provide certification from a treating medical professional that the owner is being treated for a mental health disability and needs to be accompanied by the animal.

"Sterile area" means an area of a public airport to which access is controlled by the inspection of persons and property in accordance with a security program approved by the Transportation Security Administration or a security program used in accordance with Title 49, Code of Federal Regulations, Part 1542. [Eff 8/10/81; am 9/15/84; am and comp 4/27/98; comp 4/17/00; am and comp 1/24/02; am and comp 4/27/07; am and comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-3 Conduct of the public. (a) Restricted areas.

- (1) No person shall enter any restricted area without the permission or authorization of the director. Any unauthorized person found within, or attempting to gain access to, the operational area or other restricted areas designated by the director, may be cited or arrested. Any person authorized to be in an operational area, other than a passenger in

transit between the aircraft and the terminal to board or deplane, shall wear, and display in plain sight a badge, uniform or other such identification approved by the director. Persons entering upon the public ramp areas for purposes of embarkation or debarkation of an aircraft shall be deemed to have authorization to enter thereupon.

- (2) Any person walking in the operational area shall walk in established marked walkways. Where walkways have not been established, pedestrians shall remain clear of the ramp operations area and walk as close to the building structure as possible to avoid vehicular traffic, provided that no pedestrian traffic shall be permitted on ramp roadways or aircraft surface maneuvering areas including, but not limited to, alleyways (lead-in lines) to gates, roadways traversing terminal concourses, and taxilanes.
- (b) Animals and birds.
 - (1) No person shall enter any airport terminal building, or any operational or restricted area of any public airport with any animal or reptile, except:
 - (A) A service animal being used by a person with a disability;
 - (B) An animal or reptile properly confined for shipment with or by an air carrier, provided the animal or reptile is authorized by law to be in the State;
 - (C) Any animals, accompanied by properly authorized law enforcement personnel, specially trained for emergencies such as aircraft, vehicle or vessel disasters or for use in law enforcement such as the discovery of drugs and other

contraband; and

(D) Any animals, accompanied by properly authorized and trained personnel conducting wildlife hazard management activities, specially trained in wildlife hazard abatement operations, as approved by the director.

(2) No person shall release a pigeon or any other species of bird while on or within a public airport.

(3) No tenant at the airport, or any employee of such tenant, shall keep a pet in the airport terminal building without permission.

(c) Smoking. No person shall smoke or carry a lighted cigar, cigarette, pipe, match, or any naked flame, in or upon any fuel storage area, cargo ramp and apron area, or aircraft parking, operating or storage area, or in any other place where a sign specifically prohibiting smoking is posted or in any area within fifty feet of any fuel carrier or aircraft; nor shall any person throw from any open deck, gallery or balcony, contiguous to such areas or such carriers or aircraft, a lighted cigar, cigarette, or similar article.

(d) Explosives. No person shall store, keep, handle, use, dispense or transport upon a public airport any explosives or other dangerous articles which are barred from civil aircraft by federal, state, or county regulations.

(e) Firearms, explosives and incendiary devices. Except for federal, state, and county law enforcement officers, armored car personnel making pickups and deliveries, authorized by the director, from and to airport tenants or permittees, and other employees authorized by their air carriers to carry firearms, no person may enter a sterile area, or board or attempt to board an air carrier aircraft while possessing on or about his person (including carry-on baggage) any firearm, explosive or incendiary device.

(f) Lost and found articles. Any person finding a lost or mislaid article in the public areas of an air terminal shall report and turn the article over to airport lost and found. Nothing in this section will be construed to deny the right of an air carrier to maintain lost and found services for its passengers, when articles are found within areas demised to it.

(g) Alcoholic beverages. No person shall consume or display alcoholic beverages at a public airport except in those areas specifically approved for such use by the director.

(h) Unclaimed articles. Articles stored at a public airport and left unclaimed by the owner more than forty-five (45) days shall be deemed abandoned and may be disposed of by public auction conducted by the department or as otherwise prescribed by the director. Notice of the auction shall be posted at storage areas and printed on claim checks which are issued upon storage of the articles.

(i) Commercial activity. No person shall engage in any business, service, or commercial activity, for a fee or gratuity, in or at a public airport, without the permission of the director.

(j) Commercial photography. No person shall take still, motion, or sound pictures for commercial purposes in or at any public airport without the permission of the director; provided that any lessee or licensee of the department or its agent may take such pictures as may be required in the conduct of its business, but not for sale.

(k) Disabling of security devices. No person shall knowingly tamper with, block open or otherwise disable any lock, door, gate, alarm or any security device designed to restrict unauthorized access to any operational area or other designated restricted areas. Any person who commits such an act may be cited or arrested.

(l) Other controls and restrictions. No person shall, at, within or upon any public airport:

- (1) Damage, deface or destroy any property including, but not limited to, any facilities, vehicles, equipment, signs, fences, buildings, structures, and navigational aids such as landing lights, flood lights, beacons, signals and control towers;
- (2) Dump or dispose of trash, litter or any other form of waste materials, including, but not limited to, paper, metal, plastic, glass, wooden pallets, solid waste and foodstuffs, except in appropriate disposal receptacles or designated disposal areas;
- (3) Abandon any equipment or other materials;
- (4) Keep, place or store equipment or other materials in areas other than those leased or specifically designated for such use without first obtaining written permission from the director;
- (5) Drain, deposit, store, keep, create, produce, transport, deliver or otherwise handle any toxic or hazardous material without first obtaining written permission from the director;
- (6) Place or erect any sign, building or other type of structure without first obtaining written permission from the director;
- (7) Cut or remove any vegetation without written permission from the director;
- (8) Spray paint in the operational area, open area, or other site on any public airport property which is not specifically designed or designated for such activity;
- (9) Conduct welding or construction activity requiring an open flame in any operational area, open area, or other site on any public airport property without first obtaining the written approval of the airport fire department and the director; and

- (10) Ride or otherwise use bicycles, scooters, skateboards, electric carts and other similar hand, foot, electric energy or self-propelled devices on airport roadways, sidewalks, lobbies, garden areas, public parking lots or structures, and any other airport areas as designated by the director except:
- (A) The use of wheeled devices and aids by injured persons or persons with disabilities is exempt from this section;
 - (B) The riding of bicycles may be permitted on airport roadways and in public parking lots or structures with bicycle racks, unless the director, for safety or operational purposes, prohibits or otherwise restricts the use of bicycles in such areas; and
 - (C) The riding of properly licensed electric carts may be permitted on airport roadways, unless the director, for safety or operational purposes, prohibits or otherwise restricts the use of properly licensed electric carts on such roadways.

(m) Sterile areas. No person shall enter the sterile area of a public airport without submitting to the screening of his or her person unless authorized by the director. [Eff 8/10/81; am 1/6/90; am 5/18/91; am and comp 4/27/98; am and comp 4/17/00; am and comp 1/24/02; am and comp 4/27/07; am and comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-3.1 Keehi Lagoon. The restrictions set forth in section 19-14-3(1), Hawaii Administrative Rules, are applicable to all areas of Keehi Lagoon which were set aside to the department under Governor's Executive Order Nos. 3201 and 3202. The following

additional restrictions shall also apply to the Keehi Lagoon area; specifically, no person, except authorized officers and employees of governmental agencies acting within the scope of their official functions, shall:

- (1) Possess, store, keep, handle, use, dispense, transport or discharge any firearm, explosive, incendiary device, air gun or other dangerous articles which are banned from civil aircraft by federal, state, or county regulations;
- (2) Abandon any vehicle, boat, vessel or floating device of any kind;
- (3) Bring into, keep, store or release within the Keehi Lagoon area any animal, bird or reptile, except:
 - (A) A service animal being used by a person with a disability;
 - (B) An animal or reptile properly confined for shipment with or by an air carrier, provided the animal or reptile is authorized by law to be in the state; and
 - (C) Any animals, accompanied by properly authorized law enforcement personnel, specially trained for emergencies such as aircraft, vehicle or vessel disasters or for use in law enforcement such as the discovery of drugs and other contraband;
- (4) Disturb or attempt to disturb any bird or its nest or eggs, or any other animal;
- (5) Start or maintain a fire of any type;
- (6) Camp on any part of the Keehi Lagoon area;
- (7) Bring into, keep, store, handle, dispense or consume within the Keehi Lagoon area any alcoholic beverage;
- (8) Operate, anchor or moor a vessel in any manner that violates any applicable federal,

- state, or county law, statute, ordinance, rule or regulation; and
- (9) Use any portion of the Keehi Lagoon area in any manner contrary to any applicable federal, state, or county law, statute, ordinance, rule or regulation. [Eff 9/15/84; am and comp 4/27/98; comp 4/17/00; comp 1/24/02; am and comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-3.2 Prohibited activities. (a) No person shall sleep, lay, sit, remain standing, or place any object at, in, on, or within ten feet of the following areas of any public airport:

- (1) A stair, interior and exterior stairway, or ramp;
- (2) A hallway, corridor, or passageway;
- (3) A tunnel or pedestrian overpass;
- (4) An aisle, loading bridge, or vestibule; or
- (5) A doorway or entranceway.

(b) No person shall sleep, lay, sit, remain standing, or place any object at, in, on, or within ten feet of the following areas of any public airport, except a person standing in a service line:

- (1) A security checkpoint;
- (2) A ticket, check-in, or informational counter; or
- (3) An agricultural inspection stand.

(c) No person shall sleep, lay, bathe, or do laundry in a restroom facility at any public airport. No person shall purposely stop a water or sewage drain on any plumbing fixture to create water or sewage spillage onto a floor area in a restroom facility at any public airport.

(d) No person shall sleep, lay, or sit in an elevator or on an escalator. No person shall sleep, lay, sit, or place any object within ten feet of an elevator door or an escalator on ramp or off ramp.

(e) No person shall remove, collect, haul away, transport, or disturb any trash receptacle or ash urn that has been placed for collection at any public airport without the authorization of the director.

(f) No person shall urinate or defecate on the floor area of any public airport, except in a urinal or water closet inside of a restroom facility.
[Eff 4/27/98; comp 4/17/00; comp 1/24/02;
comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12)
(Imp: HRS §261-12)

§19-14-4 Airport security. (a) Title 49, Code of Federal Regulations, Part 1542, requires that airport operators serving certificated air carriers using airplanes of more than 60 passenger capacity ensure that the operational area and other airport restricted areas be secure from entry by unauthorized persons. All entrances to the operational area and restricted areas are under the jurisdiction and control of the director and such airport tenants as may be authorized by the director. Individuals authorized to be in a restricted or operational area shall be responsible for immediately reporting any unauthorized persons or vehicles to the nearest airport security office. Failure to immediately report such unauthorized persons or vehicles shall result in revocation of the authorized individual's Airport Operational Area access badge.

(b) Airport tenants that have leased areas on or bordering any restricted or operational areas shall ensure that all entrances within their leased area which afford access to and from such restricted or operational areas are secured. The airport tenant shall be held responsible for and shall pay any fines levied against the department, airports division or the airport by federal or state agencies for failure by the tenant to comply with federal or state security requirements and regulations concerning:

- (1) Unauthorized entry by persons or vehicles onto any restricted or operational area of a public airport through access gates or other openings situated on areas leased to or controlled by the airport tenant; or
- (2) An unsecured entry or entrance (door, gate or fence line) to any restricted or operational area of a public airport situated on areas leased to or controlled by the airport tenant.

(c) Any person who is issued an Airport Operational Area access badge shall be responsible for its proper use and for paying any fines levied under these rules or by any federal or state agencies against the department, airports division or airport as a result of violations committed by that badgeholder or any person holding a temporary badge who is being escorted by that badgeholder. The following requirements shall apply:

- (1) No person shall cause or allow his or her badge to be used by any other individual for any purpose.
- (2) Multiple entry at accesses controlled by card readers shall not be permitted except as allowed in the Airport Security Program mandated by Title 49, Code of Federal Regulations, Part 1542.
 - (A) No person shall enter an access point controlled by a card reader without first swiping his or her badge and entering his or her personal identification number (PIN).
 - (B) Any person entering or exiting an access point controlled by a card reader shall be responsible for securing the gate or door to prevent anyone from making an unauthorized entry.
- (3) Badgeholders shall immediately notify the

airport security office of any lost or misplaced badge.

- (4) Persons holding temporary badges shall be escorted by a badgeholder while in any operational or restricted area of a public airport and the badgeholder shall ensure that the persons with temporary badges being escorted remain under the badgeholder's continuous visual contact and the badgeholder shall at no time leave the persons with temporary badges unattended.

(d) Airport tenants and permittees authorized by the director to conduct baggage pickup and delivery services, merchandise delivery services, or porter services shall be responsible for ensuring that all baggage, merchandise, and other articles delivered to the airport for airline passengers are physically and visually attended to and under the control of the tenant, permittee, or their authorized representative at all times until claimed by the passenger or accepted for check-in by the appropriate air carrier. An airport tenant or permittee shall be held responsible for and shall pay any fines levied against the department, airports division, or the airport by the federal or state government agencies for failure by the tenant, permittee, or their authorized representative to comply with federal or state requirements and regulations concerning baggage, merchandise, or other articles delivered to or picked up from the airport.

(e) If any airport tenant or permittee, including any individual authorized to be in a restricted or operational area or possessing a valid Airport Operational Area access badge, violates any of the rules in this section, including, without limitation, failing to pay fines levied for violations or infractions of these rules, such individual, tenant or permittee shall be subject to one or more of the following penalties to be assessed by the director, at

the director's sole discretion:

- (1) Cancellation of contract, or rental or lease agreement;
- (2) Revocation of permit or other right, privilege or authorization to use any public airport area;
- (3) Modification of applicable contracts, leases, agreements, permits, rights or other privileges, including the imposition of additional conditions and an increase in the fees, charges or other amounts payable to the department by the relevant airport tenant or permittee; or
- (4) Revocation of Airport Operational Area access badge. [Eff 8/10/81; am 3/26/90; am and comp 4/27/98; am and comp 4/17/00; comp 1/24/02; comp 4/27/07; am and comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-4.1 Fees. Any person requiring a badge under this chapter shall pay the following fees:

- (1) An annual badge fee of \$10 per badge.
- (2) A \$50 fee for replacing a lost badge.
- (3) A \$50 fee for not promptly returning a badge when the person is no longer authorized to wear the badge due to termination of employment at the public airport or when requested by the director. [Eff 3/26/90; am and comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009] Auth: HRS §261-12) (Imp: HRS §261-7)

§19-14-5 Director's powers. The director shall, at all times, have authority to take any action deemed by him convenient or necessary to protect or safeguard

persons or property within a public airport. [Eff 8/10/81; comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-6 Discrimination or segregation. All services and activities performed at a public airport shall be conducted without discrimination or segregation against any individual regardless of their race, creed, sex, or national origin. [Eff 8/10/81; comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-7 Enforcement. This chapter may be enforced by an enforcement officer or by any person deputized pursuant to section 261-17, Hawaii Revised Statutes.

When, in the opinion of the person enforcing this chapter, arrest (rather than citation) is clearly indicated to be in the public interest or necessary for public safety, the person shall seek, by the most expeditious means available, the assistance of the appropriate county police department and, if possible, deliver the alleged violator into its custody. [Eff 8/10/81; am and comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-17)

§19-14-8 Penalty. Penalties for violation of this chapter shall be as set forth in section 261-21, Hawaii Revised Statutes. [Eff 8/10/81; am and comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07; comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-21)

§19-14-9 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of this chapter shall not be affected.

[Eff 8/10/81; comp 4/27/98; comp 4/17/00;
comp 1/24/02; comp 4/27/07; comp APR 17 2009]
(Auth: HRS §261-12) (Imp: HRS §261-12)

§19-14-10 Repeal. The rules pertaining to airports effective August 1, 1973, as amended effective October 8, 1973 and March 23, 1978, and all other rules in effect prior to the effective date of this chapter relating to the conduct of the public at airports and airport security are repealed. [Eff 8/10/81;
comp 4/27/98; comp 4/17/00; comp 1/24/02; comp 4/27/07;
comp APR 17 2009] (Auth: HRS §261-12) (Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION

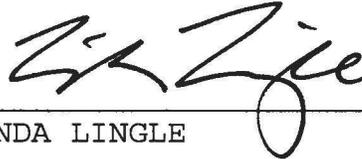
Amendments to and compilation of Chapter 19-14, Hawaii Administrative Rules, on the Summary Page dated March 20, 2009, were adopted on March 20, 2009, following public hearings held on February 10 and 11, 2009, after public notice was given in the Maui News on December 18, 2008, in the Honolulu Star-Bulletin and West Hawaii Today on December 19, 2008, in the Hawaii Tribune-Herald on December 22, 2008, and in the Garden Island on December 23, 2008.

These amendments to and compilation of Chapter 19-14, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.



BRENNON T. MORIOKA
Director of Transportation

APPROVED:



LINDA LINGLE
Governor
State of Hawaii

Date: APR -7 2009

Filed

APPROVED AS TO FORM:



Deputy Attorney General

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LIEUTENANT GOVERNOR'S
OFFICE

