

PORTLAND INTERNATIONAL JETPORT

To: Danielle West, City Manager
Ashley Rand, City Clerk

From: Paul Bradbury, Director Portland International Jetport

Date: December 9, 2024

Re: **NOTICE OF PROPOSED RULEMAKING RE: AMENDING THE PORTLAND INTERNATIONAL JETPORT NOTICE OF VIOLATION PROGRAM**

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Pursuant to Section 18-83 of the Portland City Code, please post this Notice and the attached Notice of Violation Program in the City Clerk's office and in the City Manager's office upon receipt. It will also be posted at the Portland International Jetport Administration Office, and on the Jetport's website. This proposed rule will take effect **fifteen (15) business** days from the date of this posting, unless otherwise ordered by the City Manager, with an effective date of **January 1, 2025**.

Written comments or objections to the proposed rule amendment must be submitted to the City Manager's office within **ten (10) business** days of the date of this posting in the City Clerk's office. Such comments should be addressed as follows:

Danielle West, City Manager
City of Portland
389 Congress Street
Portland, ME 04101

Attention: Proposed Jetport Rulemaking: Notice of Violation Program

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Date of Posting: **December 9, 2024** City Clerk's and City Manager's offices

Date Comments Due in City Manager's Office: **by 4:30 p.m. on December 20, 2024**.

Date Rule becomes Effective (if not disapproved by City Manager): **January 1, 2025**.

Portland International Jetport Notice of Violation Program

Purpose: The purpose of the Notice of Violation (NOV) program is to facilitate consistent adjudication of TSA, FAA, and Airport Rules and Regulations violations. The program is structured to assign points for violations and to acknowledge different levels of compliance with training, recognition of additional regulatory outcomes, and airport rules and regulations.

Based on the accumulated points an employee will have their badge(s) suspended for the associated time.

Points: Points are accumulated in the following manner:

Initial Violation: The reason for the NOV will be documented and assigned points per Appendix B.

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Compliance with Training: Most violations are the result of not following the training provided. Some items are complex while others are simple. Sometimes all training is followed and still a violation occurs. Within the compliance with the training section up to one point may be credited back if the Operations Duty Officer believes circumstances warrant a relief of penalty.

-1 Point - Where in the opinion of the Operations Duty Officer circumstances warrant a relief of penalty.

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Airport Rules and Regulations: Often violations are the result of multiple other violations. If additional Jetport rules and regulations were violated as part of the violation up to three additional points can be issued based on Appendix B.

0 Points - No additional violations of Airport Rules and Regulations

1-3 Points - Based on additional violations of Airport Rules and Regulations per Appendix B

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Progressive Discipline: With each violation by an individual it is more appropriate to further review their status as an airport badge holder. Additional Points will be issued for a second or third violation.

0 Points - First Violation

1 Point - Second Violation

2 Points - Third Violation

Point Matrix: Points are accumulated on a rolling two (2) year calendar. Two years after a violation its points will fall off an individual's record. The below matrix shows the point values and associated suspensions.

1	2	3	4	5	6	7	8
Written Violation	2 Day Suspension	4 Day Suspension				Badge Termination	
Re-Training	Re-Training	Re-Training Meeting with Airport Management and Station Manager					

First Offense Initiative: If an individual's first offense results in 1-3 points the airport will offer in lieu of a suspension the opportunity to create a training curriculum to educate others to not make the same mistake. The individual badge holder will have the option to:

- A. Accept the 2 Day Suspension and Retraining, or;
- B. Create a training curriculum on how not to make the same mistake, and provide that training to other airport stakeholders and complete the retraining (Option B requires the approval of both the individual and their station manager/signatory).

Negligence: If an individual's actions are determined to be negligent by airport management, immediate badge revocation will occur.

NOV Implementation: When a Notice of Violation is issued it is implemented immediately unless there is a life safety/operational constraint that would negatively impact the rest of the operation. In these limited circumstances the NOV may be delayed until the end of the current shift if the Operation Duty Officer does not feel that there is a safety/security risk in allowing the individual to stay on shift.

SELF REPORTING: In the event a violation occurs and the individuals involved immediately self-report to the Operations Center, consideration in application of the Notice of Violation program will be given. Self reports must be made immediately and by the individuals involved in the violation.

Appeal: If in the course of a NOV the individual disagrees with the adjudication they have a right to appeal. Appeals must be written and submitted to the Airport Directors office within five (5) days of the NOV issuance. The Airport Director or their designee will respond to the appeal, and may hold a hearing on the matter within 10 business days of receipt of the appeal. If an appeal is requested the individual will have badge rights restored until the appeal can be heard.

APPENDIX A

NOV FORM

Portland International Jetport
Notice of Violation

NOV: You are receiving this Notice of Violation (NOV) due to your failure to follow the Jetport Rules & Regulations, Training, Procedures, Policy, and/or general Safety requirements of the Jetport or your company. Below, points have been assessed to determine the resulting penalty for your failure. Points are assessed based on four (4) criteria, including **Initial Violation**, **Compliance with Training**, **Airport Rules & Regulations**, and **Progressive Discipline**. Points are maintained on your record for a period of two (2) years and may result in increased penalties should future failures occur. Regardless of penalty, all NOV action requires the retraining in the failed category. If an individual's actions are determined to be negligent by airport management, immediate badge revocation will occur.

Name:				Company:			
Badge #:			Vehicle:				
Location:			Damage:	Yes	No	Issued By:	
SMS Report:	Yes	No	Ops Report #:			Issue Date:	

<u>Initial Violation:</u>	<u>Compliance with Training</u>	<u>Rules and Regs</u>	<u>Progressive Discipline</u>	=	<u>Violation Points</u>	<u>Prior Points on Record</u>	<u>Total Points</u>
	-1	0	0				
1	0	1	1				
2		2	2				
3		3					
4		4					

1	2	3	4	5	6	7	8
Written Violation	2 Day Suspension		4 Day Suspension				Badge Termination
Re-Training	Re-Training		Re-Training Meeting with Airport Management and Station Manager				

Description:

Penalty:

Appeal: If in the course of a NOV the individual disagrees with the adjudication they have a right to appeal. Appeals must be written and submitted to the Airport Directors office within five (5) days of the NOV issuance. The Airport Director or their designee will respond to the appeal, and may hold a hearing on the matter within 10 business days of receipt of the appeal. If an appeal is requests the individual will have badge rights restored until the appeal can be heard.

Signatures:	Employee		Supervisor:	
	Date:		Date:	

APPENDIX B

VIOLATIONS

1. Class I Violations (1 Points)

- A.** Towing More Than Four (4) Carts
- B.** Non-operational Headlights/Brake Lights/Beacon (If Equipped)
- C.** Failure To Secure Trash Container, Cargo, Mail, Or FOD Producing Items
- D.** Improper Use Or Operation Of Equipment
- E.** Failure To Wear Seat Belts
- F.** Speeding Inside A Drive Lane
- G.** Driving Outside Of Drive Lane
- H.** Failure To Display Badge Properly
- I.** Failure To Report A Security Violation
- J.** Failure To Report A Door Alarm
- K.** Defacing A SIDA Badge
- L.** Smoking Inside The Security Perimeter Fence or Terminal
- M.** Vehicle/Equipment Accident With No Damage/Injuries
- N.** Unable To Produce Driver's License
- O.** Illegally Parked Vehicle / Equipment
- P.** Blocking An Emergency Exit, Fire Extinguisher, Eye Flush Station, Or Electrical Panel
- Q.** Inappropriate Language or Behavior In A Public Space
- R.** Failure To Provide One (1) Wing Walker During Aircraft Pushback Or Arrival

2. Class II Violations (2 Points)

- A.** Failure To Yield Right Of Way To Wing Walkers/ Aircraft Pushing Back Or Approaching Gate (Connected to Tug)
- B.** Failure To Report An Accident/Incident/Hazardous Material Spills To Airport Operations Center
- C.** Failure To Obey Traffic Signs Or Markings
- D.** Speeding Outside A Drive Lane
- E.** Distracted Driving
- F.** Unauthorized Crane Operations
- G.** Failure To Secure A SIDA Access Point
- H.** Unauthorized Access To A SIDA Area
- I.** Loss Of Escort (Security)
- J.** Failed Challenge Procedure
- K.** Vehicle/Equipment Accident With Damage
- L.** Failure To Report An Arrest With Impacts To Driving

- M. Walking Or Standing On A Bag Belt
- N. Prohibited Storage Of Hazardous Materials Or Waste
- O. Improper Use Of An Escalator, Elevator, Or Wheelchair
- P. Introducing Or Feeding Animals Within The Security Perimeter Fence
- Q. Unapproved Taxiing Of An Aircraft That Is Not Intended For Flight On The Movement Area
- R. Using Security Access Credentials To Gain Access To The SIDA Or Sterile Areas Of The Jetport For Purposes Other Than Official Work Duties
- S. Loss of Escort (Driving)
- T. Letter of Agreement Violation (FAA)

3. Class III Violations (3 Points)

- A. Failure To Yield Right Of Way To Aircraft And Emergency Vehicles (Under Own Power)
- B. Reckless Driving
- C. Speeding Within 100ft Of An Aircraft
- D. Movement Area Violation (Taxiway/Taxiway Safety Area)
- E. Creating An Environmental Hazard
- F. Smoking Near Fueling Equipment Or Storage
- G. Driving Without Authorization On A Non-movement Area
- H. Piggy-backing Through A Gate Or Door To Sterile Or Secured Areas
- I. Introducing Checked Baggage To The Sterile Area
- J. Vehicle/Equipment Accident With Injuries
- K. Allowing Another Person To Use Your SIDA Badge
- L. Failure To Secure Or Possessing Prohibited Items In The Sterile Area Without Authorization
- M. Failure To Present To Screening (At Screening Point)
- N. Inappropriate Runway Access

4. Class IV Violations (4 Points)

- A. Runway Incursion
- B. Threats Or Acts Of Violence
- C. Threats Against An Aircraft
- D. Unauthorized Tampering Or Operation Of Any Aircraft
- E. Vehicle/Equipment Accident Resulting In Damage To Aircraft
- F. Driving Without Proper Authorization On A Movement Area
- G. Breach Of Sterile or Secured Area Access Point
- H. Circumventing Or Attempting To Circumvent Screening (Away from Screening Point)

- I. Working or Operating A Vehicle Inside The Security Perimeter While Under The Influence Or In Possession Of Alcohol, Drugs, Or Other Illicit Substances
- J. Being Found Guilty Of Having Committed A Crime Pursuant To Any Penal Code Applicable To The Jetport While On Jetport Property