

TITLE 40: COMMONWEALTH PORTS AUTHORITY

**CHAPTER 40-10
AIRPORT DIVISION**

Subchapters

- 40-10.1 Airport Rules and Regulations**
40-10.2 Military Exercise Ground Operations and Implementation Plans

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

- Part 001 General Provisions**
§ 40-10.1-001 Authority
§ 40-10.1-005 Purpose
§ 40-10.1-010 Definitions
- Part 100 General Operational Rules and Regulations**
§ 40-10.1-101 General Rules
§ 40-10.1-105 Compliance with Rules and Regulations
§ 40-10.1-110 Commercial Activity
§ 40-10.1-115 Sightseeing
§ 40-10.1-120 Parking and Storage of Aircraft
§ 40-10.1-125 Storage of Cargo, Etc.
§ 40-10.1-130 Use of Operational Areas
§ 40-10.1-135 Payment of Charges
§ 40-10.1-140 Commercial Photography
- Part 200 Operation of Vehicles**
§ 40-10.1-201 Required Licenses
§ 40-10.1-205 Obeying Signals and Orders
§ 40-10.1-210 Speed Limits
§ 40-10.1-215 Vehicles Within Operational Areas
§ 40-10.1-220 Responsibility in Cases of Accidents
§ 40-10.1-225 Right-of-way
§ 40-10.1-230 Parking
§ 40-10.1-235 Taxicab Operations and Permits
§ 40-10.1-240 Attire for Taxicab Operators and Related Matters
- § 40-10.1-245 Permit Required for Vehicle Rental Service
§ 40-10.1-250 Group Transportation Permits
§ 40-10.1-255 Implementing Rules
- Part 300 General Operation on Public Aircraft Area**
§ 40-10.1-301 Identification
§ 40-10.1-305 Enplaning or Deplaning Passengers
§ 40-10.1-310 Safety of Aircraft Operation
§ 40-10.1-315 Deviation from Rules
- Part 400 Taxiing Rules**
§ 40-10.1-401 Taxiing and Ground Rules
- Part 500 Traffic Pattern, Landing and Takeoff**
§ 40-10.1-501 Left-hand Traffic
§ 40-10.1-505 Ceiling Limitations
§ 40-10.1-510 General Traffic Rules
§ 40-10.1-515 Helicopter Operations Rules
- Part 600 Rules for Ground Operations**
§ 40-10.1-601 Engine Run-up Restrictions
§ 40-10.1-605 Aircraft Parking
§ 40-10.1-610 Area for Repairs
§ 40-10.1-615 Runway Area Restrictions

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.1-620 Overparking of Aircraft on Apron

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

§ 40-10.1-630 Running of Engines During Operations

§ 40-10.1-635 Flight Service Station

Part 700 Conditions of Use of Airport

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

§ 40-10.1-705 Departing Passenger Restrictions

§ 40-10.1-710 Arriving Passenger Restrictions

§ 40-10.1-715 Transit Passenger Restrictions

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

§ 40-10.1-725 Cargo Operations

§ 40-10.1-730 Ground Handling Services

§ 40-10.1-735 Security Screening

§ 40-10.1-740 Airline Use/Operating Agreement

§ 40-10.1-745 Insurance

§ 40-10.1-750 Surety Bond

§ 40-10.1-755 Notice of Airline Schedule Changes

Part 800 Conduct of the Public

§ 40-10.1-801 Obstruction of Public Use

§ 40-10.1-805 Restricted Areas

§ 40-10.1-810 Entrance Into Public Areas

§ 40-10.1-815 Signs and Advertisements

§ 40-10.1-820 Soliciting of Funds

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

§ 40-10.1-830 Loitering

§ 40-10.1-835 Gambling

§ 40-10.1-840 Disorderly Conduct

§ 40-10.1-845 Preservation of Property

§ 40-10.1-850 Disposition of Waste Articles

§ 40-10.1-855 Pets

§ 40-10.1-860 Other Animals

§ 40-10.1-865 Sanitary Care

§ 40-10.1-870 Penalties

Part 900 Use of Particular and Designated Areas

§ 40-10.1-901 Areas Designated for Specific Uses

§ 40-10.1-905 Personnel Authorized to Use Areas

§ 40-10.1-910 Compliance with Rules and Regulations

Part 1000 Safety Provisions

§ 40-10.1-1001 Dangerous Acts

§ 40-10.1-1005 Smoking

§ 40-10.1-1010 Explosives

§ 40-10.1-1015 Use of Fire Extinguishers

§ 40-10.1-1020 Storage of Inflammable Materials

§ 40-10.1-1025 Lubricating Oils

§ 40-10.1-1030 Fire Apparatus

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

§ 40-10.1-1040 Proper Grounds

§ 40-10.1-1045 Distance from Buildings

§ 40-10.1-1050 Fire Extinguishers Required

§ 40-10.1-1055 When Passengers Are Aboard

§ 40-10.1-1060 Smoking Near Aircraft

§ 40-10.1-1065 Starting Engines

§ 40-10.1-1070 Cleaning of Aircraft

§ 40-10.1-1075 Fuel and Oil Spillage

§ 40-10.1-1080 Enforcement of Safety Provisions

Part 1100 - Miscellaneous Provisions

§ 40-10.1-1101 Conformance with

TITLE 40: COMMONWEALTH PORTS AUTHORITY

U.S. Regulations			Arrival Facility Service Charge
§ 40-10.1-1105	Careless	or	§ 40-10.1-1225 Aircraft Parking Charge
Reckless Operation			
§ 40-10.1-1110	Safety	of the	§ 40-10.1-1230 In-transit Passenger Service Charge
Public			
§ 40-10.1-1115	Lost and Found		§ 40-10.1-1235 Catering Fee
Articles			§ 40-10.1-1240 Fuel Flowage Fee
§ 40-10.1-1120	Observance	of	§ 40-10.1-1245 Ground Handling Permit Fee
Rules and Regulations			
§ 40-10.1-1125	Penalties		§ 40-10.1-1250 Ground Rent
			§ 40-10.1-1255 Passenger Facility Charges
Part 1200 - Schedule of Fees and Charges			
§ 40-10.1-1201	Fees for Non-signatory Carriers		§ 40-10.1-1260 Payment of Charges
§ 40-10.1-1205	Landing Fees		§ 40-10.1-1265 Surcharges on Airline Tickets Prohibited
§ 40-10.1-1210	Public Apron and Operational Area Charge		§ 40-10.1-1270 Taxicab Operator Permit Fee
§ 40-10.1-1215	Departure Facility Service Charge (DFSC)		§ 40-10.1-1275 Public Parking Fee
§ 40-10.1-1220	International		

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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

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

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

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

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

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

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

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

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

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

Part 001 - General Provisions

§ 40-10.1-001 Authority

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

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.

TITLE 40: 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.
- (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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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 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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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.

(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 of 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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (a) No person shall park a motor vehicle on the airport except in an area specifically designated and posted for parking.
- (b) No person shall park a motor vehicle in any area on the airport for a period longer than is prescribed and posted for that space by the Executive Director.
- (c) No person shall park a motor vehicle in a restricted or reserved area on the airport unless such person displays, in the manner prescribed by the Executive Director, a parking permit issued by the Executive Director for that area.
- (d) No person shall double park a motor vehicle on the roadways of the airport.
- (e) No person shall abandon a motor vehicle on the airport. A motor vehicle will be presumed abandoned if it is left parked and unattended for a period greater than forty-eight hours, unless it is parked in a space specifically set aside for parking longer than forty-eight hours. In such event, a motor vehicle shall be presumed abandoned if left unattended for a period twenty-four hours longer than the maximum authorized parking period.
- (f) No person shall park a motor vehicle on the airport, in a space marked for the parking of vehicles, in such a manner so as to occupy a part of another marked space.
- (g) No person shall leave a motor vehicle unattended or parked on the airport with a key in the ignition switch or the motor running, or a key in the door lock, or with a door open.
- (h) No person shall park a motor vehicle at any place on the airport in violation of any sign posted by the Executive Director.
- (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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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

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

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

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

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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

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

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

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

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:

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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.

(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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

TITLE 40: COMMONWEALTH PORTS 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.

(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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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 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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

- (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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 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).

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

(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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

imposed by the Authority relative to personnel. Furthermore, the Authority has the right at any time at its sole and absolute discretion to advise the ground handler that any person employed by the ground handler is not acceptable to the Authority in connection with the airport operation, and thereafter, the ground handler shall not use such person in connection with its ground handling activities.

(d) **Equipment Requirements.**

(1) In carrying out its responsibilities under the permit, each ground handler must at all times maintain the minimum equipment inventory necessary to provide the qualified services contained in this part. The equipment inventory must include, but is not limited to, the following: aircraft tow tractors, 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."

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(h) **Financial Responsibilities.**

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

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

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

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

Modified, 1 CMC § 3806(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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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 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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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-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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.1-870 Penalties

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

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

(b) The provisions of § 40-10.1-255(e) shall apply 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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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).

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

TITLE 40: COMMONWEALTH PORTS 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 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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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:

(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.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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 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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

(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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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.

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

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).

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

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(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
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).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

**SUBCHAPTER 40-10.2
MILITARY EXERCISE GROUND OPERATIONS AND
IMPLEMENTATION PLANS**

Part 001	Roles and Responsibilities		§ 40-10.2-605 Accident Scene Preservation
§ 40-10.2-001	Purpose		§ 40-10.2-610 Key Positions of Levels of Management
§ 40-10.2-005	Key Positions		
§ 40-10.2-010	ARFF Operations – Command Post		
§ 40-10.2-015	Communications Network		
§ 40-10.2-020	Air Operations Briefing / Debriefing		
Part 100	Ground Operations		Part 700 General Provisions
§ 40-10.2-101	Purpose		§ 40-10.2-701 Airspace
§ 40-10.2-105	Safety		§ 40-10.2-705 Aircraft Handling, Servicing and Fueling
§ 40-10.2-110	Security		§ 40-10.2-710 Hangar Space
§ 40-10.2-115	Apron / Ramp Operations		§ 40-10.2-715 AOA Security
			§ 40-10.2-720 Hazardous Materials
Part 200	Operations		Part 800 Miscellaneous Provisions
§ 40-10.2-201	Purpose		§ 40-10.2-801 FAR Part 139 Issues
§ 40-10.2-205	Aerial Events		§ 40-10.2-805 Airline Operations
			§ 40-10.2-810 Aircraft Rescue and Firefighting (ARFF) Capability and Special Emergency Response Procedures
Part 300	Terminating Exercise Activities		§ 40-10.2-815 Temporary Arresting Gears Installed in a Runway Safety Area
§ 40-10.2-301	Purpose		§ 40-10.2-820 Pyrotechnic Devices
			§ 40-10.2-825 Temporary Closures of Runways and Taxiways
Part 400	Emergency Planning		§ 40-10.2-830 Movement Area Maintenance
§ 40-10.2-401	Purpose		§ 40-10.2-835 Fueling Operations
§ 40-10.2-405	Emergency Situations		§ 40-10.2-840 Public Protection
§ 40-10.2-410	Aircraft Emergency		§ 40-10.2-845 Self-Inspections
§ 40-10.2-415	Non-Aircraft Emergency		§ 40-10.2-850 Exercise Ground Vehicle Operations
§ 40-10.2-420	Medical Emergency		§ 40-10.2-855 Pedestrian Operations
§ 40-10.2-425	Incident Notification Procedure		§ 40-10.2-860 Impact to NAVAIDS
			§ 40-10.2-865 NOTAMs
Part 500	Crowd Evacuation		§ 40-10.2-870 Wildlife Hazards
§ 40-10.2-501	Purpose		§ 40-10.2-875 FOD Control
§ 40-10.2-505	Evacuation Procedures		§ 40-10.2-880 Changes to Airport Markings
			§ 40-10.2-885 Paved Areas
Part 600	Aircraft Accident / Incident Procedures		
§ 40-10.2-601	Purpose		

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.2-890 Obstructions

§ 40-10.2-901 Claims Against the United States

Part 900 Claims Against the United States

Part 1000 Conditions
§ 40-10.2-1001 Conditions

Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: This subchapter was originally published with Appendices A–E at 37 Com. Reg. 36050–36071 (Feb. 27, 2015).

Part 001 – Roles and Responsibilities

§ 40-10.2-001 Purpose

This part defines operational roles and responsibilities for the military members and other support personnel. Emphasis is on proper management of activities related to the exercise events to maintain the highest level of safety throughout the exercise at a FAR Part 139 Certified Airport.

Modified, 1 CMC § 3806(a), (d), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d). The Commission changed the capitalization of “military” for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-005 Key Positions

- (a) Airport Manager or authorized designee – Overall responsibility for safe operation of the airport, including:
 - (1) Responsible for the safe conduct of exercise events on the airport coordinating with Air Traffic Control Tower (ATCT, Guam CERAP) personnel during the exercise.
 - (2) Determine whether crowd evacuation is necessary in an emergency. If evacuation is required, issues appropriate instructions to direct evacuation pursuant to its AEP.
 - (3) Continuously monitor for any operation or activity deemed unsafe, and communicate necessary instructions to appropriate personnel to terminate those activities.
 - (4) Ensure compliance with FAR Part 139.
 - (5) Manage the schedule of exercises.
 - (6) Coordinate with outside agencies.

- (b) Operations Supervisor or authorized designee – Overall responsibility for safety on the AOA during the exercise including:
 - (1) Overall responsibility for placement of approved temporary facilities and

TITLE 40: COMMONWEALTH PORTS AUTHORITY

equipment.

- (2) Assess ground operations from the standpoint of safe practices.
- (3) Coordination of parking and transportation issues.
- (4) Coordinate real time activities with ATCT, Guam CERAP.
- (5) Ensure necessary operational planning has been completed.
- (6) Coordinate with emergency personnel to ensure emergency resources are in place prior to commencing exercises when required.
- (7) Conduct a daily exercise operations briefing for participating pilots and ground crews as required. The briefing will include specific local information such as compliance with FAR Part 139 and security requirements.
- (8) Continuously monitor the exercise remaining alert for any operations or activity deemed unsafe, and take action to terminate those activities.
- (9) In an emergency requiring evacuation, assist with appropriate crowd evacuation procedure pursuant to the AEP.

(c) Chief of Ports Police or authorized designee – Responsibility for implementation of 49 CFR Part 1542, security regulations.

- (1) Coordinate operations of the emergency resources: local fire protection district and emergency medical service units, first aid station, local law enforcement, and contract security agencies.
- (2) Ensure that exercise site security (perimeter, controlled access points, etc.) is maintained at all times, including proper deployment of crowd control barriers and personnel.
- (3) Handle crowd control and security-related issues in coordination with all Airport Emergency Plans (AEP).
- (4) Make continuous safety announcements.
- (5) Inform all of an emergency situation.
- (6) Maintain calm by making appropriate announcements.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “emergency” in (a)(6) for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-010 ARFF Operations - Command Post

The exercise command post will be located at the Emergency Operations Center (EOC) at the ARFF station for Saipan or respective EOC locations for Rota and Tinian, as designated by the ports managers, and will serve as the central location for managing information, directing exercise staff, and coordinating with outside agencies. Command post resources will include: communications capability (radios and cell phones), site diagrams, posted lists (key personnel and contact numbers), copies of exercise documents and plans, message board, and office supplies. In the event of emergency, key exercise personnel, the airport manager, and the local FAA coordinator are authorized to

TITLE 40: COMMONWEALTH PORTS AUTHORITY

coordinate information, assess conditions, and manage the incident.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Command Post” for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-015 Communications Network

A formal radio communications network will be used during the exercise. Key personnel and operational areas will be issued a radio and or communication device and shall monitor the assigned frequency at all times. At Tinian and Rota Airports, radio communications must be freely accessible by the Flight Service personnel to the exercise's radio communications command center. If no radio is available or provided by the exercise operation, a manned personnel from the exercise team must be stationed at the Flight Service Office to monitor and relay traffic activities of the exercise to Flight Service personnel. The command post shall serve as base station and conduct a roll call each morning of the event to ensure the network is operating properly. Notification of minor incidents (e.g., small fuel spill from static aircraft, etc.) and medical emergencies will be via this network.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-020 Air Operations Briefing / Debriefing

An operations briefing for the current day followed by debriefing of the previous day will be held daily at a specified time at the command post. The focus will be on procedures that worked well, problems encountered, suggested corrective actions, and an evaluation by the Airport Manager. These briefings / debriefings shall be attended by the following:

- (1) Airport Manager or authorized designee
- (2) Director of Emergency Management or authorized designee
- (3) Chief of Ports Police or authorized designee
- (4) Chief of ARFF or authorized designee
- (5) Operations Supervisor or authorized designee
- (6) Safety Officer or authorized designee
- (7) Officer in Charge of Military Operations

Modified, 1 CMC § 3806(a).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 100 – Ground Operations

§ 40-10.2-101 Purpose

This part defines the procedures to be followed to safely conduct ground operations in support of the exercise.

Modified, 1 CMC § 3806(a), (d).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d).

§ 40-10.2-105 Safety

The safety of flight line personnel, aircrew, exercise participants and visitors is the primary focus during the exercise and aircraft handling activities. All personnel are to remain alert for unsafe conditions or practices. Anyone observing a safety-related incident must immediately report the problem to the appropriate airport management representative and/or immediately take corrective action.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-110 Security

(a) The exercise area will be delineated by crowd control barriers and security fencing. There will be two to four controlled entry and exit points depending on the airport and as designated by each respective Airport Manager. Each airport designated entry and exit points are as follows:

Saipan International Airport

1. AOA Gate #1, West Gate (main gate)
2. AOA Gate #3, Commuter Gate

Tinian International Airport

1. Main Gate “A” Ramp Access
2. Secondary Gate “C”

TITLE 40: COMMONWEALTH PORTS AUTHORITY

3. Secondary Gate “D”

Benjamin Taisacan Manglona International Airport (Rota)

1. AOA East Gate
2. AOA West Gate
3. AOA South Gate

(b) Flight line access will be allowed only to appropriately badged individuals, to include:

- (1) Exercise officials and directors.
- (2) Military personnel.
- (3) Pilots of aircraft parked on the ramp/apron.
- (4) Certain guests escorted by exercise personnel.
- (5) Media personnel, if allowed.

(c) Ports Police personnel will provide security for the exercise ramp area during the period of the scheduled exercises hours as well as during off hours to discourage unauthorized entry and to prevent tampering with the aircraft.

Modified, 1 CMC § 3806(a), (e).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission struck the figures “(2)” and “(4)” in (a) as a mere repetition of written words pursuant to 1 CMC § 3806(e).

§ 40-10.2-115 Apron / Ramp Operations

(a) The following procedures and considerations will apply to exercise participants:

Note: Prior to any operations at the airport, all ground personnel identified as part of the exercise operations must go through a briefing by either the Operations Supervisor or Chief / Asst. Chief of Ports Police.

- (1) Aircraft shall not be started or taxied on non aircraft usable surfaces
- (2) Aircraft engines will not be started and operated closer than 100 ft. of the terminal area.
- (3) Helicopters may not engage rotor systems closer than 200 ft. from the terminal area.
- (4) A fire guard with fire extinguisher shall be posted prior to exercise aircraft engine starts.
- (5) There must be at least two wing-walkers for each aircraft being moved or towed by the ramp crew.
- (6) Following engine start and prior to taxi, each aircraft will be inspected by a flight line crewmember for anomalies such as fluid leaks, loose panels, etc.
- (7) Aircraft shall be checked when in their assigned parking spot
- (8) Flight line personnel are to remain clear of propellers and jet engine intakes at all times.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (9) To the extent practical, there should be no running on the flight line.
- (10) Flight line personnel must be alert for and remove any debris, trash etc. on the ramp that could cause foreign object damage (FOD) to aircraft.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 200 – Operations

§ 40-10.2-201 Purpose

This part defines procedures to be followed to safely conduct the aerial events scheduled for the exercise.

Modified, 1 CMC § 3806(a), (d).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d).

§ 40-10.2-205 Aerial Events

- (a) Exercise aerial events will be conducted in accordance with and/or be governed by the following standards and regulations:
- (1) Federal Aviation Regulations (FAA Order 7110)
 - (2) Federal Aviation Regulations (FAR Part 139)
 - (3) Federal Flight Standards District Office (FSDO) directives
 - (4) Commonwealth Ports Authority (CPA) rules, regulations, policies and directives

Note: All fighter jets approaching the runway for landing must align with the runway no less than a mile away. Similarly, when taking off from the runway, they should maintain alignment (no right or left turns) at least three miles away from runway end prior to making any turns.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 300 – Terminating Exercise Activities

§ 40-10.2-301 Purpose

TITLE 40: COMMONWEALTH PORTS AUTHORITY

This part sets protocol that will be used to suspend an exercise event that is in progress on the airport. Only the Airport Manager or his/her designee has the authority to terminate any and all exercise activities in the airport for non-complying conditions in accordance with FAR Part 139, safety of personnel and the protection of property. The Exercise Coordinator must report any unusual exercise activities to the Airport Manager for immediate action.

Modified, 1 CMC § 3806(a), (d).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d).

Part 400 – Emergency Planning

§ 40-10.2-401 Purpose

This part defines procedures that will be implemented in the event of an emergency situation and shall be conducted pursuant to the Saipan, Tinian or Rota International Airports' AEP.

Modified, 1 CMC § 3806(a), (d).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d).

§ 40-10.2-405 Emergency Situations

Emergency situations requiring immediate action to ensure life safety could occur during the exercise. These include (but are not limited to): aircraft crash, aircraft fire, fuel spill, and structure fire.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-410 Aircraft Emergency

In the event of an aircraft accident, primary response will consist of airport aircraft rescue and fire fighting (ARFF) equipment along with mutual aid fire and emergency medical services (EMS) units in accordance with the established Airport Emergency Plan. If an

TITLE 40: COMMONWEALTH PORTS AUTHORITY

aircraft emergency occurs during the exercise, the primary objective of the airport staff will be to quickly isolate the hazard by evacuating people away from the area. This also applies to fires and other hazardous situations (e.g. fuel spill) involving aircraft on its apron/ramp areas. Airport personnel assisted by other resources, as necessary, will handle incident mitigation.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Airport” for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-415 Non-Aircraft Emergency

Fire incidents (e.g. vehicle fire) and other hazardous situations in the exercise area (not involving aircraft) or in the parking areas, can be handled by both ARFF and the local fire department engine company assigned to the state. Local law enforcement personnel will assist by directing participants away from the incident and then keeping the area clear for responding emergency services.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-420 Medical Emergency

(a) Emergency care and transport of sick or injured persons will be conducted in accordance with established local EMS protocols. Resources available to accomplish this function include:

- (1) On-site first aid station.
- (2) Local EMS unit on exercise standby (assisted by local fire department).
- (3) Local EMS response capability. In the event of a mass casualty-type incident, triage, emergency care, and transport will be conducted in accordance with the established Airport Emergency Plan and local EMS protocols.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-425 Incident Notification Procedure

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(a) The exercise command post will serve as "base station" for the operations communications network. The command post must be notified of an emergency or hazardous condition as soon as is practical by the person(s) discovering the problem. In many cases, this notification could occur after one of the on-site emergency units has been alerted (e.g. EMS unit on exercise standby). When notified of an incident in progress, the command post will:

- (1) Confirm the nature and location of the emergency.
- (2) Announce the nature and location of the emergency over the operations communications network.
- (3) Verify that the proper resources are responding to the incident.
- (4) Ensure the proper airport and exercise personnel are aware of the incident.
- (5) Document all relevant information on the incident, including: time of occurrence, nature, location, and action taken.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 500 – Crowd Evacuation

§ 40-10.2-501 Purpose

This part defines procedures that will be implemented in the event of an emergency situation requiring exercise participant evacuation from all or part of the airport.

* For evacuation routes, see Evacuation Route APPENDIXES for each respective airport.

Modified, 1 CMC § 3806(a), (d), (g).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted "part" for "section" pursuant to 1 CMC § 3806(d). The Commission struck "attached to this document" pursuant to 1 CMC § 3806(g).

§ 40-10.2-505 Evacuation Procedures

- (a) The Chief of Airport Police:
- (1) Determine the need for evacuation.
 - (2) Notify the airport management on the exercise communications network to initiate evacuation. Specify by which evacuation route(s) (e.g., primary and secondary only).
 - (3) Determine if aircraft exposed to the incident can be safely moved and issue necessary instructions to accomplish this task.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (b) The AOA Crew:
- (1) Immediately isolate the incident site by evacuating people from the area.
 - (2) Direct the personnel toward the appropriate evacuation route – as instructed by the Chief of Police.
 - (3) Move exposed aircraft away from the incident site – as instructed by the Chief of Police.
 - (4) Make appropriate announcements to direct participants away from the incident and toward the appropriate evacuation route(s).
 - (5) Announcements may be supplemented with pre-assigned personnel on foot utilizing bull horns.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Airport Management” in (a)(2) for the purpose of conformity pursuant to 1 CMC § 3806(f).

Part 600 – Aircraft Accident / Incident Procedures

§ 40-10.2-601 Purpose

This part defines procedures to be followed should an accident / incident occur involving any aircraft. Refer to the Saipan, Rota, or Tinian Airport Emergency Plans (AEP) depending on which airport accident / incident occurred on.

Modified, 1 CMC § 3806(a), (d).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission substituted “part” for “section” pursuant to 1 CMC § 3806(d).

§ 40-10.2-605 Accident Scene Preservation

Preservation of the accident scene and physical evidence shall be a high priority after life safety issues have been addressed. Exercise staff shall assist in this effort at the direction of the Incident Commander and airport staff. Access to the crash site shall be restricted to ALL personnel unless approved by the Incident Commander.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.2-610 Key Positions of Levels of Management

Overall:

1. Executive Director – Ms. MaryAnn Q. Lizama

Saipan International Airport

2. Saipan Airport Manager – Mr. Edward B. Mendiola
3. Operations Supervisor – Mr. Juan C. Tudela
4. ARFF – Chief James V. Diaz
5. Ports Police – Acting Chief Juan Dela Cruz

Tinian International Airport

6. Tinian Ports Manager – Mr. Joseph M. Mendiola
7. Tinian Asst. Ports Manager – Gerald K. Crisostomo
8. Police / ARFF – Capt. Rudeinn C. Sablan

Benjamin Taisacan Manglona International Airport (Rota)

9. Rota Ports Manager – Mr. Martin Mendiola
10. Police / ARFF – Asst. Chief Roger Taisacan

Others

11. Military Officer in Charge – Military appointed
12. Safety Administrator – TBD

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 700 – General Provisions

§ 40-10.2-701 Airspace

All airspace use will be strictly coordinated with the FAA Guam CERAP office.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission named this part and numbered this part and section pursuant to 1 CMC § 3806(a).

§ 40-10.2-705 Aircraft Handling, Servicing and Fueling

It is the responsibility of the exercise participants to arrange for all necessary and proper Aerospace Ground Equipment (AGE) for military units to ensure professional, qualified

TITLE 40: COMMONWEALTH PORTS AUTHORITY

and safe aircraft servicing. All aircraft requiring fuel and related fueling operations shall be conducted in accordance with the Saipan, Tinian or Rota Airport Certification Manuals, NFPA 407, FAR Part 139 and APPENDIX B for hot refueling requirements. Note: Hot refueling operations are not permitted at the Benjamin Taisacan Manglona International Airport on the island of Rota.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Hot Refueling” for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-710 Hangar Space

(a) The only available hangar space available at the Francisco C. Ada / Saipan International Airport is being leased out exclusively to Freedom Air. Therefore, temporarily “tent” shelters may be used in a location designated by CPA as provided by the military.

(b) Due to limited hangar space at Tinian Airport, exercise participants will be granted temporary access to any terminal space as designated by the Airport Manager or “tent” shelters on the side of the airport as provided by the military.

(c) Due to limited hangar space at Rota Airport, exercise participants will be granted temporary access and use of ARFF Bay 11 or in temporary “tent” shelters as provided by the military.

Modified, 1 CMC § 3806(a), (f), (g).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “airport manager” in (b) for the purpose of conformity pursuant to 1 CMC § 3806(f). The Commission inserted an open paren before “tent” in (a) pursuant to 1 CMC § 3806(g).

§ 40-10.2-715 AOA Security

Security of the exercise will be conducted in accordance with 49 CFR, Part 1542, security regulations and combined efforts between the airports, TSA and the military. Airport perimeter gates and openings in security fence will be protected by the Airport Police. The exercise will utilize only areas of the airport that are designated by the Airport Manager.

Modified, 1 CMC § 3806(a).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-720 Hazardous Materials

Hazardous Materials (HAZMAT) disposal methods will comply with both state and federal HAZMAT disposal regulations. A HAZMAT disposal drum shall be provided by the exercise participants for the discarding of hazardous materials and ultimate disposal of same.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “State”, “Federal”, and “Exercise” for the purpose of conformity pursuant to 1 CMC § 3806(f).

Part 800 – Miscellaneous Provisions

§ 40-10.2-801 FAR Part 139 Issues

The proceeding topics cover elements contained in the Airport Certification Manuals (ACM). CPA is responsible for resolution of these issues:

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission named this part and numbered this part and section pursuant to 1 CMC § 3806(a).

§ 40-10.2-805 Airline Operations

The exercise event is planned for the Apron/Ramp area and is not anticipated to impact the commercial airlines terminal and ramp areas. Accordingly no special operations can be conducted during the exercise that will impact other aeronautical activities on the airport.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Operations” for the purpose of conformity pursuant to 1 CMC § 3806(f).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.2-810 Aircraft Rescue and Firefighting (ARFF) Capability and Special Emergency Response Procedures

(a) All three CPA airports will function in accordance with their Airport Emergency Plans which is to provide Aircraft Rescue and Firefighting (ARFF) in the event of an aircraft incident or accident on the airport. ARFF is the first responder to all incidents on the airport back up by the state fire department. The airport shall ensure that pre-positioning of an ARFF unit does not affect any of the airport’s Part 139 Certification Level. Response times to any airport incident will not be affected by the exercise. The airport has the following ARFF Units:

Saipan International Airport

Vehicle	Gallons of Water	Gallons of Foam
RIV	100	10
Crash-7	1,500	205
Crash-8	3,000	420
Crash-9	1,500	210
Tanker-6	3,000	none

On-Duty ARFF Personnel per shift: 7-9 personnel

Tinian International Airport

Vehicle	Gallons of Water	Gallons of Foam
Striker ARFF Vehicle	1,500	200
Titan ARFF Vehicle	1,500	200
HAZMAT Vehicle w/ trailer		

On-Duty ARFF Personnel per shift: 2 personnel (ARFF / Ports Police Officers)

Benjamin Taisacan Manglona International Airport (Rota)

Vehicle	Gallons of Water	Gallons of Foam
Striker ARFF Vehicle	1,500	200
Titan ARFF Vehicle	1,500	200
HAZMAT Vehicle w/ trailer		

On-Duty ARFF Personnel per shift: 2 personnel (1 Chief, 1 fire fighter)

(b) Hazardous material response will be provided by both the ARFF and state fire department. However, the ARFF is not fully trained to handle and respond to hydrazine incident(s). ARFF personnel will assist with exercise participants who are trained to handle this specific hazardous material. Exercise participants shall be responsible in bringing highly trained and qualified personnel to handle hydrazine incidents.

Modified, 1 CMC § 3806(a), (f), (g).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Fire Department” in (a) and “State Fire” in (b) for the purpose

TITLE 40: COMMONWEALTH PORTS AUTHORITY

of conformity pursuant to 1 CMC § 3806(f). The Commission struck “during” in (a) pursuant to 1 CMC § 3806(g).

§ 40-10.2-815 Temporary Arresting Gears Installed in a Runway Safety Area

Arresting Gear / Barrier Engagement Systems must be coordinated for use with the Airport Manager and can only be utilized upon approval by the FAA ADO. To include objects that cannot be located in the Safety Areas that are not fixed by function and must be frangible no higher than 3 inches above grade.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-820 Pyrotechnic Devices

Pyrotechnic devices must be coordinated for use with the Airport Manager and can only be utilized by approval by the FAA ADO, Airport Police and TSA.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-825 Temporary Closures of Runways and Taxiways

Must be coordinated with the Airport Manager and conducted in accordance with its ACM and AC 150/5370-2f.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-830 Movement Area Maintenance

Exercise aircraft and ground vehicles will be parked in the following locations of each respective airport:

Saipan International Airport

Western end of the apron which is adjacent to Taxiway G, in a non-movement area.

Tinian International Airport

TITLE 40: COMMONWEALTH PORTS AUTHORITY

East Apron adjacent to Taxiway A or west gate adjacent to Taxiway A, in a non-movement area.

Benjamin Taisacan Manglona International Airport (Rota)

East Apron adjacent to Taxiway C, in a non-movement area.

Note: Any ground vehicles required to access movement areas **MUST BE ESCORTED BY A QUALIFIED AIRPORT OPERATOR** in accordance with its ACM and FAR Part 13.339.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-835 Fueling Operations

Jet-A fueling will be provided by mobile refueler truck through Exxon/Mobil. Refueling of AVGAS will be coordinated with local supplier. All Exercise Self Fuelers **MUST** conduct all fueling operations in accordance with the Saipan, Tinian or Rota International Airports' ACM, NFPA and FAR Part 139.321.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-840 Public Protection

Personnel control is maintained by encircling the exercise grounds with a combination of manufactured chain link fence, snow fence and water filled barricades. The Airport and Exercise participants are responsible for protecting any openings in this fencing. Facilitation of ingress and egress of participants is a combined effort of local law enforcement agencies. Exercise aircraft will taxi on Taxiway A and onto Taxiway G at the western end of the apron at the Saipan International Airport in a non-movement area, Taxiway B north of the terminal at the Tinian International Airport, and north to south on Taxiway B south ramp at the Benjamin Taisacan Manglona International Airport (Rota). The security effort provided by the airport will be in place for exercise control along the fence line and will keep people away from the fence during aircraft operations to protect against jet blast.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-845 Self-Inspections

The airport will conduct inspections daily except as otherwise required by the ACM and FAR Part 139.327, which are required to be performed as a result of unusual conditions such as construction activities, meteorological conditions, after an accident and / or an incident on the movement areas.

Modified, 1 CMC § 3806(a), (g).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission inserted a forward slash between “and or” pursuant to 1 CMC § 3806(g).

§ 40-10.2-850 Exercise Ground Vehicle Operations

Should a need occur for exercise personnel to enter the movement area; they will be escorted by a qualified airport personnel who are trained and permitted. The exercise will utilize vehicles permitted to operate within the AOA areas and as approved by each respective airport. The other vehicles will be used only to transit adjacent non-movement areas only. Exercise operators will use the established marked roadways already in use by FBO and general aviation personnel in the non-movement areas ONLY.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Qualified” for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 40-10.2-855 Pedestrian Operations

Should a need occur for exercise personnel to enter the movement area on foot, they will be escorted by qualified airport personnel who are trained and permitted. Exercise personnel shall not be left unattended under any circumstance and must be accompanied at all times while operating on the movement areas.

Modified, 1 CMC § 3806(a), (f).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of “Qualified” for the purpose of conformity pursuant to 1 CMC § 3806(f).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.2-860 Impact to NAVAIDS

The airport shall prevent the use of exercise equipment that may derogate the operations of an electronic or visual NAVAID and ATCT facilities on the airport in accordance with FAR Part 139.333. ONLY FAA maintenance personnel are responsible for placing NAVAIDS out and in service.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-865 NOTAMs

The airport is responsible for the issuance of NOTAMs in accordance with its ACM and FAR Part 139.339, i.e., NOTAMs affecting airport closures, airport surfaces and airport aircraft landing and movement areas.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-870 Wildlife Hazards

The airport is responsible for reporting and alleviating wildlife hazards whenever they are detected in accordance with its ACM, Wildlife Hazard Management Plan and FAA Part 139.337.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-875 FOD Control

Exercise participants shall provide the necessary personnel and equipment for the cleanup and control of FOD on the AOA within its assigned areas.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-880 Changes to Airport Markings

No changes to any airfield signage, markings and lightings are authorized unless approved by the FAA ADO. This includes any temporary features.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-885 Paved Areas

No changes or alterations to any runway, taxiway, loading ramp and aircraft parking surface is authorized, unless approved by the FAA ADO. This includes any temporary features to be installed on any portion of paved aircraft surfaces.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

§ 40-10.2-890 Obstructions

The installation of objects in Obstruction Free zones and areas are prohibited and must be approved by the Airport Manager prior to installation. This includes temporary objects i.e. antennas, light poles/fixtures, communications towers, etc.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this section pursuant to 1 CMC § 3806(a).

Part 900 – Claims Against the United States

§ 40-10.2-901 Claims Against the United States

CPA hereby reserves the right to make a claim against the United States for property damage, personal injury, or death caused by military personnel or civilian employees of any branch of the military acting in the scope of their employment or otherwise incident to the military's noncombat activities while on or off CPA property.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a).

Part 1000 – Conditions

§ 40-10.2-1001 Conditions

Any military branch requesting use of a CPA airport must submit a scope of work for CPA’s review, and acknowledge receipt and understanding of the Implementation Plan. No military activities will be allowed / permitted without approval by CPA’s Executive Director or his designated appointee.

Modified, 1 CMC § 3806(a), (g).

History: Amdts Adopted 38 Com. Reg. 38195 (June 28, 2016); Amdts Proposed 37 Com. Reg. 36032 (Feb. 28, 2015).

Commission Comment: The Commission numbered this part and section pursuant to 1 CMC § 3806(a). The Commission struck “, as attached to this document” pursuant to 1 CMC § 3806(g).

The Implementation Plan referenced at § 40-10.2-1001 can be found in the proposed amendment’s appendix located at 37 Com. Reg. 36050–36071 (Feb. 27, 2015).

**CHAPTER 40-20
SEAPORT DIVISION**

Subchapters

- 40-20.1 Harbor Regulations**
- 40-20.2 Terminal Tariff Rules and Regulations**

**SUBCHAPTER 40-20.1
HARBOR REGULATIONS**

Part 001	General Provisions	§ 40-20.1-105	Port Superintendent
§ 40-20.1-001	[Reserved]		
§ 40-20.1-005	Definitions	§ 40-20.1-110	Consent Regulations to
Part 100	General Regulations	§ 40-20.1-115	Explosives
Governing Harbor Usage		§ 40-20.1-120	Damages to
§ 40-20.1-101	General Statement in Conflict with Other Laws, Rules or Regulations		Quays, Wharves, Wharf Structures, Utilities and Cargo Handling and Storage Areas

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- | | | | |
|-----------------|--------------------------------|---------------|--------------------------|
| § 40-20.1-125 | Access to Vessels | § 40-20.1-226 | Charge for |
| § 40-20.1-130 | Compliance with | | Cleaning of Harbor |
| | Federal and Government | | Facilities |
| | of the Northern Mariana | § 40-20.1-228 | Owner of Mobile |
| | Islands Laws and | | Equipment Identified |
| | Regulations | § 40-20.1-230 | Unpermitted |
| § 40-20.1-135 | Communications | | Vehicles Prohibited |
| | Regarding Harbor | § 40-20.1-232 | Speed Limits |
| | Regulations | § 40-20.1-234 | Emergency and |
| § 40-20.1-140 | Traffic Control | | Government Vehicles |
| § 40-20.1-145 | Application of | § 40-20.1-236 | Vehicles as |
| | Other Laws and | | Freight Excepted |
| | Regulations | § 40-20.1-238 | Fowl, Animals, |
| § 40-20.1-150 | Port Security | | and Livestock |
| § 40-20.1-155 | Environmental | § 40-20.1-240 | Private Use of |
| | Control | | Harbor Property and |
| § 40-20.1-160 | Vessels to Have | | Facilities |
| | Agents | § 40-20.1-242 | Vehicles under |
| § 40-20.1-165 | Payment of Port | | Port Superintendent's |
| | Fees and Charges | | Control |
| Part 200 | Safety, Cleanliness and | § 40-20.1-244 | Placement of |
| | Use of Facilities | | Goods and Equipment |
| § 40-20.1-201 | Fire Alarm | § 40-20.1-246 | Wharf Closure; |
| § 40-20.1-202 | Vessels | | Suspension of Port |
| | Containing Explosives | | Operations |
| § 40-20.1-204 | Loading or | § 40-20.1-248 | Objectionable |
| | Unloading Explosives | | Materials |
| § 40-20.1-206 | Hauling | § 40-20.1-250 | Garbage, Ballast |
| | Explosives | | Disposal |
| § 40-20.1-208 | Nitrate of Soda; | § 40-20.1-252 | Disposal of |
| | Sulphur | | Derelict Vessels, Large |
| § 40-20.1-210 | Acids | | Objects |
| § 40-20.1-212 | Leaking | § 40-20.1-254 | Objects |
| | Containers Prohibited | | Abandoned in Navigable |
| § 40-20.1-214 | Flame Treatment | | Waters |
| | of Combustible Materials | § 40-20.1-256 | Connection to |
| § 40-20.1-216 | Fumigation of | | Dockside Water Supply |
| | Vessels | | System |
| § 40-20.1-218 | Spark Arresters | § 40-20.1-258 | Dumping at Sea |
| | Required | | of Sinkable Objects |
| § 40-20.1-220 | Repairs | § 40-20.1-260 | Loading of |
| § 40-20.1-222 | Smoking | | Flammable Liquids |
| | Prohibited | § 40-20.1-262 | Welding and |
| § 40-20.1-224 | Use of Explosives | | Burning Operations |
| | Prohibited | § 40-20.1-264 | Dredging and the |
| | | | Removal of Sand, Gravel, |

TITLE 40: COMMONWEALTH PORTS AUTHORITY

	Rock, Etc.		Departure; Complaints
§ 40-20.1-266	Structures	§ 40-20.1-418	Duties of the Pilot and the Vessel's Master
	Prohibited Without Permission	§ 40-20.1-420	Small Craft Operation
§ 40-20.1-268	Use of Harbor by Small Craft	§ 40-20.1-422	Homeported Vessels
§ 40-20.1-270	Port Security	§ 40-20.1-424	Pilot's License Required
§ 40-20.1-272	Cost of Cleanup of Oil Spillage	§ 40-20.1-426	Qualification for Harbor Pilot's License
Part 300	Fishing and Recreational Activities	§ 40-20.1-428	U.S. Coast Guard Examination
§ 40-20.1-301	Where Prohibited	§ 40-20.1-430	Examination Results to Authority
§ 40-20.1-305	Recreational Water Sports Prohibited	§ 40-20.1-432	Familiarization Trips
§ 40-20.1-310	Alcohol Consumption Prohibited	§ 40-20.1-434	Physical Examination
§ 40-20.1-315	Persons Under the Influence	§ 40-20.1-436	License Renewal
Part 400	Pilotage	§ 40-20.1-438	Accident Reports Required
§ 40-20.1-401	Private Tugboat or Pilot Services	§ 40-20.1-440	Revocation of Pilot's License
§ 40-20.1-402	Pilots; Boarding	§ 40-20.1-442	Unlimited Radar Observation Training Course
§ 40-20.1-404	Observance of Regulations Required	§ 40-20.1-444	Pilotage in Violation of these Regulations
§ 40-20.1-406	Pilot Required	§ 40-20.1-446	Drug Screening Tests
§ 40-20.1-408	Tugs; Required for Vessels of 300 Gross Tons	§ 40-20.1-448	Validity of Licenses Issued by Board of Professional Licensing
§ 40-20.1-410	Tugs; Vessels Under 300 Gross Tons	§ 40-20.1-450	Construction of Harbor Superintendent
§ 40-20.1-412	Order of Priority for Pilot Services		
§ 40-20.1-414	Specified Wharf or Berth		
§ 40-20.1-416	Clearance for		

Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000); Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994);* Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984); Amdts Adopted 6 Com. Reg. 2549 (Jan. 15, 1984); Amdts Proposed 5 Com. Reg. 2490 (Nov. 15, 1983); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

*A notice of adoption for the September 1994 proposed amendments was never published.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: For the history of the regulatory authority of the Commonwealth Ports Authority, see the general Commission comment to subchapter 40-10.1.

PL 2-48, the “Commonwealth Ports Authority Act,” codified as amended at 2 CMC §§ 2101-2190, took effect October 8, 1981. It was based on the “Mariana Islands Airport Authority Act” enacted by the Congress of Micronesia as PL 6-58. See the commission comment to 2 CMC § 2101. PL 2-48 created the Commonwealth Ports Authority to implement its provisions and operate the ports of the Commonwealth. See 2 CMC §§ 2121-2122.

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.

Part 001 - General Provisions

§ 40-20.1-001

[Reserved.]

§ 40-20.1-005 Definitions

- (a) “Executive Director” shall mean the Executive Director of the Commonwealth Ports Authority, and any person acting for him under his authority.
- (b) “CPA” shall mean the Commonwealth Ports Authority created by PL 2-48 [2 CMC §§ 2101-2190].
- (c) “Territorial waters” shall mean all territorial waters contiguous to the islands of Saipan, Tinian, and Rota.
- (d) “Pilot” shall mean a person who holds a valid federal or Trust Territory pilot’s license for the waters in which he is operating.
- (e) “Vessel” embraces power boats, ships, tugs, sailing vessels, barges, scows, lighters, ferry boats, and any and all other water craft except public vessels of the United States or of the government of the Northern Mariana Islands.
- (f) “Berth”: A vessel which is moored or made fast to a quay, wharf, dolphin or other structure is said to occupy a berth.
- (g) “Outside berth”: A vessel which moors or makes fast to another vessel which is occupying a berth is said to occupy an outside berth.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (h) “Dockage” is the charge assessed against a vessel when:
- (1) Berthed at or made fast to a quay, wharf, dolphin or other structure;
 - (2) Occupying an outside berth;
 - (3) Not tied up to or lying alongside of a quay or wharf but is using such by means of boats, rafts, lighters, or other means.
- (i) “Wharfage” shall mean the charge assessed against all cargo:
- (1) Passing or conveyed over, onto or under any quay, wharf or
 - (2) Passing or conveyed to or from a vessel while such vessel is:
 - (i) Made fast to a quay, wharf; or
 - (ii) Moored in any slip, channel, basin or canal; or
 - (iii) Made fast to another vessel which is made fast to a way,* wharf, or moored in any slip, channel, basin or canal. (Wharfage is solely the charge on cargo for the use of the quay, wharf, slip, channel, basin or canal and does not include charges for any other activity or service.)

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

(j) “Flammable liquid” is any liquid which gives off flammable vapors (as determined by the Tagliabue open cup tester, as used for test of burning oils) at or below a temperature of 80 degrees Fahrenheit.

(k) “Shipping container” means a cargo carrying unit, equipment or device designed to be transported directly and mechanically between vessels and other forms of transportation, so as to eliminate intermediate dockside re-handling and/or storage of cargo, in addition, such container shall have minimum dimensions of eight feet in width and ten feet in length. Sea Vans, (also called vanpacks) of the type commonly used by companies or firms to ship household goods or personal effects, are excluded from the definition of a shipping container as described herein.

(l) “Container cargo” means any and all cargo carried and contained in a shipping container.

(m) “Container berth” means any berth at a Commonwealth Ports Authority dock or pier designated by the Executive Director for preferential or exclusive use by vessels loading or discharging shipping containers.

(n) “Tanker” means a self-propelled cargo vessel, especially designed and equipped with tanks for the transportation of oil gasoline, molasses or other liquids, fluids and free flowing materials and which is actually transporting therein fuel oil, diesel oil, lubricating oil, gasoline, jet fuels, benzene, kerosene, naphtha or other flammable petroleum or other products.

(o) “Tanker line vessel” means a cargo ship, primarily designed to carry ordinary freight but equipped with additional bunkers or compartments in which it is actually transporting fuel oil, diesel oil, lubricating oil, gasoline, jet fuels, benzene, kerosene,

naphtha, or other flammable petroleum products or like products in excess of its own requirements.

(p) “USCG” means the United States Coast Guard.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The 1992 Harbor Regulations readopted and republished all of the then existing Harbor Regulations. The Commission, therefore, cites the 1992 regulations in the history sections throughout this subchapter.

The Commission inserted quotation marks around words defined. The starred word “way” in subsection (i)(2)(iii) probably should be “quay.” Compare 14 Com. Reg. at 9250 (May 26, 1992) and 5 Com. Reg. at 1983 (Apr. 29, 1983). In subsection (i)(2)(i), the Commission replaced the final comma with a semi-colon to correct a manifest error.

Part 100 - General Regulations Governing Harbor Usage

§ 40-20.1-101 General Statement in Conflict with Other Laws, Rules or Regulations

Nothing contained in the rules and regulations in this subchapter shall be construed to limit the powers and authority of the government of the Northern Mariana Islands or any federal agency. If any of these provisions are in conflict with any rule or regulation adopted by the government of the Northern Mariana Islands or any federal agency, the*

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

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The 1992 amendments erroneously omitted the following language from this section: “rule or regulation more severe in discipline shall prevail.” Compare 14 Com. Reg. at 9251 (May 26, 1992) and 5 Com. Reg. at 1985 (Apr. 29, 1983).

§ 40-20.1-105 Port Superintendent

(a) The Port Superintendent is the designated representative of CPA and its Executive Director, and as such is delegated full authority and jurisdiction over all territorial waters, exclusive of federally restricted areas; and to administer the Harbor Regulations of CPA; and to establish procedures necessary for the efficient and safe operation of docks, harbors, and territorial waters within his jurisdiction.

(b)(1) A master or person in charge of any vessel shall obey and carry into effect any orders given by the Port Superintendent in relation to the plans and manner of bringing vessels to anchorage, entering or leaving a harbor, or any quay or wharf, and shall not

TITLE 40: COMMONWEALTH PORTS AUTHORITY

move or allow his vessel to be moved in, out, or within a harbor, or anchorage without permission of the Port Superintendent.

(2) The safe navigation of the vessel, including the piloting, is the paramount duty of the master, and the presence of a harbor pilot on the bridge shall in no way relieve the master of his duties. The master remains at all times in full command of the vessel. He shall continue to navigate and shall take bearings and soundings and check compass courses, check radar, and take all actions necessary to safeguard the vessel under his command. In this regard, it shall be the duty of the vessel and her master:

(i) To have posted, and at all time properly instructed, efficient and competent lookouts, each with no other duty to perform, and each with efficient means of rapid communications with the bridge;

(ii) To immediately inform the pilot of all reports by lookouts;

(iii) On radar equipped vessels, to have the radar functioning and manned by a competent observer under instructions to keep the master and the pilot constantly and currently informed of observed targets;

(iv) To arrange for and provide adequate tug assistance, if desired and available, and to arrange for and have available adequate vessel's lines to assist in tying up the tug or tugs;

(v) For the master to remain on the bridge at all times and to accompany the pilot in his duties on and about the bridge;

(vi) To provide and supervise competent vessel's personnel;

(vii) To understand and agree that a pilot is employed only to have the benefit of his knowledge of the harbor;

(viii) To understand and agree that, in as much as all orders of the pilot shall be given in the presence of the master and fully concurred with by him, it being further agreed that the pilot is acting in an advisory, and not in a command, capacity and has no authority independent of the master;

(ix) To have at all times an adequate ship's anchor properly manned and ready to drop;

(x) To provide officers conversant with the English language; and if they do not understand, then request, that the pilot give his orders by hand signals thru the master;

(xi) It is compulsory upon, and the duty of the vessel, her owner, master, operators, charterers, or agents to inform the harbor pilot, either before or immediately at his boarding, of vessel peculiarities, including but not limited to the following:

(A) Any defects or deficiencies in the vessel, her personnel, engines or tackle;

(B) Any vessel peculiarities concerning steering, stopping, handling, speed and maneuvering and the propensity of the vessel to steer;

(C) The number and names of the tugs to be supplied to said vessel; and

(D) Any other information, whether or not herein enumerated, that may or might assist the pilot in the pilotage of the vessel.

(E) It is understood and agreed, and is the essence of the contract under which pilotage services are proffered and rendered, and are requested and accepted by the vessel, that the services of the pilot are requested and accepted on the express understanding that such pilotage services are given, done or performed solely in the pilot's capacity as the servant of the vessel and of her owner, master, operator, charterers

TITLE 40: COMMONWEALTH PORTS AUTHORITY

or agents, and not otherwise, and the owners, master, operators, charterers and agents of the vessel expressly covenant and agree to comply with the provision.

(c) The berthing of vessels at the Commonwealth Ports Authority's quays or wharves under its jurisdiction shall be at the discretion of the Port Superintendent.

(d) The Master of every vessel and the crew thereof, when requested by the Port Superintendent, shall give and afford the Port Superintendent all possible aid in the performance of any of his duties in relation to such vessel.

(e) If by reason of there being no person aboard a vessel with proper authority, or if by reason of an insufficient number of persons aboard such vessel, or if the master and/or crew of a vessel refuses to aid the Port Superintendent in moving, pumping, mooring and unmooring of such vessel when so directed by the Port Superintendent, the Port Superintendent is empowered to move, pump, moor or unmoor, place or remove such vessel. To this end, the Port Superintendent may, if necessary, hire such assistance, equipment and tackle and/or purchase and put aboard such quantity of ballast as to him seems requisite, all at the expense of the master, owners, or agents of such vessel. All costs shall be paid to CPA before permission for departure is given. CPA shall in no way be liable for any damage or loss occurring to any vessel in consequence of such proceedings.

(f) No person without the consent of the Port Superintendent shall cut or cast off any mooring lines, rope or tackle made fast or attached to any vessel, quay, wharf, mooring, buoy or other place when the same has been fastened or attached by the Port Superintendent, or by his order.

(g) Typhoon Condition II: masters, owners and agents of vessels greater than 300 gross tons will comply with all applicable rules, regulations, and orders governing typhoon conditions and will proceed to clear the quay, wharf or dolphins which may be damaged or destroyed during such periods. Failure of masters, owners, and/or agents to comply with the said rules, regulations or orders will lay all responsibility of damages caused by vessel upon them.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The first paragraph of subsection (b) was not designated. The Commission designated it subsection (b)(1) and redesignated subsection (b)(2) accordingly.

§ 40-20.1-110 Consent to Regulations

(a) The engines of any vessel lying at any quay, wharf, dolphin, or other structure shall not be tried or tested except by permission of the Port Superintendent. This shall not apply to routine pre-departure warming up of engines.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (b) The speed of engines being tried or tested as referred to in subsection (a) shall not exceed the speed of such engines when operated under a dead slow bell.
- (c) Any vessel trying her engines as previously referred to will be held responsible for any damage to quays, wharves, or other vessels as a result of such trying or testing of her engines.
- (d) No vessel shall blow tubes or emit unnecessary smoke or polluting vapors of any kind at any time while in port.
- (e) No vessel shall transfer or shift fuel from one tank to another without the permission of the USCG.
- (f) No vessel shall do any gas welding, electrical welding, or carry on burning operations, before obtaining a permit from the USCG.
- (g) No garbage, rubbish or trash shall be dumped on any quays or wharves, or into the waters of the harbor. Pollution of any kind will not be tolerated, and penalties as provided by law will be imposed.
- (h)(1) The master of every vessel entering a port of the Commonwealth shall either
- (i) Seal the outlet on such vessel's sewage disposal system, or
 - (ii) Place a dye in the sewage disposal system which will clearly identify the source of any raw sewage discharged by such vessel. No vessel may remain in any port of the Commonwealth unless its master or agent shall have certified compliance with the provision of this subparagraph.
- (2) The Port Superintendent shall have the authority under this subchapter to inspect any vessel or craft to ensure that proper standards of health and sanitation are being maintained. Should improper conditions be found to exist, the appropriate health authorities will be notified to take whatever actions are deemed necessary.
- (3) Upon the arrival of any vessel in any port of the Commonwealth, the Port Superintendent shall promptly seal the discharge outlet on such vessel's sewage disposal system, with a locking mechanism which shall prevent the discharge of sewage from such sewage disposal system. The Port Superintendent shall not remove such locking mechanism until the vessel is ready to depart from the port. It shall be a violation of these regulations
- (i) For any vessel having a sewage disposal system to remain in any port of the Commonwealth while such system shall not be locked in accordance with the provisions of this subsection; and
 - (ii) For any person, other than the Port Superintendent or his designee, to tamper with or remove such locking system.
- (i) All vessels over 300 gross tons and all foreign vessels entering or leaving commercial harbors of CPA will have an anchor clear and in readiness to let go if required.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(j) No person shall make fast any rope or mooring piles, bitts, or cleats as provided for that purpose.

(k) All vessels other than barges and vessels under 300 gross tons lying alongside of a quay or wharf shall:

(1) At all times have a safe and proper gangway to the wharf, and

(2) Between the hours of sunset and sunrise display a light visible from the harbor or fairway.

(l) The master, owners or agents of a vessel arriving at, or departing from, a harbor shall notify the Port Superintendent as soon as practicable of the hour or expected arrival, including arrival draft, and long tonnage of cargo, and also the estimated time of departure; and in the event of a change in time, the Port Superintendent shall be notified immediately.

(m)(1) No person or persons shall cause or permit any vessel, raft, log, or other floating object to come alongside of, or to be moored to or near any quay, wharf, or pier in any manner that may cause damage to such quay, wharf, or pier.

(2) The Port Superintendent shall remove any vessel, raft, log, or other floating object which may cause damage or interfere with the use of any quay or wharf to some suitable place. The owner thereof, if known, shall be notified forthwith in writing of such removal; but if the owner is not known, due notice of such removal shall be given by posting a notice in a conspicuous public place. If within ten days after the date of giving or posting such notice no claim is made for this property, the Port Superintendent may sell or otherwise dispose of such vessel, log, raft, or other floating object and apply the proceeds of such sale to defray the expenses of CPA and credit the remainder if any, to the owner. CPA shall not be responsible for loss or damage to such vessel, log, raft, or other floating object.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The 1984 amendments added subsection (h)(3). The Commission added commas after the word “log” and “wharf” in subsections (m)(1) and (m)(2) pursuant to 1 CMC § 3806(g).

§ 40-20.1-115 Explosives

Handling of shipments of explosive and other dangerous articles, as defined by CGFR-52-8, 17 FR, 6464 July 17, 1952, unless otherwise noted, will be permitted only after a full compliance by shipper, carrier, and terminal operator with all applicable rules and regulations of that agency, and of the U.S. Coast Guard governing the packaging, marking, labeling, handling, and transporting of such articles. Failure to comply with such regulations will be considered a violation of this subchapter.

Modified, 1 CMC § 3806(d), (g).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission corrected the spelling of “labeling.” The Commission inserted a comma after the word “handling” pursuant to 1 CMC § 3806(g).

§ 40-20.1-120 Damages to Quays, Wharves, Wharf Structures, Utilities and Cargo Handling and Storage Areas

The agents, charterers, master or owners requesting a berth, cargo space allocation, or use of harbor facilities incident to the receiving, discharging, loading, and removal of cargo will be responsible:

- (a) For all damage caused to CPA property by himself, his employees, or any agent, subcontractor or materials handling firm under contract to them doing the discharging, loading, repairing or bunkering of a vessel.
- (b) For providing necessary protection to harbor facilities to protect them from all damages in excess of reasonable wear and tear.
- (c) Repairs to CPA property: Any person responsible for damage to CPA property shall make repairs in accordance with CPA specifications. If the repairs are completed improperly or if the responsible party does not undertake the repairs within a reasonable time, CPA will act to repair the damage and will bill the responsible party as follows:
 - (1) The direct labor charges and cost of materials plus an overhead charge of 25 percent if the repairs are made by CPA employees.
 - (2) The contractor’s charges plus an administrative charge of 25 percent if the repairs are made by a contractor hired by CPA.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-125 Access to Vessels

The Port Superintendent shall be permitted access to enter upon and inspect any vessel to ascertain the kind and quantity of cargo thereon, and upon any rented or leased premises of CPA to inspect such premises as the interest of CPA may require.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-130 Compliance with Federal and Government of the Northern Mariana Islands Laws and Regulations

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Use of harbors and harbor facilities is subject to compliance with all applicable federal and CNMI laws, ordinances, rules, and regulations. Particular attention is directed to:

- (a) Regulations relating to the use of rat guards, and other measures required to prevent rodents from leaving the vessel.
- (b) Regulations pertaining to air and water pollution.
- (c) Regulations pertaining to plant and animal quarantine matters.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “rules” in the first sentence pursuant to 1 CMC § 3806(g).

§ 40-20.1-135 Communications Regarding Harbor Regulations

Requests and complaints from shippers on matters relating to the Harbor Regulations and Tariff must be made to the Executive Director in writing.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-140 Traffic Control

- (a) No vessel shall anchor in any fairway of any channel so as to obstruct the approach to any wharf, as per U.S. Coast Guard Rules and Regulations Part 110, “Anchorage Regulations.”
- (b) Maximum speed of vessels within channels and harbors:
 - (1) All vessels over sixty-five feet in length shall proceed at a rate of speed (except in case of emergency) commensurate with safe navigation and slow enough so as not to cause damage to other vessels and/or property.
 - (2) Vessels under sixty-five feet may proceed at a rate of speed not to exceed ten nautical miles per hour.
 - (3) Nothing herein shall preclude the Port Superintendent from setting different rates of speed to meet special conditions.
- (c) Tugs with or without tows and all other vessels more than sixty-five feet in length or exceeding three hundred gross tons will advise the Port Superintendent of all moves into, within, or departing the harbor, giving the destination, and the time of leaving the berth. All such vessels will operate under the direction of the Port Superintendent.
- (d) Priorities and scheduling of vessel movements and berth assignments in CNMI harbors:

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (1) Priorities for vessel movements other than for typhoons and unless otherwise authorized by the Port Superintendent, shall be as follows:
 - (i) Government vessels when responding to emergencies;
 - (ii) Vessels stopping to discharge sick or injured persons;
 - (iii) Passenger vessels. (Note: The harbor is to be closed to other traffic for an adequate time to permit the safe arrival or departure of passenger vessels);
 - (iv) Inbound vessels scheduled to load or discharge cargo upon arrival:
 - (A) Container/cargo vessels;
 - (B) Other cargo vessels;
 - (C) Tug and tow;
 - (D) Tankers.
 - (v) Shift cargo vessels when required for further cargo handling;
 - (vi) Outbound vessels with inter island cargo;
 - (vii) Incoming vessels arriving for repairs or bunkers;
 - (viii) All others.
- (2) Priorities of vessel sailing in the event of a typhoon warning unless otherwise authorized the Port Superintendent shall be:
 - (i) Government vessels;
 - (ii) Tankers;
 - (iii) Vessels with explosive cargo;
 - (iv) Passenger vessels;
 - (v) Freighters;
 - (vi) Others.
- (3) Scheduling procedures: Agents shall submit the following to the Port Superintendents:
 - (i) Copies of passenger vessel schedules as far in advance as possible;
 - (ii) At the earliest possible time, any ship scheduled for port arrival. (This shall constitute a tentative booking.)
 - (iii) Prior to 11:00 a.m., the day before a vessel's arrival, or as soon thereafter possible, submit an ETA to the Port Superintendent.
 - (iv) A schedule shall then be prepared by the Port Superintendent. The schedule shall be based on the priorities listed above and on the final ETA, and shall be published by 2:00 p.m. each day. Berthing assignments for changes in schedules will be made on a first-come, first-served and a not-to-interfere basis with the established schedule.
 - (v) Prior to 11:00 a.m., daily, submit known departures and shifts for the following day to the Port Superintendent. Changes in schedules will be made on a first-come, first-served basis, in accordance with the priorities above and on a not-to-interfere basis with the established schedule.
 - (vi) Vessels arriving and/or departing at the same hour will be handled in accordance with the priority described above. Within any category the vessel that was assigned confirmed booking first will be permitted to move first unless the vessel is late or operating conditions in the harbor dictate otherwise.
 - (vii) Agents are requested to advise the Port Superintendent at the earliest time when vessels that have been scheduled to call change or cancel their ETA or itineraries by more than 24 hours.
- (4) Other requirements:

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (i) Application for berth assignment shall include information as to any peculiar requirements; i.e., camels needed for side port bunkering, whether one side has to be alongside pier for repairs or other special reasons, etc. Also, indicate any unusual physical features that would affect piloting or mooring, such as engine or steering gear problems, etc.
- (ii) Vessels using side ports for bunkering, storing, passenger debarking, or other reasons, should have side ports closed on approaching the berth, in order to avoid damage to the pier or to the side port.
- (iii) Except for those vessels entering to load petroleum products or for special repairs requiring minimum draft, all vessels, will be ballasted so as to reduce freeboard to a reasonable degree, and to provide positive stability as required.
- (iv) Agents shall arrange for proper and adequate linemen on time for all vessel arrivals, shifts and departures.
- (v) Pilots and tugs: Agents shall make all arrangements for the employment of pilots and adequate tug assistance, and will arrange and have available adequate vessel's lines to assist in tying up the tug or tugs.
- (vi) It is the duty of the vessel's agents to keep Customs, Immigration, and Agricultural Quarantine advised as to the docking time of vessels being handled by them. If the vessel carries any live fish or wildlife, or parts or products of any fish or wildlife protected by any federal or Commonwealth law as* regulations, the vessels' agent shall also advise the Fish and Wildlife Division of such docking time. It is not the responsibility of CPA to arrange for any government officials to board and clear vessels.
- (vii) All changes in a vessel's arrival time, shifting time or sailing time must be made more than two hours in advance of the previously booked time.
- (viii) All commercial vessels using Port Authority wharves, piers, or other dock facilities must use shore provided line handlers for reasons of safety. Personnel from the Port Superintendent's Office are not to be used in lieu of other line handlers.

*So in original; probably should be "or."

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-145 Application of Other Laws and Regulations

Nothing in this subchapter is intended to avoid or alter the application of any other applicable federal or Commonwealth laws or regulations, and this subchapter shall be construed as supplementary to rather than in substitution of the same.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-150 Port Security

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Whenever a vessel is in port at any time other than normal government working hours, CPA will endeavor to assign a security officer to duty at the port. Security officers so assigned will utilize their best efforts to assure compliance with this subchapter, and all of the laws and regulations of the United States government and the Commonwealth government in respect of the operation of vessels and the conduct of persons in and at the ports and harbors of the Commonwealth; and shall promptly report any violation thereof to the Port Superintendent. The Port Superintendent shall promptly notify the master or agent of any such violation, and if such violation is not corrected promptly, shall report the same to the Executive Director and to all concerned government agencies for appropriate action.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

§ 40-20.1-155 Environmental Control

(a) It is the policy of CPA that the air, land, and water environment of the ports and harbors of the Commonwealth shall be preserved, to the maximum extent possible. Accordingly, the attention of all masters, vessel owners, and agents is drawn to the provisions of §§ 40-20.1-110(g) and (h)(1), 40-20.1-248(b)-(e), and § 40-20.1-250(a) of this subchapter; and all such persons are reminded that, pursuant to the provisions of section 15 of Public Law 2-48 [2 CMC § 2145], any person who violates any of the said regulations is punishable by criminal penalties consisting of a fine not exceeding \$1000, or by imprisonment not exceeding three months, or both, and civil penalties not exceeding \$1000 for each day during which a violation of a regulation continues.

(b) The Executive Director shall vigorously enforce the aforesaid regulations. To this end, the Executive Director shall

- (1) Promptly report all violators to the Attorney General, for criminal prosecution; and
- (2) Promptly take all appropriate steps to levy and collect civil penalties as authorized by law.

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

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

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

The reference to PL 2-48 § 15 in subsection (a) is in error. The referenced provisions appear in PL 2-48 § 16, codified at 2 CMC § 2145. The Commission has provided the citation to the correct Commonwealth Code section in the brackets.

§ 40-20.1-160 Vessels to Have Agents

(a) Except in the event of an emergency, every vessel which enters a port of the Commonwealth shall have an agent duly licensed to do business as such with the Commonwealth. Each agent shall have a resident employee on the island in which the port of entry is situated.

(b) Every vessel which enters a port of the Commonwealth and which does not have an agent at the time of its entry shall utilize its best efforts to obtain an agent within one business day after its arrival in port.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

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

§ 40-20.1-165 Payment of Port Fees and Charges

(a) The agent of a vessel which enters a port of the Commonwealth shall, no later than upon the entry of such vessel into such port, notify the Port Superintendent of the agency relationship.

(b) Any vessel which does not have an agent authorized to do business in, and having a place of business in the Commonwealth, which enters a port of the Commonwealth, shall within 24 hours of its entry, deposit with the Port Superintendent of the port a sum estimated by the Port Superintendent to be sufficient to cover all fees and charges payable under this subchapter and under CPA's Terminal Tariff [NMIAC, title 40, subchapter 20.2]. The Port Superintendent may, in his discretion, require an addition to such deposit at any time while the vessel remains in port if, in his, opinion, the fees and charges payable by such vessel exceed the amount currently on deposit. No such vessel shall be granted clearance to depart from a port of the Commonwealth unless and until it shall have on deposit with the Port Superintendent a deposit deemed by him to be sufficient to cover all fees and charges payable by the vessel.

(c) All fees and charges payable under this subchapter and under CPA's Terminal Tariff [NMIAC, title 40, subchapter 20.2] shall be paid within thirty days of demand therefor. In the event that such fees and charges are not paid within thirty days of demand, such fees and charges shall bear interest at a rate of 12% per annum from the date that the demand was made; and in addition, the person or persons liable therefor shall additionally be liable for a penalty of \$1000 by virtue of the failure to pay such fees and charges within such thirty-day period. No vessel which has failed to pay any fees and charges payable under this subchapter or under CPA's Terminal Tariff [NMIAC, title 40, subchapter 20.2] within thirty days of demand therefor, and no other vessel owned by the owners of such vessel, shall be permitted to enter any port of the Commonwealth for so

long as such fees and charges, together with interest and penalty as provided for herein, remain unpaid.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

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

Part 200 - Safety, Cleanliness and Use of Facilities

§ 40-20.1-201 Fire Alarm

In the event of fire occurring on board any vessel in port, except vessels underway, such vessels will sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal may be repeated at intervals to attract attention and is not a substitute for, but shall be used in addition to, other means of reporting a fire. The words “prolonged blast” shall mean a blast from four to six seconds in duration. This signal shall not be used for any other purpose.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: Many of the original sections in this part did not have titles. The Commission created the section titles where necessary.

§ 40-20.1-202 Vessels Containing Explosives

No vessel containing more than 25 short tons of class A, 25 short tons of class B, and an unlimited amount of class C explosives (net explosive content) shall enter or be loaded in Commonwealth harbors except on written permission of the Executive Director. The Port Superintendent shall see* the specific berth to be used and any special instructions to be followed. No class A explosives, as defined by the U.S. Coast Guard, will be admitted in any harbor in quantities in excess of the limitations established by the U.S. Coast Guard. Advance copy of manifest should be submitted with application.

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

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The starred language “see for” probably should be “set forth.” Compare 14 Com. Reg. at 9264 (May 26, 1992) (“see for”) and 5 Com. Reg. at 1999 (Apr. 29, 1983) (“set for”).

§ 40-20.1-204 Loading or Unloading Explosives

All handling and loading or unloading of explosives shall be done in a safe and careful manner and shall be in accordance with federal regulations pertinent thereto in force at the time.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-206 Hauling Explosives

All hauling of explosives away from or to the pier shall be done in a safe and careful manner and shall be in accordance with regulations of the Department of Public Safety.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-208 Nitrate of Soda; Sulphur

(a) No nitrate of soda, nitrate of ammonia, sulphur, or other similar materials shall be stored or left upon any wharf for more than four hours unless packed in sound and non-leaking containers. Such materials shall be under the continuous care of a competent watchman satisfactory to the Port Superintendent until removed. The cost of such watchmen shall not be borne by CPA.

(b) Masters, owners or agents of vessels or consignees of cargoes of nitrate of soda, sulphur, or other similar materials, during the process of loading, and removing such cargoes, must at all times keep the wharf swept clean and free of such materials.

(c) If loose nitrate of soda, sulphur, or other similar materials are to be discharged onto or loaded from any wharf or structure at any harbor it shall be placed directly into the carrier and immediately removed. A protective device approved by the Port Superintendent shall be used during the period of loading or unloading to prevent the materials being handled from falling upon the wharf structure.

(d) During the process of handling nitrate of soda, sulphur, or other similar materials on any wharf at any harbor under control of CPA, it shall be obligatory on the part of the master, owners or agents of a vessel to provide containers of not less than fifty gallons capacity filled with a solution of nitrate of soda and water at a distance of not more than fifty feet apart, with suitable buckets placed alongside each container, for the purpose of fighting any fire which may occur in such cargo.

Modified, 1 CMC § 3806(e), (f).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d). The Commission inserted a comma into the phrase “soda, sulphur or other similar materials” in all subsections pursuant to 1 CMC § 3806(g).

§ 40-20.1-210 Acids

(a) Acids of a dangerous character such as sulphuric, muriatic, and nitric acids shall be removed from the wharf immediately upon discharge from the vessel, and no such acid shall be put upon a wharf under control of CPA for shipment until the carrier is ready to receive it. Permission of the Port Superintendent must be secured in the event it becomes necessary to handle such cargoes at times other than specified.

(b) Electric storage batteries containing electrolyte or corrosive battery fluid of non-spillable type, protected against short circuits and completely and securely in boxes, are exempt from this provision.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission inserted a comma after the word “muriatic” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 40-20.1-212 Leaking Containers Prohibited

No gasoline, distillate, kerosene, benzene, naphtha, turpentine, paints, oils, or other flammable substances in leaky containers shall be delivered onto any wharf under the control of CPA. All such substances unloaded from any vessel in a leaky container shall be removed immediately.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “oils” pursuant to 1 CMC § 3806(g).

§ 40-20.1-214 Flame Treatment of Combustible Materials

No combustible materials such as pitch, tar, resin, or oil shall be flame treated on board any vessel within Commonwealth harbors without the permission of the Port Superintendent.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “resin” pursuant to 1 CMC § 3806(g).

§ 40-20.1-216 Fumigation of Vessels

No vessel shall be fumigated or smoked at any wharf under the control of CPA without permission in writing from the Port Superintendent. If fumigation is to be with cyanogen products or hydrocyanic acid gas in any form, however generated, the applicant or his agent shall be in possession of a permit as required by regulations and shall have a watchman on duty so long as any danger exists, in order that no one, unless properly entitled to do so, be allowed to board such vessel.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-218 Spark Arresters Required

All fuel burning steam generating appliances when used on any wharf under control of the Port Authority, or on any scow, pile driver, or other vessel working alongside or near any wharf under control of the Port Authority shall be equipped with spark arresters satisfactory to the Port Superintendent. At the close of each day's work all ashes, cinders, waste, or other deposits caused by such appliances upon any wharf shall be promptly removed and shall not be disposed of in, near, or upon waters of the harbor.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words "driver," "waste" and "near" pursuant to 1 CMC § 3806(g).

§ 40-20.1-220 Repairs

No person shall make any repairs or do any kind of manufacturing, construction or maintenance work on any wharf without the permission of the Port Superintendent.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-222 Smoking Prohibited

Excepting only within areas designated by the Port Superintendent and plainly marked "Smoking Area," smoking is positively prohibited at all times within any freight shed, or upon any wharf apron, and during the time cargo is being loaded, unloaded, or stored on any unshedded pier under control of CPA, and no person shall enter into, stand in, or under, or pass through any such wharf or structure with a lighted pipe, cigar, cigarette, match, fire, or any flame of whatever nature.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: The Commission inserted commas after the words “unloaded” and “fire” pursuant to 1 CMC § 3806(g).

§ 40-20.1-224 Use of Explosives Prohibited

The use of explosives on land, on any wharf, or in any shed or other structure under the control of CPA, or in the waters in the immediate vicinity of the same, without the written approval of the Executive Director, is strictly prohibited.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-226 Charge for Cleaning of Harbor Facilities

In cases where CPA takes over the cleaning of wharves, sheds, or open areas the charge thereof shall be computed at the total cost of labor and/or materials used and shall be assessed against the vessel which is responsible for the necessity of cleaning.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “sheds” pursuant to 1 CMC § 3806(g).

§ 40-20.1-228 Owner of Mobile Equipment Identified

All mobile equipment used on any property under the control of CPA in connection with the handling of cargo or shipping containers, such as forklifts, cranes, tractors, straddle trucks, or other equipment, shall be clearly identified as to the owner thereof.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-230 Unpermitted Vehicles Prohibited

No vehicle shall be admitted upon any wharf or in any other area used for the storage of cargo except for the purpose of delivering or picking up freight unless the owner thereof shall have been granted a permit by the Port Superintendent.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-232`Speed Limits

(a) Trucks and other vehicles entering upon a wharf under control of CPA for the purpose of delivering or picking up freight shall not be driven while on such wharf or open area at a speed greater than ten miles per hour. Motor equipment used in handling freight while cargo loading and unloading operations are in progress under the direct

TITLE 40: COMMONWEALTH PORTS AUTHORITY

supervision of a stevedoring foreman shall not be operated at a speed greater than ten miles per hour.

(b) Trucks and other vehicles operating in container yards shall not be driven at a speed greater than fifteen miles per hour.

(c) Vehicles on roadways adjacent to wharves and pier sheds shall not be driven at a speed greater than fifteen miles per hour, unless otherwise indicated by appropriate traffic signs.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: In subsection (b), the Commission changed “hours” to “hour” to correct a manifest error.

§ 40-20.1-234 Emergency and Government Vehicles

Vehicles conveying or arriving to convey the sick or the infirm, ambulance and vehicles of hospitals and or* the health or police departments, or government vehicles on official business may enter upon wharves without a permit.

* So in original.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-236 Vehicles as Freight Excepted

The provisions of § 40-20.1-230 shall not apply to vehicles left on a wharf for the purpose of shipping the same on any vessel nor shall they apply to any vehicle which has been discharged as freight.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-238 Fowl, Animals, and Livestock

No fowl, animal, or livestock of any kind shall be brought onto any wharf for shipment, unless it has been properly booked in advance for immediate shipment. No fowl, animal, or livestock of any kind shall be allowed to remain on any wharf for a period longer than six hours without being fed and watered. After the fowl, animal, or livestock shall have been unloaded on a wharf, it shall be removed from the same within twenty-four hours. No shipment of such fowl, animal, or livestock subject to quarantine shall be unloaded on a wharf by a shipping company or its agents unless first inspected and released by the

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Agricultural Quarantine Office or unless arrangements have been made for acceptance for quarantine. All such fowl, animals, or livestock requiring quarantine shall be removed from the wharf within eighteen hours. All expenses incurred in the care and maintenance of such fowl, animals, or livestock while on a wharf shall be paid by the consignees thereof and shall constitute a lien upon same until such charges are paid. It is the responsibility of the carrier and its agent to comply with all federal and local laws and regulations applicable to the shipment and importation of domestic fowls, animals, and livestock, as well as fish and wildlife.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the word “animal” and “animals” pursuant to 1 CMC § 3806(g).

§ 40-20.1-240 Private Use of Harbor Property and Facilities

(a) General statement: No regular or extensive use of any harbor property or facility for private gain or purpose shall be permitted without corresponding and reasonable benefits and returns to the public.

(b) Business activities: No person shall engage in any business or commercial activity at any harbor without prior written approval of the Executive Director.

(c) Solicitations and advertisements: Without limiting its generality, the term “engage in any business or commercial activity” as used above includes solicitation and distribution of advertisements or circulars intended for private gain or purpose.

(d) Signs: No person shall post or display any signs at any harbor without the prior written approval of the Executive Director except that approval will not be required for the posting or displaying of any sign on a vessel which relates solely to the sale of such vessel if the maximum dimensions of such sign do not exceed three feet.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-242 Vehicles under Port Superintendent’s Control

Any vehicle operating on any wharf under the control of CPA shall be under the control of the Port Superintendent.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-244 Placement of Goods and Equipment

Any person handling goods or using equipment on a wharf under the control of CPA or bringing goods thereon for shipment, shall place, store or stack such goods or equipment in such a way as not to be an impediment to the approaches to the same, nor an obstacle to the removal of other goods, nor to cause damage to the wharf. No goods shall be so placed as to restrict or prevent the use of mooring bitts, cleats, bollards or other devices used for mooring purposes. No goods shall be so placed as to restrict or prevent the use of tracks, water connections, fire hydrants, gutters, oil and bunker connections, or drains.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-246 Wharf Closure; Suspension of Port Operations

(a) The Port Superintendent may close the wharves or any portion thereof and regulate and control the use of the same whenever in his opinion it is advisable to do so. No person shall enter whenever in his opinion it is advisable to refrain from doing so. No person shall enter upon a wharf so closed without the permission of the Port Superintendent.

(b) Suspension of Port Operations:

(1) The Executive Director may order the suspension of any loading, or unloading operation, bunkering, repairs, or other operations as necessary to insure the safety, health and welfare of the public.

(2) At the request of another CNMI agency or department, the U.S. Coast Guard, or other federal agency, the Executive Director after due consideration and for the proper cause may order the suspension of operations.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “repairs” in subsection (b)(1) pursuant to 1 CMC § 3806(g).

§ 40-20.1-248 Objectionable Materials

(a) No goods or articles of any description which, in the opinion of the port Superintendent, may be likely to cause damage to CPA property shall be landed, discharged or taken upon such property.

(b) No person shall place or leave any rubbish, ashes, or trash on any wharf except in areas provided therefor without permission of the Port Superintendent.

(c) No objectionable materials such as dead animals, decaying or putrefying vegetable matter, manure, or bedding straw shall be left on any wharf but shall be

TITLE 40: COMMONWEALTH PORTS AUTHORITY

removed immediately, under the direct supervision of an authorized agricultural quarantine inspector.

(d) No dead animal shall be left in the waters or on the shores of any harbor or upon any reef adjacent to any such harbor.

(e) No dead animal shall be moved through the waters of any harbor.

(f) Any goods which, in the opinion of the Port Superintendent, are unfit to remain upon any wharf or may be harmful to other goods on such wharf shall, if necessary, be removed by the Port Superintendent at the expense of the owner or consignee.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “ashes” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 40-20.1-250 Garbage, Ballast Disposal

(a) No rubbish, swill, garbage, or refuse shall be thrown, washed overboard, or placed in any harbor. No garbage may be removed from any vessel in port at any time, and all garbage on a vessel shall be placed in suitable containers, covered and secured to prevent spillage or exposure. No garbage on board any vessel shall be dumped into the ocean within the territorial waters of the Commonwealth.

(b) No ballast, rock, stone, slate, slag, gravel, sand, earth, cinders, rubbish, filth, or other noxious substance shall be deposited on any of the shores, lands, or other property under the control of CPA, unless approved by the Executive Director.

(c) When any ballast, rock, stone, sand, fertilizer, grain, or other loose material is being handled between a vessel and any wharf or vice-versa, or between two vessels, within any harbor, a canvas chute or other contrivance satisfactory to the Port Superintendent shall be used to prevent any part of the substance being handled from falling into the waters below, or onto the wharf or any part of it.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words “garbage” and “overboard” in subsection (a) and “lands” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 40-20.1-252 Disposal of Derelict Vessels, Large Objects

When any owner, agent or individual contemplates or plans the disposal or salvage of a derelict craft, vessel, or other object of any size, type or description, by transporting

TITLE 40: COMMONWEALTH PORTS AUTHORITY

across, within, or on navigable waters, whether a part or whole craft, or whether a floating or suspended object of any sort which might, if sunk, lost or abandoned in the harbors, channels, or shore waters become hazardous to navigation, to dredging, or to other operations of the CNMI or federal government, or the public in those waters, he shall obtain the written permission of the Executive Director before taking such action.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words “vessel,” “within,” “channels,” and “dredging” pursuant to 1 CMC § 3806(g).

§ 40-20.1-254 Objects Abandoned in Navigable Waters

Should any owner, agent, or individual lose, sink, drop, or abandon any floating or sinking object on or in the navigable waters and/or shore waters of the Commonwealth, he shall immediately notify the Port Superintendent and shall immediately take such action as is necessary for removal of the object. Upon failure on the part of the owner to remove such object, CPA will take such actions through federal or commercial channels as are necessary for such removal and will charge all costs incurred by it in effecting the necessary removal to the owner. The Executive Director may require the posting of a bond to assure such payment.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words “agent” and “drop” pursuant to 1 CMC § 3806(g).

§ 40-20.1-256 Connection to Dockside Water Supply System

(a) No person shall connect a vessel’s water supply system, siphon, or other water-operated device, equipment, or mechanism to a potable water supply system, or operate any water-operated device, equipment, or mechanism connected to the water supply system, unless an approved backflow prevention device has been installed at the faucet or other point of connection. An “approved backflow prevention device” means a backflow prevention device that meets the requirements contained in standard 1001, American Society of Sanitary Engineers or the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials (IAPMO).

(b) It shall be illegal to connect up any vessel’s water supply system to a dockside water supply system without permission of the Port Superintendent.

(c) No potable water may be supplied from a dockside water supply outlet without the use of a water meter.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words “siphon” and “equipment” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 40-20.1-258 Dumping at Sea of Sinkable Objects

When any owner, agent, or individual contemplates the dumping of sinkable materials at sea by hauling across, within, or on the navigable and/or shore waters of the Commonwealth, he shall notify and obtain the permission of the Executive Director prior to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials (the dumping of floating objects is strictly prohibited) shall be done in the areas designated by the Secretary of the Army for such disposal. (Refer to Corps of Engineers, U.S. Army, for information concerning location of such areas.)

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted commas after the words “agent” and “within” pursuant to 1 CMC § 3806(g).

§ 40-20.1-260 Loading of Flammable Liquids

Loading or unloading of flammable liquids shall be in strict accordance with applicable federal laws and regulations. (See title 33, CFR, subchapter L, part 126.15(o).)

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-262 Welding and Burning Operations

Welding and burning operations on piers and wharves and aboard vessels:

(a)(1) Permits: Before any welding or burning operations can be done on a wharf or waterfront facility, or on a vessel moored thereto, it is required that the party intending to do such work secure a permit from the U.S. Coast Guard. In the event ammunition or other dangerous cargo is in close proximity or on board the ship, the U.S. Coast Guard, and other appropriate federal and CNMI agencies shall be notified, and an inspection will be conducted, and if in their opinion the welding and/or burning operations will not involve the possibility of a fire or explosion, permission may be granted to perform the work.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(2) Before any welding, burning, spark, or flameproducing operations are undertaken aboard any ship dock, wharf, or waterfront facility, all spaces subject to the accumulation of dangerous gases or gas producing materials, in or on which hot work is to be performed, and such other spaces as may be required by the U.S. Coast Guard having jurisdiction over such operations, or required under the provisions of the American Bureau of Shipping, National Fire Protection Association Standards, Bureau of Ships, (U.S. Navy) manual, or U.S. Coast Guard Regulations, shall be inspected by American Bureau of Shipping, certified chemist or other shipyard competent person who is licensed or certified by the National Fire Protection Association.

(i) Such spaces shall include, but shall not be limited to, oil and ballast tanks, cofferdams, void spaces, boiler and machinery spaces, pump rooms, compartments treated with combustible rust preventatives, including hallow rudders and skags, paint lockers, and shaft alleys.

(ii) On completion of his inspection, said chemist shall issue a certificate setting forth in writing the conditions found at the time of inspection and indicating by appropriate designations whether, in his judgment, the contemplated repairs or alterations can be undertaken with safety.

(iii) One copy of the chemist's certificate shall accompany the application for a permit, and one copy shall be left aboard ship or waterfront facility, preferably posted in a conspicuous place near the gangway.

(iv) Hot work shall be done in the locations and under the procedures as designated in writing on the permit and chemist's certificate.

(v) Loading or moving of cargo or the movement of the ship from one location to another within the shipyard or installation for which a chemist's certificate has been issued is permissible without requiring an additional inspection and the issuance of a chemist's certificate when in the judgment of the inspecting authority such movement has not been sufficient to create a hazardous situation. However, the movement of ships from one jurisdiction area to another shall require an additional inspection and the issuance of a chemist's certificate before continuing hot work.

(vi) All welding and burning operations shall be under the supervision and control of a competent foreman or supervisor who shall see that all regulations pertaining to welding or burning operations are fulfilled.

(b) Operations: In all types of operations, fire prevention shall be the watchword, and all workmen should bear in mind that to prevent fire is their individual responsibility. All combustible materials must be removed from the area in which the welding and burning operations are being conducted, or properly protected if removal is not feasible.

(1)(i) Welding or burning operations shall not be conducted around hatches or companionways, unless they are sealed with their own cover or door. In the event that this is not possible, an asbestos blanket or other flame-proof material may be provided in their place. Such substitutions shall meet with the approval of the inspection authority issuing the permit.

(ii) When welding or burning operations are being conducted in such locations that sparks could spatter or fly over the outside of the ship's hull, a protective shield composed of metal or other flameproof material shall be provided to prevent the sparks

TITLE 40: COMMONWEALTH PORTS AUTHORITY

from igniting the wharf or dock, barges, or oil slicks on the water, or other combustible materials.

(iii) Water charged fire mains, with hoses and nozzles attached of sufficient length so that the water can reach the bases of any fire which may occur, shall be on each deck of the ship where welding or burning operations are being conducted. A sufficient trained number of trained fire watchers, (number of watchers to be approved by the U.S. Coast Guard) shall be on board and assigned to each group or individual welder or burner to watch for and extinguish incipient fires. Each fire watcher shall be provided with an approved fire extinguisher or hose line, to control any fire which may occur during the welding or burning operations. All firemen and fire watchers shall be instructed by their foremen or supervisor as to their duties in respect to fire prevention and the manner of contacting their plant, industrial, or Department of Public Safety, fire departments when needed.

(iv) When welding or burning operations are conducted on a wooden wharf, or a fire resistant paved wharf with cracks or crevices, the entire surrounding area should be drenched with water by means of a hose line and kept wet during the entire operation to prevent sparks from igniting the flooring or timbers below.

(2) No refueling of equipment with flammable petroleum products will be permitted on any pier or wharf under the control of CPA.

(3)(i) On waterfront facilities which are used for repair work, no gasoline or other flammable liquid shall be stored except as required for normal operations and then only when stored in approved metal lockers and in quantities approved by the Port Superintendent.

(ii) Petroleum based cleaning fluid which has been treated to satisfactorily reduce the flash point may be used for washing grease from machinery parts in an approved location safe from hot work operations. All paint or other flammable liquid materials shall be kept securely covered except when in actual use.

(4) Gasoline-powered generators or compressors shall not be operated on the ship, but must be kept on the wharf. Said equipment shall be equipped with a spark arrestor on the exhaust pipe, and the drip pan set in a position to protect the wharf in the event of any gasoline or oil being spilled. An attendant shall stand by at all times equipped with an approved fire extinguisher to extinguish any fires which may occur. At the conclusion of operations, said gasoline-powered equipment shall be removed from the wharf. Where insulated wire cables are in the patch* of traffic, they shall be protected from damage by crossovers, and where they lead into the ship they shall be protected from chafing damage by a protective wrapped covering. Where electrical cables lead from one ship to another, the same protective measures shall be complied with.

(5) When acetylene or oxygen cylinders are used, the following precautions shall be followed at all times:

(i) Compressed gas cylinders shall be used in a vertical position only, and shall be secured at all times to prevent falling. Cylinders, when in use, shall be kept on the pier at all times.

(ii) Do not drop cylinders; ruptured cylinders may explode. Do not use cylinders for rollers, anvils, or supports.

(iii) When cylinders are not in use, close valves and replace protective caps.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (iv) Cylinders shall not be handled by cranes, except when they are placed in specially constructed bottle racks or in a skip box. Under no circumstances shall gas cylinders be hoisted by a magnet, manila line, steel cable, chains, slings or nets.
- (v) Secure cylinders on a shelled** truck so they can be easily moved if a fire occurs in the immediate vicinity.
- (vi) When permanently installed on a pier and exposed to the sun, cylinders shall be provided with adequate protection.
- (vii) Valve and hose connections shall be kept tight to prevent leaks. Leaks shall be tested with soapy water and not flame.
- (viii) Cylinders shall be kept away from sparks, flame, or heat.
- (ix) Under no circumstances shall smoking be permitted in the vicinity of gas cylinders, whether burning/welding operations are in progress or not.
- (x) Acetylene hoses shall be tested frequently for leaks. If acetylene has been escaping in confined areas, the areas shall be properly ventilated and cleared of all gas before welding or burning operations are resumed. Acetylene hose in the path of traffic shall be protected from damage by use of cross-overs to protect the hose from damage.
- (xi) No acetylene torch shall be left unattended while burning, and when it is not being used the hose shall be coiled or looped in a work-man-like manner and placed on a bracket at the cylinders, and the pressure in the hose relieved by closing off the valves on the cylinders and opening the valves on the torch. Lines left unattended during meal times or other extended periods shall be either removed from compartments or disconnected at the cylinders.
- (xii) Oxygen cylinders shall be kept free from oil and grease at all times because oxygen under pressure brought into contact with oil or oily substances oxidizes so rapidly that an explosion may occur.
- (xiii) Oxygen shall not be used to blow out oil pipes, or for paint spraying, or for pneumatic tools, as an explosion might occur.
- (xiv) Manifolding or the coupling together of cylinders when necessary to obtain greater amounts of acetylene and oxygen shall be done in conformity with the rules and regulations of the U.S. Navy Bureau of Ships Manual, Chapter 92, entitled "Welding and Allied Process," or the regulations of the National Board of Underwriters.
- (xv) Compressed gas cylinders shall not be refilled on any wharf.

*So in original; probably should be "path."

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

(c) Violation of any of the regulations contained in this section shall necessitate the revocation of the permit, in addition to any other penalties provided by law.

(d) Notification of other agencies: When the U.S. Coast Guard has issued a permit to do hot work, the appropriate federal and local agencies shall be notified of such action. When hot work is being done in Commonwealth harbors this notification shall include a notification to the U.S. Coast Guard and the Port Superintendent.

(e)(1)(i) Prior to bunkering vessels at any berth under the control of CPA, permission shall have been obtained from the Port Superintendent. Permission will not be granted unless evidence of insurance, in a form satisfactory to the Executive Director,

TITLE 40: COMMONWEALTH PORTS AUTHORITY

and in an amount deemed by him adequate to cover the costs of cleanup of any spillage and/or other damage, shall have been presented to and accepted by the Executive Director.

(ii) In addition, the U.S. Coast Guard must also be notified and have granted permission for the bunkering operation.

(iii) It is the responsibility of the vessel and its owners and operators to clean up all spillage occurring during the course of, or as a result of bunkering operations, and to pay for all damages and costs arising out of such operations.

(2)(i) During bunkering operations where bunkers are being taken thru an open fuel intake or from a fuel tank truck, where a fire hazard may exist, cargo operations shall cease. This shall not apply when bunkers are taken from a pipeline connecting thru gasketed joints directly to the vessel's piping system. However, the Port Superintendent may at his discretion discontinue operations when an oil spill occurs (as from a broken hose or ruptured gasket) or any hazardous situation exists.

(ii) No welding, burning, or other types of work that may conceivably provide a hazardous condition shall continue within less than fifty feet of the bunkering site while such bunkering operations are in progress. This time period shall include from when

(A) The tank truck arrives onto the wharf or

(B) When a hose is hooked up to the wharf's fuel line, or

(C) The vessel's bunkering connection is opened.

(D) The time shall cease when the tank truck is off the wharf, or the wharf's and vessel's fuel connections have been secured.

(iii) The mooring lines of the vessel will be checked prior to the bunkering operation to ensure they are secure and to prevent any surging.

(iv) Prior to any fuel line hook up being made, or a fuel hose stretched to a vessel, a grounding line will be connected from the vessel to the wharf. This grounding line should be connected first to the vessel and then connected to the shore ground.

(v) Except when bunkers are taken from a pipeline connecting through gasketed joints directly to the vessel's piping system, all engines, motors, fans, and other devices liable to produce sparks located closer than fifty feet will be stopped. On small craft, such as fishing boats and pleasure boats, all ports, windows, doors and hatches shall be closed.

(vi) Only flashlights approved by the U.S. Coast Guard or equivalent organization may be used during bunkering operations.

(vii) Drip pans will be placed under all points where fuel could leak onto either the wharf, decks or into the harbor.

(viii) On all vessels bunkering at berths controlled by CPA, there shall be no smoking, lighting of matches, lighters, or use of other devices producing sparks or flame; or the throwing of switches (other than certified non-sparking types) within fifty feet of the bunkering point that could produce a spark.

(ix) No unauthorized persons are to be allowed either on board the vessel, or in the immediate vicinity of the bunkering point.

(x) During bunkering operations when a hose and nozzle are used, the nozzle must be kept in continuous contact with the vessel's fuel intake opening to eliminate the possibility of static sparks.

(xi) A competent crew member will be stationed by the vessel's fuel intake at all times while the operation is in progress. Such person must have a good command of the

TITLE 40: COMMONWEALTH PORTS AUTHORITY

English language in order to communicate with the shore personnel. Should there be no one in the crew capable of this, an interpreter must be present during the entire fueling operation.

(xii) Upon completion of the taking of bunkers, all shore connections must be closed and vessel's filling lines closed prior to disconnection of the grounding lines. Said grounding lines will be disconnected from the shore and then from the vessel.

(xiii) Any spilled oil or fuel will be wiped up immediately. The vessel should be ventilated thoroughly by the opening of doors, hatches, portholes, etc., to dispel any fumes for at least five minutes before resuming normal operations, or the operating of any spark producing mechanisms. On small craft such as fishing boats and pleasure craft, particular attention should be paid to seeing that there are no accumulated fumes in the bilges, hatches, or other below deck spaces.

(xiv) On full completion of all bunkering operations, the Port Superintendent must be notified.

(xv) Any and all other regulations pertaining to bunkering, not specifically mentioned above, such as for example the flying of a red ("Baker") flag, are also in effect, and must be complied with.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The paragraphs of subsection (a), (b)(1) and (b)(3) were not designated. The Commission designated subsections (a)(1) and (a)(2), (b)(1)(i) through (b)(1)(iv), and (b)(3)(i) and (b)(3)(ii). The Commission also designated subsection (e)(2)(ii)(D) for clarity in that subsection.

In subsection (b)(5)(xi), the Commission corrected the spelling of "relieved." The Commission inserted a comma after the word "lockers" in subsections (a)(2)(i) and after the word "lighters" in subsection (e)(2)(viii) pursuant to 1 CMC § 3806(g).

The double-starred language in subsection (b)(5)(v) probably should be "wheeled." Compare 14 Com. Reg. at 9274 (May 26, 1992) and 5 Com. Reg. at 2010 (Apr. 29, 1983).

§ 40-20.1-264 Dredging and the Removal of Sand, Gravel, Rock, Etc.

(a) It shall be illegal to perform any dredging, or remove any sand, gravel, rock, or top soil from any areas under the control of CPA without receiving permission from the Executive Director in writing.

(b) Should other agencies or departments of CNMI or of the federal government be involved, their written authorization must also be obtained.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission inserted a comma after the word “rock” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 40-20.1-266 Structures Prohibited Without Permission

No buildings or structures of any nature whatsoever shall be erected or constructed on CPA property, nor shall existing structures be modified, without obtaining the prior permission of the Executive Director and any other governmental agency as required by law. In general, approval will be dependent on an agreement to return the property to its original state when vacating the property or premises if requested to do so by CPA.

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-268 Use of Harbor by Small Craft

(a) CPA may allocate berths and moorings for small craft in all areas under its jurisdiction.

(b)(1) Priorities shall be set up in Commonwealth harbors (commercial port) as follows:

- (i) Commercial fishing boats, or boats hauling commercial fish cargoes;
- (ii) Charter boats;
- (iii) Other commercial craft;
- (iv) Recreational craft.

(2) Berths will be made available only when not required for large, commercial, ocean-going vessels, or government-owned/operated vessels, or for vessels for which prior long-term commitments have been made.

(3) Exceptions to the above priorities may be made when the Port Superintendent deems them to be in the best interests of public safety, health, and welfare.

(c) Priorities may be set up in other areas under its jurisdiction as CPA deems necessary.

(d)(1) It is unlawful to make fast to, moor, dock, anchor at, or lay alongside any CPA controlled pier, wharf, quay bulkhead, landing, dolphin, mooring, or other moored vessel or anchored vessel in areas under the control of CPA without specific authorization of the Port Superintendent, and any offending vessel may be removed without any liability of CPA to its owner.

(2) Any costs incurred in removing such unauthorized vessels shall be for the account of the owner, master, agent, or operator of the offending vessel.

(e) Small craft mooring permit/request: Any interested person, persons, corporation, or other legal body may apply for a mooring permit by completing in full the application provided by the Port Superintendent. In the case of a legal body, association, or other organized body, such evidence of corporate existence must be submitted as may be decided by the Port Superintendent.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (f) Issuance of a mooring permit. A mooring permit may be issued when
 - (1) Proper application has been submitted,
 - (2) Upon execution of an agreement,
 - (3) When an adequate berthing or mooring facility becomes available,
 - (4) The vessel using the facility is in good material and operating condition and capable of operating beyond the confines of the harbor on a regular basis, and
 - (5) The payment of any required fees.

- (g) Applications for mooring permits may be rejected for the following reasons:
 - (1) Failure to properly file an application,
 - (2) No berth or mooring available,
 - (3) At the request of other competent authority.

- (h) Cancellation of mooring permits: Mooring permits may be cancelled for any of the following reasons:
 - (1) The vessel berthed or moored is being used for illegal purpose,
 - (2) The vessel constitutes a hazard to the port authority and/or the vessels in the vicinity,
 - (3) The permit has expired,
 - (4) The vessel has been abandoned,
 - (5) The owner, operator, legal body or entity have been convicted of a major crime,
 - (6) Violation of any pertinent laws of the federal government, CNMI, U.S. Coast Guard, or rules and regulations of CPA.

- (i) All small recreational craft utilizing the waters of the areas under the jurisdiction of CPA shall be equipped with fire-fighting and lifesaving equipment as required and approved by the U.S. Coast Guard.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission inserted a comma after the word “health” in subsection (b)(3) and after the word “mooring” in subsection (d)(1) pursuant to 1 CMC § 3806(g).

§ 40-20.1-270 Port Security

- (a) Whenever, in the opinion of the Port Superintendent, the activities of the officers or crew of a vessel in port, or of any persons performing labor in connection with the loading or unloading of a vessel in port, so warrant, the Port Superintendent may engage the services of such security personnel as he deems reasonably necessary to maintain peace and order upon a CPA dock or wharf, and to guard against violations of Commonwealth laws or regulations. Upon so doing, the Port Superintendent shall promptly notify the master or agent of the vessel concerned, or the employer of the laborers concerned. The vessel and its owners and agents, or the employer of such labor,

TITLE 40: COMMONWEALTH PORTS AUTHORITY

as the case may be, shall be liable to CPA for CPA's actual cost of such additional security personnel, plus 10% of such cost for administrative expenses.

(b) Any person aggrieved by a decision or order of the Port Superintendent made pursuant to this section may appeal such decision or order to the Board of Directors within ten days thereof. The Board shall promptly afford such person notice of, and the opportunity to be heard at a hearing, within 30 days after filing the appeal and the Board of Directors' decision shall be released not more than twenty days after the final hearing.

Modified, 1 CMC § 3806(d), (e).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2549 (Jan. 15, 1984); Amdts Proposed 5 Com. Reg. 2490 (Nov. 15, 1983).

§ 40-20.1-272 Cost of Cleanup of Oil Spillage

(a) Every vessel which enters a port of the Commonwealth shall carry a current certificate of financial responsibility (water pollution) issued by the Federal Maritime Commission.

(b) Every vessel, and its master, owners, agents, shall be liable for the cost of cleanup of every spillage of oil or other petroleum products from such vessel into any waters of the Commonwealth.

(c) In the event that, because more than one vessel shall be in the vicinity of an oil spill, it shall not be possible to determine which of such vessels is responsible for such spill, all vessels in the vicinity at or about the time of such spill and which utilize or carry the type of oil or other petroleum product which was spilled, shall be jointly responsible for the cost of cleanup. The cost of cleanup shall be paid to CPA upon demand, and the provisions of § 40-20.1-165 of this subchapter shall apply in the event of nonpayment.

Modified, 1 CMC § 3806(c), (f), (g).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

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

In subsection (c), the Commission deleted the repeated word "in."

Part 300 - Fishing and Recreational Activities

§ 40-20.1-301 Where Prohibited

Fishing, casting or setting of nets, or the catching of fish by any other means or methods, shall be prohibited in the following areas under the jurisdiction of CPA:

- (a) All channels and fairways;
- (b) All approaches to berths, wharves, slips, piers, or quays;
- (c) In any place where cargo operations are in progress, such as the commercial piers and wharves, or where dredging is taking place;
- (d) Off any bridges;
- (e) Any other areas that may be prohibited by order of the Executive Director.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission created the section titles in part 300.

§ 40-20.1-305 Recreational Water Sports Prohibited

- (a) Swimming, snorkeling, or scuba-diving in areas under the jurisdiction of CPA are prohibited except by special permission of the Port Superintendent.
- (b) Swimming, diving, or entering the water for recreational purposes is prohibited from all commercial or passenger vessels at anchor, and from any vessel or craft while berthed alongside any pier or wharf.
- (c) Water-skiing is prohibited in the following areas:
 - (1) Any fairway;
 - (2) Any channel leading to a pier, wharf or quay,
 - (3) Within the waters adjacent to any wharves or piers in Commonwealth harbors.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: In subsection (c), the Commission changed “area” to “areas” to correct a manifest error. The Commission inserted a comma after the word “snorkeling” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 40-20.1-310 Alcohol Consumption Prohibited

No person shall consume any liquor or other alcoholic beverages in or on any area under the jurisdiction of CPA except in areas specifically set aside for this purpose.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.1-315 Persons Under the Influence

(a) Persons in an inebriated condition or under the influence of drugs are prohibited on any wharves, piers, sheds, roads, or open areas under the jurisdiction of CPA.

(b) The Ports Authority specifically and categorically disclaims any liability for any accident incurred by persons under the influence of alcohol or drugs while in any areas under the jurisdiction of CPA.

(c) Any damage caused to CPA property, or to property not belonging to CPA but located on CPA areas with its permission, shall be replaced, or repaired as per § 40-20.1-120 of this subchapter.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Part 400 - Pilotage

§ 40-20.1-401 Private Tugboat or Pilot Services

CPA offers no tugboat or pilot services. Such services may be available from the private sector, but CPA does not warrant such availability. The terms of any contract for such services are matters between the parties only, except to the extent specifically provided herein.

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: This section was originally the introduction to former part 5, entitled "Pilotage." The Commission designated it § 40-20.1-401 and created the section title. Many of the original sections in this part did not have titles. The Commission created the section titles where necessary.

The 1994 amendments proposed to delete part 400 and replace it in its entirety. A notice of adoption was never published for the 1994 proposed amendments and, therefore, the Commission has not incorporated the proposed changes into this part.

§ 40-20.1-402 Pilots; Boarding

Pilots will normally board inbound vessels and leave outbound vessels well outside the harbor entrance.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-404 Observance of Regulations Required

Pilots and masters will observe all harbor, quarantine, immigration, and other federal regulations.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401. The Commission inserted a comma after the word “immigration” pursuant to 1 CMC § 3806(g).

§ 40-20.1-406 Pilot Required

All commercial vessels while underway in the territorial waters of the Northern Mariana Islands shall require a pilot duly licensed by federal or Commonwealth laws.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-408 Tugs; Required for Vessels of 300 Gross Tons

A pilot is required, when bringing in or conducting a vessel of 300 gross tons or above to or from a wharf or berth, to use the aid of tug(s) or any safe docking devices.

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-410 Tugs; Vessels Under 300 Gross Tons

(a) Vessels under 300 gross tons are not required to have the aid of tug(s) or a pilot. However, such tug(s) services shall be made available when requested by the master and/or pilot.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(b) For reasons of safety, the Port Superintendent may require any vessel to use the service of a tug or tugs.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-412 Order of Priority for Pilot Services

(a) A pilot will offer his services in the order of priority established by the Port Superintendent unless another vessel is observed approaching a dangerous position, in which case effort will be made to offer to board and assist the latter vessel.

(b) A pilot will aid and assist, by every means in his power, any vessel in distress.

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-414 Specified Wharf or Berth

A pilot bringing a vessel inward, unless required to anchor for quarantine, will bring the vessel to such wharf or berth as the Port Superintendent may direct.

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-416 Clearance for Departure; Complaints

A pilot will not conduct a vessel to sea unless she has been regularly cleared by CNMI Customs and Immigration, the agent, and the Port Superintendent. Any person having a complaint to make against a pilot is requested to make such complaint in writing to the Port Superintendent, who shall immediately investigate the complaint and report thereon to the Executive Director.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-418 Duties of the Pilot and the Vessel's Master

(a) Upon boarding a vessel in response to the request of the vessel, its owner, operator, charterer, or its agent, for pilotage service, it shall be the duty of the master to acquaint the pilot with the peculiarities or possible defects of his vessel, it shall be the duty of the master thereof to relieve such pilot of the particular duty in which he is engaged and to take such steps as the master may deem necessary to insure the safety of such vessel and prevent damage to port facilities.

(b) No vessel, other than publicly-owned vessels 300 gross tons and above, including tugs with tows, shall enter or leave or otherwise be underway without a pilot aboard, unless such vessel is sailing under enrollment with a pilot duly licensed by federal law on board (for the purpose of this section, tug and tow shall be considered as one vessel).

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

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

It appears that the 1992 amendments erroneously omitted language from subsection (a). Compare 14 Com. Reg. at 9282 (May 26, 1992) and 5 Com. Reg. at 2020 (Apr. 29, 1983). Originally subsection (a) provided:

5.9 Upon boarding a vessel in response to the request of the vessel, its Owner, Operator, Charterer, or its Agent, for pilotage service, it shall be the duty off the Pilot to pilot such vessel. It shall be the duty of the Master to acquaint the Pilot with the peculiarities or possible defects of his vessel, her machinery, and/or operation. If, in the opinion of the Master, the Pilot is negligent or incompetent at any time while engaged in piloting the vessel, it shall be the duty of the Master thereof to relieve such Pilot of the particular duty in which he is engaged and to take such steps as the Master may deem necessary to insure, the safety of such vessel and prevent damage to port facilities.

Harbor Regulations § 5.9, 5 Com. Reg. at 2020 (Apr. 29, 1983); see also the comment to § 40-20.1-401.

§ 40-20.1-420 Small Craft Operation

Every person operating small craft in a harbor or through channels or entrances leaving or approaching such harbor shall do so at his own risk.

History: Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.1-401.

§ 40-20.1-422 Homeported Vessels

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(a) Vessels, including tugs and tows, which are homeported in the Northern Mariana Islands and which operate inter-island within the Marianas chain of islands, are not required to have a pilot, provided that the vessel master or operator

(1) Meets all the requirements of federal and Commonwealth laws to operate such vessel and

(2) Is familiar with the physical characteristics of the harbors of the Commonwealth.

(b) For purposes of this subchapter, a “homeported vessel” is a vessel that operates on a regular schedule between the harbors of the Northern Marianas and Guam, is licensed to do business in the Commonwealth, pays taxes in the Commonwealth, and maintains and office in the Commonwealth.

(c) A vessel master or operator of a homeported vessel who is new to the Commonwealth and is not familiar with its harbors shall undergo the same number of familiarization trips required of a harbor pilot applicant and shall first be certified by the Port Manager before he is permitted to operate a vessel in the harbors of the Commonwealth.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000); Amdts Proposed 16 Com. Reg. 12391 (Sept. 15, 1994); Amdts Adopted 14 Com. Reg. 9526 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9245 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The 2000 amendments added new subsections (b) and (c) and amended subsection (a). The 2000 amendments amended this part to provide for the licensing of harbor pilots by the Commonwealth Ports Authority. Prior to 2000, the Board of Professional Licensing had the responsibility for licensing harbor pilots. See 22 Com. Reg. at 17242 (May 19, 2000); see also NMIAC, title 125, chapter 30.

See also the comment to § 40-20.1-401.

§ 40-20.1-424 Pilot’s License Required

(a) All vessels which, under this subchapter, require a pilot to guide the vessel within the harbors of the Commonwealth shall be guided, as they enter or leave a harbor, by a pilot duly licensed by the Commonwealth Ports Authority to provide such service.

(b) The pilot shall guide the movement of a vessel from the outer limit of the harbor entrance or from anchorage to the dock, or from the dock to the outer limit of the harbor entrance or the vessel anchorage site.

(c) No person may pilot a vessel within a harbor of the Commonwealth unless that person possesses a valid pilot’s license issued by the Authority.

(d) A license shall specify the pilotage district or harbor where the pilot may serve.

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(e) A pilot's license shall be valid for two years from the date of issue, and shall be subject to renewal every two years. A two-year license fee shall be paid by the licensee upon issuance and for each renewal, as follows: for Saipan, \$600; for Rota, \$300; for Tinian, \$300. The fee may be paid in full or in two installments; one-half upon issuance or renewal, and one-half within one-year later.

Modified, 1 CMC § 3806(d), (e).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-426 Qualification for Harbor Pilot's License

In order to serve as a harbor pilot, a person must file with the Authority a harbor pilot application on a form furnished by the Authority, and shall meet the following qualifications:

- (a) An applicant must be at least 21 years of age;
- (b) Must be either a U.S. citizen, or a lawful permanent resident of the United States, or a citizen of one of the Freely Associated States of Micronesia;
- (c) Must be physically capable of performing the duties of a pilot, as determined by a duly-licensed physician;
- (d) Must be mentally fit and competent to serve as a harbor pilot;
- (e) Must have normal vision, or vision that is correctable to 20/20, for both eyes, as certified by a licensed optometrist;
- (f) Must successfully pass all U.S. Coast Guard examination and requirements required to pilot a vessel;
- (g) Must successfully complete the required number of harbor familiarization trips required by the Authority, and provide proof thereof;
- (h) Must satisfy at least one of the following:
 - (1) Holds a valid U.S.C.G. First Class Pilot License for vessels of unlimited tonnage and endorsed for one, or more of the pilotage districts of the CNMI and must document, to the satisfaction of the Board, at least 30 safe vessel movements, within the preceding year (25% of movements must be at night), in any port of the United States, or former Trust Territory of the Pacific Islands, as a harbor pilot working under the authority of his U.S.C.G. First Class Pilot License; or
 - (2) Possesses a U.S. Coast Guard Master or First Mate's License of unlimited tonnage on steam or motor vessels upon oceans (excluding fishing vessels); or
 - (3) Possesses a U.S. Coast Guard Master or First Mate's license of not less than 1600 gross ton on steam or motor vessels upon oceans (excluding fishing vessels); or

TITLE 40: COMMONWEALTH PORTS AUTHORITY

- (4) Possesses a valid U.S. Coast Guard License with a rating as master on steam or motor vessel of 500 gross tons including freight or towing vessels (excluding fishing vessels); and, two-thirds of the required number of vessels movement for that pilotage district have been on vessels of 500 gross tons or more; or
 - (5) Previously held a Trust Territory deck officer's license for vessels over 500 gross tons and can demonstrate to the satisfaction of the Authority one-year sea time as master or mate of steam or motor vessel of 500 gross tons or more; or
 - (6) Previously held a CNMI harbor pilot's license for vessels of at least 500 gross tons for the ports in the CNMI and can document to the satisfaction of the Board, at least an average of 10 vessel movements per year in the immediately preceding 5 years in the applicable pilotage district.
- (i) Must speak, write and comprehend the English language to the satisfaction of the Authority; and
 - (j) Pays a non-refundable application fee of \$100.00, at the time the application is submitted.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-428 U.S. Coast Guard Examination

- (a) Each harbor pilot applicant shall take and pass, or provide satisfactory evidence that the applicant has passed, the U.S. Coast Guard written examination and is licensed, holds or possesses any of the licenses set forth in § 40-20.1-426(h)(2) to (h)(4) inclusive, is familiar with the International Rules of the Road, and possesses a working knowledge of the physical characteristics of the harbor for which the applicant seeks a pilot license.
- (b) Applicants applying for a harbor pilot license under § 40-20.1-526(h)(5) and (6) shall obtain a U.S.C.G. First Class Pilot license for the harbor in which applicant seeks a license.
- (c) Applicants who are applying for a harbor pilot license pursuant to § 40-20.1-426(h)(1) are exempted from the U.S.C.G. examination requirement.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

Commission Comment: The Commission corrected the phrase “for which the applicant seeks a pilot license for” in subsection (a) to “for which the applicant seeks a pilot license” pursuant to 1 CMC § 3806(g).

§ 40-20.1-430 Examination Results to Authority

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Any person who is applying for a harbor pilot license and who needs to take the U.S. Coast Guard written examination shall make arrangements directly with the U.S. Coast Guard regarding the date, time, and location to take the examination and shall request the U.S. Coast Guard to send the results of the exam directly to the Authority. The Authority shall accept the passing criteria established by the U.S. Coast Guard and the results of the examination.

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-432 Familiarization Trips

(a) All applicants applying for a harbor pilot license must undergo the following minimum number of familiarization trips for a harbor pilot district:

- (1) For the Port of Saipan, at least 12 trips;
- (2) For West Harbor Rota, at least 6 trips; and
- (3) For San Jose Harbor, Tinian, at least 6 trips.

(b) One familiarization trip shall consist of one vessel movement in the harbor included in the pilotage district without any accident, collision, or similar incident.

(c) At least half of the required familiarization trips shall be conducted between one hour after sunset and one hour before sunrise.

(d) All of the required familiarization trips shall be on self propelled vessels of at least 300 gross tons or larger, with operational radar.

(e) All familiarization trips by an applicant must be made under the supervision of a licensed harbor pilot for the pilotage district.

(f) All familiarization trips shall be documented and signed by the licensed harbor pilot supervising the trips on a form provided by the Authority.

(g) After completion of the required number of familiarization trips, the Authority shall evaluate the applicant's performance in ship handling skills on the basis of the evaluation forms and other relevant information and decide whether the applicant should be licensed or whether additional familiarization trips should be required. The Authority may require that a pilot applicant perform additional familiarization trips if the supervisory pilot's evaluations indicate that the applicant needs additional experience in ship handling.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Commission Comment: In subsection (a), the Commission changed “trip” to “trips” to correct a manifest error. The Commission inserted a comma after the word “collision” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 40-20.1-434 Physical Examination

(a) The following applicants and pilots must have a physical examination by a CNMI licensed physician as follows:

- (1) For all applicants within 30-days of application; and
- (2) For all licensed pilots on an annual basis, or as determined by the Port Manager.

(b) The physical examination required of all applicants or pilots shall demonstrate that a person is in all respect physically fit to perform the duties of a pilot. The examination shall assure that the person’s abilities as a pilot are not impaired by eyesight, hearing or other bodily function and shall include examination of the pilot’s eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other medical information which the physician feels is relevant. The Authority reserves the right to impose unannounced mandatory testing for drug or alcohol use.

(c) The applicant or the pilot shall file with the Authority on a form supplied by the Authority the examining physician’s statement of fitness:

- (1) Within 60 days of the applicant filing the completed application form with the Authority;
- (2) Within 60 days of the date of a pilot’s annual physical examination or physical examination for renewal.

(d) If the physician’s statement of fitness indicates that the applicant is not physically or mentally fit to perform the duties of a pilot, the Authority shall not issue or renew a license.

(e) In the case of the annual physical exam, should the physician’s statement of fitness indicate that the pilot is not capable of performing the duties of a pilot, the Authority shall temporarily suspend such license until a further physical examination has been completed and indicates that the pilot is capable of performing his duties as a pilot.

(f) In the case of the renewal of a pilot’s license, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the Authority shall not renew such license until a further physical examination indicates that the pilot is capable of performing his duties as pilot.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-436 License Renewal

(a) Each pilot shall renew his or her pilot's license every two years upon the anniversary date of issue. All licensed pilots seeking to renew their license shall complete the application form provided by the Authority and file it at least sixty days prior to the expiration date of the license. Upon approval of the license renewal application the renewal fee shall be paid to the Authority as provided for in § 40-20.1-424(e) above.

(b) In addition to filing the application to renew one's pilot license, the applicant must also meet the following renewal requirements:

(1) Have completed the following vessel movements on self propelled vessels of 300 gross tons or more in the applicable pilotage district during the time he was licensed (half of the trips shall be conducted after sunset). At least half of the trips shall have been completed during the immediately preceding 12 months from the date the application for renewal is filed with the Authority:

- (i) Port of Saipan - 6
- (ii) San Jose Harbor, Tinian - 3
- (iii) West Harbor, Rota - 3

(2) Pass a general physical examination within sixty days prior to the renewal date. The physician shall submit to the Authority a statement of fitness stating whether and under what conditions the pilot is capable of providing pilotage services.

(c) If an applicant for renewal fails to meet the required number of trips in the pilotage district, the Authority shall require the applicant to complete additional familiarization trips under the supervision of a licensed pilot prior to renewing the pilot's license. During such time if the time for the pilot's license renewal has already passed, such pilot shall not pilot a vessel without the supervision of a licensed pilot.

(d) A pilot who fails to renew his or her license and fails to complete the requirements contained in subsection (b) above before the license expiration date, shall be assessed the renewal fee and a \$50.00 monthly delinquent fee for each month the license is not renewed.

(e) A pilot whose license has expired for over 60-days must file a new application and receive approval from the Authority for reinstatement.

Modified, 1 CMC § 3806(c), (d), (e).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

Commission Comment: The original paragraphs of subsection (b)(1) were not designated. The Commission designated subsections (b)(1)(i) through (b)(1)(iii).

The cross-reference in subsection (d) was originally to "Part 5.19(b) above." See 22 Com. Reg. at 17843 (Sept. 20, 2000). This was not correct as original part 5.19 is the next section (now § 40-20.1-438). It appears that the intended reference was to part 5.18(b), and the Commission corrected the cross-reference accordingly.

§ 40-20.1-438 Accident Reports Required

(a) In every case where a vessel piloted by a CPA-licensed harbor pilot collides with another vessel, collides with a dock, meets any casualty, or is injured or damaged in any way, the pilot shall file a written report with the Authority immediately upon returning to shore but in no event not later than 24-hours after the incident. The report shall apprise the Authority of all relevant facts relating to the incident.

(b) Any pilot who shall fail, neglect, or refuse to make a written report to the Authority within the time period the report is required to be filed, shall have his license suspended or revoked as the Authority may determine.

(c) The Authority may temporarily suspend the license of a harbor pilot, after an accident, collision or other mishap, if it appears that the same was caused by the pilot's negligent or intentional act or omission.

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-440 Revocation of Pilot's License

(a) Pursuant to applicable CNMI law, including but not limited to the CNMI Administrative Procedure Act [1 CMC §§ 9101, et seq.], the Authority shall have the power, on its own motion, at its discretion, or upon the written request of any interested party, to investigate the performance of a pilot subject to this subchapter and issue a reprimand, or suspend, withhold, or revoke the license of any pilot, for misconduct, incompetence, inattention to duty, intoxication, drug use, or failure to perform his or her duties under this subchapter, or for violation of any of the rules or regulations or order of the Authority for the government of pilots, including training requirements, or for misrepresentation in the application process. The Authority may require that a pilot satisfactorily complete a specific course of training or treatment prior to reinstatement of one's pilot's license.

(b) The Authority shall have the right to suspend or revoke the license of any pilot convicted of a felony offense in any U.S. jurisdiction, a crime related to the harbor pilot profession, or for a crime involving the use of illegal drugs or alcohol, or the use of alcohol or drugs while on duty, including missing an assignment due to alcohol or illegal drug use.

(c) The Authority shall have the right to suspend or revoke the license of any pilot who files false information or a fraudulent report with the Authority.

(d) Any pilot whose license has been revoked must reapply with the Authority to obtain a new license.

Modified, 1 CMC § 3806(d).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-442 Unlimited Radar Observation Training Course

(a) All harbor pilots must complete a Coast Guard-approved, unlimited radar observation training course prior to issuance of a pilot license. If a pilot, licensed under the authority of this subchapter, conducts the movement of a vessel required to have a pilot under regulations promulgated by the Commonwealth Ports Authority but does not hold a valid active unlimited radar observation training course certificate of completion, that pilot's license is subject to revocation/suspension proceedings under the authority of this subchapter.

(b) The Authority shall not renew a pilot's license if the applicant's unlimited radar observation certificate has expired.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-444 Pilotage in Violation of these Regulations

All persons who pilot a vessel in violation of this subchapter shall be subject to criminal or civil penalties as provided by law, as well as suspension or revocation of one's pilot license.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-446 Drug Screening Tests

The Authority reserves the right to require satisfactory completion of a drug-screening test by an applicant prior to issuance or renewal of a license. The Authority also reserves the right to conduct random drug testing/ screening for all persons holding a harbor pilot license issued by the Authority.

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

§ 40-20.1-448 Validity of Licenses Issued by Board of Professional Licensing

All harbor pilot licenses duly issued by the CNMI Board of Professional Licensing prior to the enactment of Public Law 11-99 shall continue being effective until they expire; provided that all harbor pilots duly licensed by the CNMI Board of Professional Licensing shall hereafter be under the jurisdiction of the Commonwealth Ports Authority

TITLE 40: COMMONWEALTH PORTS AUTHORITY

and shall be governed by this subchapter and applicable federal and Commonwealth law, including any lawful order issued by the Port Manager or Harbor Master, or the Executive Director of the Commonwealth Ports Authority.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).

Commission Comment: PL 11-99 (effective Sept. 21, 1999), the “Board of Professional Licensing Amendments Acts of 1998,” is codified at 4 CMC §§ 3101, et seq.

The 2000 amendments provided for the licensing of harbor pilots by the Commonwealth Ports Authority. See part 400 of this subchapter. Prior to 2000, the Board of Professional Licensing had the responsibility for licensing harbor pilots. See NMIAC, title 125, chapter 30, for the history of the Board of Professional Licensing’s regulations.

§ 40-20.1-450 Construction of Harbor Superintendent

Whenever in the rules and regulations in this subchapter reference is made to the “Harbor Superintendent” that term shall be construed to mean the Port Manager of the seaport in question.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 22 Com. Reg. 17470 (Sept. 20, 2000); Amdts Proposed 22 Com. Reg. 17236 (May 19, 2000).