

**TITLE 40: COMMONWEALTH PORTS AUTHORITY**

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Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: 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 In Executive Order No. 2008-5, Governor Fitial superseded Executive Order No. 2008-03. 30 Com.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 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.

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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.

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

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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.

Modified, 1 CMC § 3806(d), (f).

History: 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.

Modified, 1 CMC § 3806(d).

History: 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) “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.
- (b) “Authority” shall mean the Commonwealth Ports Authority.
- (c) “Airport” shall mean all publicly owned airports in the Commonwealth of the Northern Mariana Islands, together with all related facilities. On Saipan this includes Saipan International Airport, formerly known as “Isley Field.” On Tinian it shall mean West Tinian International Airport. On Rota it shall mean the Rota International Airport. On Pagan it shall mean the Pagan Airport.
- (d) “Executive Director” shall mean the Executive Director of the Authority or his duly authorized representative.

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- (e) “Federal Aviation Regulations” shall mean the United States Federal Aviation Regulations, as currently amended and promulgated by the United States Federal Aviation Administration.
- (f) “Fuel handling” shall mean the transportation, delivery, fueling, and draining of fuel or fuel waste products.
- (g) “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.
- (h) “Operational area” shall mean any place on the airport not leased or demised to anyone for exclusive use, and not a public area, highway, or public vehicular area; but shall include the runways, public taxiways, public ramp and apron areas, public cargo ramp and apron areas, public aircraft parking and storage areas, and fuel storage areas.
- (i) “Operational agreement” shall mean an airline use agreement entered into by the Authority and an aircraft operator.
- (j) “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.
- (k) “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 specific instances may be granted under special circumstances where the obtaining of written permission would not be practicable.
- (l) “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.
- (m) “Airport Rules and Regulations” shall mean the rules and regulations in this subchapter and subsequent amendments thereto.
- (n) “Public aircraft parking and storage area” shall mean that area of the 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.
- (o) “Public cargo ramp and apron area” shall mean and include any portions of the airport designated and made available temporarily or permanently by the Authority for the loading or unloading of passengers, cargo, freight, mail, and supplies, to and from aircraft, and for performing those operations commonly known as “ramp service,” and for

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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.

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

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

(r) “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.

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

(t) “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.

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

(v) “Commercial Aircraft Operator” shall mean an operator conducting civil aviation operations involving scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.

(w) “General Aviation Operator” shall mean an operator conducting civil aviation operations other than scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Amdts Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: In subsections (c) and (o), the Commission moved a period and a comma, respectively, inside of the closing quotation marks to correct manifest errors. The Commission inserted a close quotation mark after the word “permission” in subsection (k) pursuant to 1 CMC § 3806(g). In subsection (u), the Commission inserted an opening quotation mark before “egress.”

### **Part 100 - General Operational Rules and Regulations**

**§ 40-10.1-101 General Rules**

(a) All aeronautical activities at the airport, and all flying of aircraft departing from or arriving at the 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 the 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 the 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 the 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 the 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 the 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 the airport. In the event the Executive Director believes the condition of the 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 the airport or any portion thereof.



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

Modified, 1 CMC § 3806(f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: In subsection (b), the Commission deleted the repeated phrase “discharge the Authority, its officers, and its employees of and from any liability.”

Part 100 was originally sections 1.4 through 1.12 of part 1, entitled “General Provisions.” See 14 Com. Reg. at 9543-47 (Aug. 15, 1992). The Commission re-designated these sections as part 100 and created the part title.

### **§ 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 the 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.

Modified, 1 CMC § 3806(d), (f).

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History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-110 Commercial Activity**

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

History: 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 the airport, except under a permit from the Executive Director or his duly appointed representative establishing conditions and specifying fees payable to the airport for such privileges. Sightseeing passengers shall not be subject to the fees imposed pursuant to § 40-10.1-1215 of this subchapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: 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 the 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.

Modified, 1 CMC § 3806(f).

History: 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 the 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.

Modified, 1 CMC § 3806(d), (f).

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History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission corrected the spelling of the word “of” pursuant to 1 CMC § 3806(g).

### **§ 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 activities associated with aircraft, or governmental agencies in the performance of their functions or for a purpose connected with the maintenance and operation of the airport.

Modified, 1 CMC § 3806(f).

History: 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 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 the airport are more than ninety days in arrears, and any subsequent landing or takeoff of an aircraft from the 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 any 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 airport user 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.

Modified, 1 CMC § 3806(e), (f).

History: 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 the airport, without written permission of the Executive Director.

Modified, 1 CMC § 3806(f).

History: 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 the 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 may be operated on the public aircraft area 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 the airport, but not on public highways or parking areas.

Modified, 1 CMC § 3806(f).

History: 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 within the air terminal, 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.

Modified, 1 CMC § 3806(f).

History: 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 the 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.

Modified, 1 CMC § 3806(e), (f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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 within the airport area 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.

Modified, 1 CMC § 3806(e), (f).

History: 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 to the 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 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.

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- (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.
- (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.

Modified, 1 CMC § 3806(c), (e), (f).

History: 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.
- (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.

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(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.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (j).

In subsection (e), the Commission changed “meant” to “mean” to correct a manifest error.

### **§ 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 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



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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.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 19 Com. Reg. 15381 (May 15, 1997); Amdts Proposed 19 Com. Reg. 14878 (Jan. 15, 1997).

Commission Comment: With respect to the references to the Taxicab Bureau, see Executive Order 94-3, reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also NMAIC, title 20, chapter 80. The Commission corrected the phrase "to be away form" to "to be away from" in subsection (h) pursuant to 1 CMC § 3806(g).

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

(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 of the Saipan International Airport.

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(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 be five thousand dollars per month for Francisco C. Ada/Saipan International Airport, three thousand five hundred dollars per month for Rota and Tinian International Airports, and 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) 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).\*

\*So in original; see the comment to this section.

(d) Each vehicle rental business shall submit 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.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Amdts Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); 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).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

The 1994 amendments amended and readopted subsections (a) through (d). The 2004 amendments amended subsection (b).

In subsection (c), it appears that the following language was erroneously omitted in the 1994 amendments: “Each vehicle rental business servicing the Airport under Subpart (a) [subsection (a)(1)] of this Part 2.9 [§ 40-10.1-245] shall carry such insurance coverage for its customers as is provided in its agreement with the Authority. Each vehicle rental business servicing the Airport under subpart (b) [subsection (a)(2)] of this Part 2.9 [§ 40-10.1-245] shall carry at least the following insurance coverage for its customers.” Compare 14 Com. Reg. at 9552 (Aug. 15, 1992) and 16 Com. Reg. at 11688-89 (Feb. 15, 1994).

**§ 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.

Modified, 1 CMC § 3806(e), (f).

History: 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.

(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.

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(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 attorneys 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.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs of section (f) were not designated. The Commission designated subsections (f)(1) through (f)(4).

In subsections (f)(2) and (f)(4), the Commission inserted colons before the monetary fine amounts to ensure consistent punctuation.

### **Part 300 - General Operation on Public Aircraft Area**

#### **§ 40-10.1-301 Identification**

Drivers of all vehicles operating on the operational areas 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

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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.

Modified, 1 CMC § 3806(e), (f).

History: 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 or\* or across the public ramp and apron areas 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 the operational area during the hours of darkness.

\*So in original; probably should be “on.”

Modified, 1 CMC § 3806(f).

History: 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 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.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission changed “operation” to “operations” to correct a manifest error.

## **Part 400 - Taxiing Rules**

### **§ 40-10.1-401 Taxiing and Ground Rules**

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- (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 the 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 the 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.

Modified, 1 CMC § 3806(f).

History: 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**

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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 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.

Modified, 1 CMC § 3806(e), (f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

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(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.

Modified, 1 CMC § 3806(c), (f).

History: 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.

Modified, 1 CMC § 3806(e), (f).

History: 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 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 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

**§ 40-10.1-610 Area for Repairs**

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 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 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 areas 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.

Modified, 1 CMC § 3806(e).

History: 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 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 the 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 the 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(c), (d).

History: 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 executed an airline use/operating agreement with the Authority pursuant to § 40-10.1-740, while such agreement remains in force and effect.

Modified, 1 CMC § 3806(c), (f).

History: 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).

Commission Comment: The 1994 amendments amended and readopted this section in its entirety.

#### **§ 40-10.1-635 Flight Service Station**

(a) The Authority operates a flight service station at Saipan International Airport. 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 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.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

## **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.

Modified, 1 CMC § 3806(d), (f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

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History: 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 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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 Saipan International 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.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-730 Ground Handling Services**

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(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:

(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.

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(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, airstart 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 work place, offices, equipment and other possessions and facilities of each ground handler at any reasonable time.

(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\* 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 cancelled or reduced without at least thirty\*\* 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.

\*So in original; probably should be "injury to or death of."

\*\*So in original; probably should be "thirty days."

(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.

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(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(d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs of subsections (a), (c), (d), (g) and (h) were not designated. The Commission designated subsections (a)(1) and (a)(2), (c)(1) through (c)(3), (d)(1) and (d)(2), (g)(1) and (g)(2), and (h)(1) through (h)(3).

The Commission inserted commas after the word “effective” in subsections (a)(2) and (h)(1) and after the phrase “power supply units” in subsection (c)(1) pursuant to 1 CMC § 3806(g). In subsection (b)(7), the Commission changed “relation” to “related” to correct a manifest error. In subsection (g)(1), the Commission changed “certificate of certificates” to “certificate of insurance” to correct a manifest error.

### **§ 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 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.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-740 Airline Use/Operating Agreement**

No air carrier providing scheduled service or scheduled charter service to or from any airport in the Commonwealth of the Northern Mariana Islands shall utilize any terminal facility owned or operated by the Authority unless such air carrier shall have entered into a written airline use/operating agreement with the Authority. Such agreement shall provide, among other things, that the failure to pay any fees and charges for the use of

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airport facilities in the Commonwealth shall be grounds for eviction from terminal facilities and the denial of the right of use of airport facilities.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Amdts Proposed 16 Com. Reg. 11681 (Feb. 15, 1994).

Commission Comment: The 1994 amendments added this section and moved the existing Airport Rules and Regulations § 7.9, entitled “Notice of Airline Schedule Changes” to the end of this part. See 14 Com. Reg. at 9566 (Aug. 15, 1992); 16 Com. Reg. at 11686-87 (Feb. 15, 1994); see also § 40-10.1-755.

### **§ 40-10.1-745 Insurance**

(a) Every Commercial Aircraft Operator, unless otherwise directed under the terms of an airline use agreement with the Authority, 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 - \$1,000,000 Landside
- (3) Aviation Liability - \$1,000,000 per passenger seat, minimum \$10,000,000
- (4) Worker’s Compensation - as per statute.

(b) Every General Aviation Operator, or an operator who is not a signatory to an airline use agreement with the Authority, 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.

Modified, 1 CMC § 3806(g)

History: Amdts Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Amdts Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); 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).

### **§ 40-10.1-750 Surety Bond**

(a) Amount. Every person who operates an aircraft at any airport and who is not a signatory to an airline use agreement with the Authority shall post a surety bond in an amount equal to the greater of

- (1) Ten thousand dollars, or
- (2) The sum of the following:
  - (i) Three months’ departure facility service charges as provided in § 40-10.1-1215. The three months’ departure facility service charges provided herein shall equal one-



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quarter of the aggregate of the departure facility service charges due and owing by the aircraft operator over the immediately-preceding twelve month period. In the event that the aircraft operator has not previously served an airport for the entire preceding twelve month period, the Authority shall estimate the amount of departure facility service charges based upon prior departures facility service charges due and owing by the aircraft operator to the Authority, if any, and/or the first and subsequently monthly history of the aircraft operator's flight operations in the Commonwealth; plus

(ii) Three months' landing fees, as provided in § 40-10.1-1205 The three months' landing fees shall equal one-quarter of the aggregate of the aircraft operator's landing fees due and owing for the immediately preceding twelve-month period. In the event that the aircraft operator has not previously utilized an airport for the entire preceding twelve month period, the Authority shall estimate the amount of landing fees based upon prior landing fees due and owing by the aircraft operator to the Authority, if any, and/or the first and subsequent monthly landings of the aircraft operator; plus

(iii) An amount equal to three months' fees and charges under the remaining provisions of part 1200 of this subchapter. The Authority shall estimate the amount of such fees and charges based upon the operating history of aircraft operator at the airports, and/or the anticipated utilization of the airports by the aircraft operator. The Authority reserves the right to adjust the surety bond, upward or downward, taking into consideration subsequent changes in estimated fees and charges.

(b) Bond. The form of the surety bond required by subsection (a) of this section, and the identity of the surety, shall be subject to the approval of the Authority. Such surety bond shall provide that the bond may not be cancelled or reduced except upon thirty days' prior written notice to the Authority. The terms and conditions of such bond shall further provide that, at any time when the aircraft operator fails to pay, when due, any fees and charges due and owing to the Authority pursuant to this subchapter or otherwise, the surety shall, upon demand by the Authority, pay to the Authority such sums as are then due and owing by the aircraft operator to the Authority.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission inserted a colon after the word "following" in subsection (a)(2) pursuant to 1 CMC § 3806(g).

### **§ 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.

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Modified, 1 CMC § 3806(e), (f).

History: Adopted Amdts 16 Com. Reg. 11809 (Mar. 15, 1994); Proposed Amdts 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 the operational area of the 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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, ramps, aprons, and loading positions 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 the public ramp and apron area or public cargo ramp and apron area of the airport, except those persons authorized by the Executive Director, and those persons assigned to duty therein, or those persons entering upon the public ramp areas for purposes of embarkation or debarkation.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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 any thing 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.

(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.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

**§ 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.

Modified, 1 CMC § 3806(f).

History: 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: Amdts Adopted 23 Com. Reg. 18385 (Sept. 24, 2001); Amdts 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

**§ 40-10.1-850 Disposition of Waste Articles**

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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 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 of the airport 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 the terminal buildings, or any employee of such tenant, shall be permitted to keep pets on airport premises.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

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(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 of\* liability for such penalty is denied.

\*So in original; probably should be “if.”

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **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) Public ramp and apron 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, public ramp, and apron 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 terminal buildings. 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.

Modified, 1 CMC § 3806(e), (f).

History: 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.

Modified, 1 CMC § 3806(f).

History: 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.

Modified, 1 CMC § 3806(d), (f).

History: 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**

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.

Modified, 1 CMC § 3806(f).

History: 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).

Commission Comment: The 1998 amendments proposed to amend and readopt part 1000 in its entirety as a new part 1000, entitled “Fire Safety Provisions.” A notice of adoption for the 1998 amendments has not been published and, therefore, the proposed changes are not incorporated.

**§ 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, public ramp and apron area, public cargo ramp and apron area, 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.

Modified, 1 CMC § 3806(e), (f).

History: 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).

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

**§ 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.

Modified, 1 CMC § 3806(f).

History: 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).



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

The Commission changed “fo” to “of” and corrected the spelling of “waiver.”

**§ 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 fire fighting 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.

Modified, 1 CMC § 3806(f).

History: 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).

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

**§ 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.

Modified, 1 CMC § 3806(f).

History: 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).

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

**§ 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: 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).

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

**§ 40-10.1-1030            Fire Apparatus**

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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: 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).

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

### **§ 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.

History: 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).

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

### **§ 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.

Modified, 1 CMC § 3806(f).

History: 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).

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

### **§ 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.

Modified, 1 CMC § 3806(e), (f).

History: 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).

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

### **§ 40-10.1-1050 Fire Extinguishers Required**

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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.

Modified, 1 CMC § 3806(e), (f).

History: 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).

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

### **§ 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: 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).

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

### **§ 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.

Modified, 1 CMC § 3806(e), (g).

History: 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).

Commission Comment: The Commission changed “he” to “be” to correct a manifest error. See the comment to § 40-10.1-1001.

### **§ 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: 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).

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

**§ 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.

Modified, 1 CMC § 3806(g).

History: 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).

Commission Comment: The Commission inserted the word “for” to correct a manifest error. See also the comment to § 40-10.1-1001.

**§ 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.

Modified, 1 CMC § 3806(c), (f).

History: 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).

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

**§ 40-10.1-1080            Enforcement of Safety Provisions**

(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.

Modified, 1 CMC § 3806(d), (f).

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History: 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).

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

### **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.

Modified, 1 CMC § 3806(f).

History: 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 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 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### **§ 40-10.1-1115 Lost and Found Articles**

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.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission inserted a period at the end of the sentence ending with “determined by the Authority” to correct a manifest error.

**§ 40-10.1-1120            Observance of Rules and Regulations**

Tenants on the airport are responsible for their employees 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.

Modified, 1 CMC § 3806(f).

History: 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 may result in the Authority's exercising its authority 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 operating agreements with the Authority as may be found in the respective agreements with the Authority.

Modified, 1 CMC § 3806(d), (e), (f).

History: 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            Fees for Non-signatory Carriers**

The fees and charges set forth in § 40-10.1-1205 through § 40-10.1-1220, multiplied by a factor of 1.5 shall be payable for the use of facilities at Saipan International Airport by any air carrier which is not a party to a valid airline use agreement with the Authority pursuant to § 40-10.1-740. At Rota International Airport and West Tinian International

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Airport, and the Saipan Commuter Terminal, the multiplying factor for non-signatory carriers shall be 1.25.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-1205          Landing Fees**

(a) A charge of one dollar and forty cents per thousand pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at Saipan International Airport, shall be paid to the Authority.

(b) A charge of one dollar and six cents per thousand pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at West Tinian International Airport or at Rota International Airport, shall be paid to the Authority.

(c) 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(d), (e), (f).

History: Amdts Adopted 21 Com. Reg. 16803 (June 23, 1999); Amdts Proposed 21 Com. Reg. 16693 (Apr. 19, 1999); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

The 1999 amendments amended and readopted sections (a), (b) and (c). The 1999 amendments provided: "The foregoing amendments to Part 12: Schedule of Fees and Charges of the Airport Rules and Regulations shall become effective March 1, 2000. Until then, the existing Schedule of Fees and Charges shall apply." 21 Com. Reg. at 16700 (April 19, 1999).

### **§ 40-10.1-1210          Public Apron and Operational Area Charge**

(a) A minimum charge of twenty-five dollars, or if greater, fifteen cents per thousand pounds maximum gross certified landing weight, as determined by FAA for said aircraft for each one hour, or fraction thereof, for parking on the public apron adjacent to the terminal building shall be paid to the Authority by the aircraft operator. The payment of which shall, in addition to permitting the parking of the aircraft, also permit the use by the aircraft crew and nonrevenue passengers of the public facilities in the departure building and on the airport (but not including use of the arrival building and in-bound baggage handling facilities). Maximum time limit for aircraft apron use is three and one half hours, after which aircraft must be moved to the public aircraft parking area.

(b) Exceptions:

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- (1) Diplomatic, U.S. military, and Mariana Islands government aircraft.
- (2) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of § 40-10.1-740, while such agreement remains in force or effect. Any such airline operating under such an agreement shall pay a public apron and operational charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

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

(a) To cover costs of operations and maintenance of terminal buildings and to service the revenue bond debt payment obligations incurred by the Authority to operate and maintain the various airport facilities, a departure facility service charge shall be assessed each aircraft operator, which charge shall be calculated on a per revenue passenger basis as follows:

(1) The DFSC at Saipan International Airport for FY 2001 shall be \$6.35 per passenger; for FY 2002, it shall be \$6.90 per passenger; for FY 2003, it shall be \$7.45 per passenger; and for FY 2004 and thereafter, it shall be \$8.00 per passenger.

(2) The DFSC at Rota International Airport and at West Tinian International Airport for FY 2001 shall be \$4.58 per passenger; for FY 2002, it shall be \$4.70 per passenger; for FY 2003, it shall be \$4.82 per passenger; and for FY 2004 and thereafter, it shall be \$4.95 per passenger.

(3) The DFSC at the Saipan Commuter Terminal for FY 2001 shall be \$2.98 per passenger; for FY 2002, it shall be \$3.10 per passenger; for FY 2003, it shall be \$3.25 per passenger; and for FY 2004 and thereafter, it shall be \$3.35 per passenger.

(b) The DFSC schedule set forth in subsection (a) above shall be paid to the Authority by every aircraft operator transporting revenue passengers from such airports. Diplomatic aircraft and U.S. military aircraft are exempted from the departure facility service charge.

(c) Notwithstanding the foregoing departure facility service charge schedule, the Commonwealth Ports Authority may provide to signatory airlines servicing the airports of the Commonwealth, an airline incentive fee discount on the applicable departure facility service charge, the passenger arrival fee, 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



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intended to encourage the signatory airlines to bring in more visitors to the Commonwealth and stimulate its economy.

(d) The foregoing amendments shall retroactively commence on January 1, 2001.

Modified, 1 CMC § 3806(d), (f).

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

Commission Comment: The 1999 amendments amended subsections (a) and (b). The 1999 amendments provided: "The foregoing amendments to Part 12: Schedule of Fees and Charges of the Airport Rules and Regulations shall become effective March 1, 2000. Until then, the existing Schedule of Fees and Charges shall apply." 21 Com. Reg. at 16700 (April 19, 1999).

The 2001 amendments added new subsections (c) and (d) and amended and readopted subsections (a) and (b). Subsection (d) refers to all of § 40-10.1-1215. See 23 Com. Reg. at 17619 (Jan. 19, 2001).

### **§ 40-10.1-1220 International Arrival Facility Service Charge**

(a) To cover the added costs of operations and maintenance of the arrival terminal building for international deplaned passengers at the Saipan International Airport, a service charge calculated on the basis of two dollars and twenty cents per revenue passenger shall be paid to the Authority by every aircraft operator transporting international revenue passengers to the Saipan.

(b) For purposes of this part, "international deplaned passengers" is defined as all those deplaned passengers at the Saipan International Airport whose departure did not originate in Tinian, Rota, Guam, and whose destination is Saipan.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 40-10.1-1225 Aircraft Parking Charge**

Aircraft shall be parked at designated locations only.

(a) For aircraft paying the public apron and operational area charges cited in § 40-10.1-1210, aircraft parking charges shall be three cents per thousand pounds maximum gross certified landing weight as determined by FAA for said aircraft for each twenty-four hours, or fraction thereof, beginning at the time the aircraft moves to the parking area from the public apron.

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(b) For aircraft not requiring use of the public apron and thus not subject to a charge thereof, aircraft parking charges shall be a minimum of five dollars, or three cents per thousand pounds for each twenty-four hours, or fraction thereof, thereafter.

(c) Monthly rates shall be twenty-two times the daily rate. All such charges shall be paid by the aircraft operator to the Authority prior to departure of the aircraft from the assigned parking position.

(d) Locally based aircraft parked in areas designated by the Executive Director for such purpose shall pay fifteen dollars per month, payable in advance.

(e) Exceptions:

(1) Diplomatic, U.S. military, and Mariana Islands government aircraft.

(2) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of § 40-10.1-740, while such agreement remains in force or effect. Any such airline operating under such an agreement shall pay an aircraft parking charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (e).

In subsection (b), the Commission changed “hall” to “shall” to correct a manifest error.

### **§ 40-10.1-1230 In-transit Passenger Service Charge**

(a) Any operator using the airport for an in-transit stop (i.e., not involving airport-originating or terminating passengers) shall pay a service charge of a minimum of ten dollars or, if greater, a service charge calculated on the basis of thirty-five cents for each in-transit passenger to cover the costs of operating and maintaining the public use portion of the terminal buildings utilized by said in-transit passengers.

(b) Exceptions:

(1) Diplomatic, U.S. military, and Mariana Islands government aircraft.

(2) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of § 40-10.1-740, while such agreement remains in force or effect. Any such airline operating under such an agreement shall pay an aircraft parking charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

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Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 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.

In flight 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 40-10.1-1240      Fuel Flowage Fee**

A fee equal to one and one half cents for each gallon of aviation gasoline and jet fuel delivered to the airport is hereby imposed. Effective July 1, 1999, the fuel flowage fee shall increase to two and one-half cents per gallon. 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.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts 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 five thousand dollars per calendar quarter. Effective July 1, 1999, the ground handling permit fee shall increase to ten thousand dollars per calendar quarter.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts 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 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 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.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c). The Commission corrected the phrase “shall be, at a minimum, equal five times” in subsection (b) to “shall be, at a minimum, equal to five times” pursuant to 1 CMC § 3806(g).

**§ 40-10.1-1255      Passenger Facility Charges**

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

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission changed “PFC’s” to “PFCs” to correct a manifest error.

**§ 40-10.1-1260      Payment of Charges**

All fees are to be paid in U.S. currency by the aircraft operator to the Office of the Executive Director, upon arrival (except in the case of parking charges which are to be paid prior to departure, and fuel flowage fees which shall be paid upon purchase of fuels) 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.

Modified, 1 CMC § 3806(g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

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Commission Comment: The Commission deleted a semicolon between “been” and “made” to correct a typographical error.

**§ 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.

Modified, 1 CMC § 3806(c), (f).

History: 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.

(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: Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts Proposed 21 Com. Reg. 16779 (May 19, 1999).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

**§ 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
16 minutes to 1 hour	\$2
Hourly rate	\$2
Each additional hour (or fraction of an hour)	\$2

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Daily rate (maximum 24 hours)	\$15
Annual rate per vehicle for employees of airport tenants	\$50
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 an operating agreement, and for U.S. government and CNMI government vehicles.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 39 Com. Reg. 39592 (Apr. 28, 2017); Amdts Proposed 38 Com. Reg. 39040 (Dec. 28, 2016); 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).

Commission Comment: In June 2008, CPA made emergency amendments to this part addressing fees and charges for incineration and aircraft waste handling services. See 30 Com. Reg. 28519 (June 27, 2008). These amendments were effective for only 120 days from June 3, 2008. The notice referred to the permanent adoption of the amendments pursuant to an attached notice of proposed regulations. However, no such notice was attached and Chamorro and Carolinian translations were not published. The regulations were re-proposed in March of 2012. 34 Com. Reg. 32372 (Mar. 29, 2012). If adopted, these sections will be codified as § 40-10.1-1280 and § 40-10.1-1285.

The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 2001 amendments amended subsections (a) and (b) and deleted former subsection (c).