
Airport Rules & Regulations -- Laws of Westchester County

Sec. 712.391. Purpose. [Act No. 74-1967, § 321, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 2]

1. The County of Westchester is the owner and sponsor of the Westchester County --Airport.
2. The County of Westchester recognizes that enforceable rules and regulations must exist for the orderly management and operation of the Westchester County Airport to protect the health and welfare of the public, provide for economic efficiency and accountability, to limit impacts on the environment and to meet the safety and security needs of the users of the airport, the residents of the County and the communities in close proximity to the airport. It is the purpose of this Article to create such rules and regulations.
3. The Westchester County Commissioner of Transportation will designate a person to be the Airport Manager who will be responsible for the administration of these rules and regulations. That person may be an agent or employee of an agent authorized by written contract to manage the operations of the airport.
4. The Westchester County Department of Public Safety will have the duty to exercise such law enforcement power as necessary to enforce these rules and regulations and to enforce all other applicable laws and regulations at the airport.

Cross reference--Westchester County Airport Advisory Board, Ch. 277, Art. IX.

Sec. 712.401. Definitions. [Act No. 74-1967, § 322, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 3]

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

1. *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, lighter-than-aircraft, helicopters, gliders, amphibians, sport category aircraft and other aircraft identified by the Manager.
2. *Airport* shall mean Westchester County Airport.
3. *Airport rules and regulations* shall mean these rules and regulations.
4. *Charter flights* shall mean those flights other than regular scheduled airline service on which cargo and passengers are carried for hire.
5. *Firearm or similar weapon* means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; or (C) any firearm muffler or firearm silencer.
6. *Fixed base operation* includes any of the following services: storage and/or tie-down of aircraft, repair and/or maintenance of aircraft, the sale of new and/or used aircraft, the repair, sale and/or maintenance of aircraft radios, instruments and/or electronic equipment, rental and/or lease, and the sale of aviation fuels and other petroleum products.
7. *Flying club* shall mean a not-for-profit membership corporation organized and/or operating

for the purposes of providing flight instruction for its members only and/or providing aircraft for use by its members only.

8. *Fixed base operators* shall mean those persons authorized to provide fixed base operations to the public.
9. *Fuel handling* shall mean the transporting, delivering, fueling and/or drainage of fuel or fuel waste products.
10. *Fuel storage area* shall mean and include those portions of the airport designated temporarily or permanently by the Manager as areas in which gasoline, jet fuel, or any other type of fuel may be stored, including but not limited to gasoline tank farms.
11. *Manager* shall mean the person designated by the Westchester County Commissioner of Transportation to be the Airport Manager, or, in his absence, the person acting as Airport Manager.
12. *Operational Area* shall mean any portion of the airport designated by the Manager on or from which aircraft may be directly accessed, including but not limited to runways, taxiways, ramps, aprons, parking areas, paved and unpaved areas and hangars.
13. *Operator* shall mean any person in legal or actual control of an aircraft on, or in the vicinity of Westchester County Airport.
14. *Permission* shall mean permission granted by the Manager or his designated representative.
15. *Person* shall mean any individual, firm, copartnership, corporation, association or company (including any assignee, receiver, trustee or similar representative thereof) or the United States of America or any foreign government or any state or political subdivision thereof.
16. *Public aircraft parking and storage areas* shall mean and include those portions of the airport designated and made available temporarily or permanently by the manager to the public for the parking or storage of aircraft.
17. *Public landing area* shall mean and include those portions of the airport including runways and taxiways designated and made available by the Manager to the public for the landing and taking off of aircraft and other areas between and adjacent to said runways and taxiways.
18. *Public ramp and apron area* shall mean and include those portions of the airport designated and made available by the Manager to the public for loading or unloading of passengers and/or cargo on and from aircraft.
19. *Public vehicular parking area* shall mean and include those portions of the airport designated and made available by the Manager to the public for the parking of vehicles.
20. *Restricted area* shall mean any area of the airport posted to prohibit entry to or to limit entry or access to specifically authorized persons.
21. *Vehicle* shall mean and include automobiles, trucks, buses, motorcycles, horsedrawn vehicles, bicycles, pushcarts and any other device in or upon which any person or property is or may be transported, carried or drawn upon land, except aircraft.

Sec. 712.411. General provisions. [Act No. 74-1967, § 323, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 4]

1. Any entry upon or use of the airport or any part thereof, whether with express permission or without, is conditioned upon compliance with the airport rules and regulations; and entry upon or into the airport by any person shall be deemed to constitute an agreement by such person to comply with said rules and regulations.
2. No person shall conduct any commercial activity on the airport without a permit issued by the Manager.

3. No commercial photography shall be permitted on the airport except with the permission of the Manager.
4. Unless otherwise provided in a written agreement with the County, no person shall use any area of the airport for storage of cargo or other property without permission of the Manager. In the event of a violation of this provision, the Manager shall have authority to order the cargo or other property removed or to cause the same to be removed and stored at the expense of the owner or consignee thereof, without liability for damage thereto arising from or out of such removal or storage on the part of the County of Westchester, or its operating agent or their agents or employees.
5. Unless otherwise provided in an agreement with the County, 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 permission of the Manager. In the event of a violation of this provision, the Manager shall have the authority to order the aircraft removed or to cause the same to be removed and stored at the expense of the owner thereof, without liability for damage thereto arising from or out of such removal or storage.
6. No person shall use or occupy an Operational Area for any purpose whatsoever except a purpose pertaining to the servicing of tenants, concessionaires, airlines, activities associated with airlines, or governmental agencies or a purpose connected with the maintenance and operation of the airport.
7. No person shall land or take off an aircraft on or from the airport, except upon the payment of such fees and charges as may from time to time be prescribed by the County.
8. No person, except in an emergency, shall descend by parachute and land or light within or upon the airport without permission of the Manager.
9. No person, except agents of an authorized federal, state or local governmental agency while acting pursuant to their official investigatory and/or public safety duties, shall disturb, move or remove any aircraft parts or other equipment found on the airport or as a result of an aircraft accident or incident unless authorized by the Manager.
10. No person shall operate, rent or provide aircraft for hire or for a revenue producing purpose at the airport without a permit issued by the Manager.
11. No person, except a fixed base operator, or except as otherwise required by federal aviation regulations, will conduct fixed base operations at the airport.
12. No services shall be offered to the public in the terminal except from a counter, office or other facility suitable to the purpose. Such facilities may not be erected except pursuant to a written agreement with the County through its operating agent.
13. No flying club shall be conducted on the airport without the written consent of the Manager.
14.
 - (a) No person will enter into the Operational Area unless he or she displays a currently valid identification badge issued to that person by the Manager or his/her designee, or unless he or she is escorted by a person displaying such badge.
 - (b) No vehicle will be operated in the Operational Area unless it has been issued a permit by the Manager or is escorted by a person displaying a currently valid identification badge issued to that person by the Manager.
 - (c) No person will, knowingly or negligently, by act of commission or omission, permit any unauthorized or unescorted person or vehicle to enter the Operational Area.
 - (d) No person will, knowingly or negligently, by act of commission or omission, create or maintain a condition that would permit any unauthorized or unescorted person or vehicle

to enter the Operational Area.

- (e) A person and/or vehicle is deemed to be "escorted" pursuant to this subdivision when said person and/or vehicle is accompanied by, remains within the line of sight of and in close proximity to an authorized person displaying a currently valid identification badge issued to that person by the Manager and the authorized person is able to observe and influence the activity of the person and/or vehicle escorted.
- (f) Nothing in this section shall be construed to preclude:
 - (1) the otherwise lawful entry of federal, state or county emergency services personnel, vehicles and equipment, or additional emergency services personnel, vehicles and equipment authorized by the Manager, into the Operational Area in the performance of official duty in response to an emergency condition when aeronautical operations have been suspended, or
 - (2) the otherwise lawful entry by law enforcement officers authorized by the Westchester County Department of Public Safety into the Operational Area or into any Restricted Area of the Terminal at any time in the regular performance of their duties or in pursuit of any person suspected of violating any federal, state or county law.

15. No person will operate or attempt to operate, move, enter, affix anything to or remove anything from any aircraft at the airport without the permission of the owner or operator thereof or the authorization of the Manager.

Sec. 712.421. Provisions in regard to aircraft. [Act No. 74-1967, § 324, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 54-1981, Act No. 89-2007, § 5]

1. The Manager may prohibit aircraft landing, except for emergency landing, and aircraft taking off at any time he or she deems such landings and takeoffs likely to endanger persons or property.
2. No person shall navigate any aircraft, land aircraft upon, fly aircraft from, or conduct any aircraft operations on or from the airport otherwise than in conformity with the then current federal rules and regulations pertaining thereto and applicable local noise abatement regulations.
3. No aircraft shall be operated on any surface of the airport (a) in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution and circumspection; or (b) at a speed or in a manner which endangers, or is likely to endanger person or property; or (c) while the operator is under the influence of liquor, or any narcotic derivative, hallucinogenic or habit-forming drug; (d) when such aircraft is so constructed, equipped or loaded to endanger persons or property; or (e) in violation of federal aviation regulations.
4. Any person operating or controlling an aircraft on or at the airport shall at all times comply with the instructions, signals or directions of the County and the Manager, by whatever means communicated.
5. No aircraft may land or take off at the airport unless it is equipped with brakes and a functioning radio capable of direct two-way communication with the control tower, except in the case of an emergency or by special permission of the Manager.
6. No motorless aircraft may land or take off at the airport without permission of the Manager.
7. No aircraft with a certified maximum gross weight in excess of 120,000 pounds shall land or take off at the airport without prior permission of the Manager.

8. No engine shall be started while the aircraft is parked on the airport or aircraft taxied at the airport where the exhaust or propeller blast may cause injury to persons or do damage to property. If it is impossible to taxi such aircraft without compliance with the above, then the engine must be shut down and the aircraft towed to desired destination. Aircraft shall not be positioned or taxied so that propeller slipstream or jet engine exhaust is directed at spectators, personnel, hangars, shops or other buildings in such a manner as might cause personal injury, property damage or the activation of sprinkler systems or fire detection systems.
9. Aircraft engines shall be started and warmed up on the airport only in places designated for such purposes by the Manager. No aircraft engine shall be run up without the permission of the Manager or his designee, and then in areas authorized for that purpose by the Manager.
10. No aircraft shall use any part of the public landing areas considered by the Manager temporarily unsafe for landing or taking off, or which is not available for any cause; the boundaries of such areas will be marked with safety cones or barricades by day and red flashing lights by night, and notice thereof will be given to the control tower by the Manager.
11. Aircraft landing at the airport shall make the landing runway available to others by clearing the runway as promptly as possible. All aircraft shall hold their position and/or clear the runways during an emergency unless otherwise directed by the control tower.
12. Except for authorized procedure(s) approved by the Manager, no aircraft engine shall be started or run at the airport unless a pilot certificated to operate that particular type of aircraft or a certified Federal Aviation Administration ("FAA") airframe and/or power plant mechanic qualified to start and operate the engines of that particular type of aircraft shall be attending the controls. The brakes of all aircraft shall be on and set before the engine or engines are started.
13. Except for authorized procedure(s) approved by the Manager, no aircraft shall be taxied at the airport unless a pilot certificated to operate that particular type of aircraft or a certified FAA airframe and/or power plant mechanic properly qualified to taxi that particular type of aircraft shall be attending the controls.
14. All aircraft which are being taxied, towed or otherwise moved at the airport shall be under full control and shall move or be moved at a reasonable speed. Whenever any aircraft is being taxied, towed or otherwise moved on the public landing or public ramp and apron area, there shall be a person attending the controls of the aircraft who shall monitor by radio the transmitting frequency in use by the control tower or who, if necessary, shall cause that frequency to be monitored by another person in the aircraft at that time. In the event the aircraft is not equipped with radio or the radio is inoperative, the aircraft shall be moved only when accompanied by an escort vehicle, equipped with an operating radio.
15. With respect to safety, no person shall park an aircraft or leave the same standing on a public landing area, public ramp and apron area, public parking and storage area or Operational Area at the airport except at such places as may be prescribed or designated by the Manager for such use. When in such area, every aircraft shall be firmly tied to the ground by ropes and stakes, or otherwise properly secured or attended. The main or nose landing wheels of every aircraft not so tied down shall be chocked with wheel chocks. Helicopters shall have braking devices and/or rotor mooring devices applied to the rotor blades.
16. The Manager may move, at the owner's expense, any aircraft parked or stored at the airport or direct the person having control of such aircraft to move said aircraft from the place where it is parked or stored to any other designated place without liability to the County of Westchester or the operating agent for damage which may result in the course of such

moving.

17. Aircraft fuel dump valves shall be tested only with the permission of the Manager.
18. No aircraft shall be taxied into or out of a hangar under its own power.
19. Every aircraft parked on a public ramp and apron area, with its engine(s) running or preparing to start engine(s), shall have its rotating beacon lighted.
20. All aircraft being taxied or towed or otherwise moved at the airport shall proceed with running lights on from one-half hour before sunset until one-half hour after sunrise.
21. The operator of any aircraft involved in any accident causing personal injury or property damage at the airport shall make a prompt and full report of said accident to the Manager and will comply with federal accident reporting requirements.
22. Unless the provisions of section 712.411(9), hereof apply, the operator and owner of aircraft wrecked or disabled at the airport shall be responsible for the prompt removal of such aircraft and parts thereof as directed by the Manager. In the event of failure to comply with such direction, such wrecked or disabled aircraft and parts may be removed by the Manager at the owner's or operator's expense and without liability to the County of Westchester or the operating agent for damage or loss which may result in the course of such removal.
23. All charges due to the airport for the use of the airport shall be payable in cash unless credit arrangements satisfactory to the Manager have been made in advance or the Manager approves payment by check.
24. The Manager shall have the authority to detain any aircraft for nonpayment of any charges relating to said aircraft properly due to the County.
25. The Manager shall have the authority to deny the use of the airport to any owner or operator violating any airport or federal regulation or any violation of the then current noise abatement procedure.
26. The operator of any transient aircraft shall report to the airport operations office or a fixed base operator upon landing to register his aircraft for the payment of fees.
27. All persons operating aircraft in and out of Westchester County Airport will follow the flight patterns established by the Federal Aviation Administration.

Sec. 712.431. Provisions in regard to safety. [Act No. 74-1967, § 325, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 6]

1. No person in or upon the airport shall do or omit to do any act if the doing or omission thereof endangers or is likely to endanger persons or property.
2. No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any naked flame in or upon any fuel storage area, public landing area, public ramp or apron area, or public aircraft parking and storage area, on any open deck, gallery or balcony contiguous to and overlooking any such area, or in any other place where smoking is specifically prohibited by signs, or upon any open space within 50 feet of any fuel carrier which is not in motion.
3. No person shall start any open fires of any type, including flare pots, torches or fires in containers formerly used for oil, paint and similar materials, on any part of the airport without permission of the Manager.
4. No person shall store, keep, handle, use, dispense or transport at, in or upon the airport any Division 1.1, Division 1.2, Division 1.3, or Division 1.4 explosives or Class A poison, as defined by the Hazardous Material Regulation of the Department of Transportation: (a) dynamite, nitroglycerine, black powder propellants, fireworks, blasting caps, cordeudetonant or other explosives; (b) gasoline, alcohol, ether, liquid shellac, lacquer,

lacquer thinner, kerosene, turpentine, solvent or other flammable or combustible liquids; (c) ammonium nitrate, sodium chlorate, wet hemp, powdered magnesium, nitrocellulose, peroxides or other readily flammable solids or oxidizing materials; (d) hydrochloric acid, sulphuric acid or other corrosive liquids; (e) hydrogen, acetylene, liquefied petroleum gas, nitrogen, helium, argon, liquid or gaseous oxygen, chlorine, ammonia or other compressed flammable or nonflammable gasses, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquid or gaseous; or (f) any radioactive article, substance or material; without the permission of the Manager. Persons with the permission of the Manager will store, keep, handle, use, dispense or transport such items at such time or place or in such manner or condition as may be imposed by the Manager so as to ensure the safety of persons or property.

5. No person shall, at any time, possess, store, keep, handle, use or transport at, in or upon the airport any conventional weapon or chemical, biological, radiological, nuclear explosive (CBRNE) weapon or incendiary weapon, other than in accordance with subdivision 8 of Section 712.461.
6. No person shall, without prior permission of the Manager, store, keep, handle, use or transport at, in or upon the airport the following radioactive material;
 - a. Source material.
 - b. Special nuclear material (as defined in Standard for Protection Against Radiation promulgated by the Nuclear Regulatory Commission, Title 10, Code of Federal Regulation, Part 20) including, but not limited to plutonium, uranium enriched in the isotope 233, or in the isotope 235 or any material artificially enriched by any of the foregoing.
 - c. Nuclear reactor fuel elements that are partially expanded or irradiated.
 - d. New nuclear reactor fuel elements.
 - e. Radioactive waste material.
 - f. Any radioactive material moving under an Interstate Commerce Commission special permit or Nuclear Regulatory Commission permit and escort.

Advance notice of at least 24 hours shall be given the Manager to permit full investigation and clearance for any operation requiring permission under this rule. The permission of the Manager may be given to movements of radioactive materials only when such materials are packed, marked, labeled and limited as required by federal regulations applying to transportation of explosives and other dangerous articles and do not create any hazard to life or property at the airport.

7. No person shall tamper with any fire extinguisher equipment at the airport or use the same for any purpose other than fire fighting or fire prevention. All such equipment shall be inspected in conformity with the National Fire Protection Association regulations. Tags showing the date of the last such inspection shall be left attached to each unit.
8. No person shall tamper with any heater valve, sprinkler valve or device, blower motor or any other airport machinery or equipment. No person other than an authorized airport employee shall turn on or off heaters in public areas or operate any other airport equipment except as covered by specific written agreement.
9. No person shall block or modify any selfclosing fire door or do anything which would interfere or prevent its closing in the event of fire.

Sec. 712.441. Provisions in regard to fuel handling. [Act No. 74-1967, § 326, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 7]

1. All aircraft fueling operations shall be in accordance with federal and state spill prevention counter measure and control requirements.
2. All aircraft fuel servicing vehicles shall be designed, constructed and equipped in compliance with National Fire Protection Association standards and Title 14 Code of Federal Regulations Part 139, including any subsequent amendments made thereto for vehicles servicing aircraft with standard grades of aviation fuel.
3. Aircraft shall not be fueled or drained of fuel within a hangar or other enclosure and shall require no less than one 20-pound or larger dry chemical fire extinguisher to be available for use in connection therewith.
4. The product resulting from degassing or draining of fuel shall be placed in gasoline drums or special gasoline containers approved for this purpose by the Manager. Before reuse, such product shall be checked for identification and compliance with supplier's quality standards. Other disposition shall be in accordance with procedures approved by the Manager.
5. Aircraft fuel handling at the airport shall be conducted at least 50 feet away from any hangar or other building.
6. During fuel handling in connection with any aircraft, no person shall operate any radio transmitter or receiver in such aircraft or switch electrical appliances on or off in such aircraft, nor shall any person do any act or use any material which is likely to cause a spark within 50 feet of such aircraft.
7. No airborne radar equipment shall be operated or ground tested on a public passenger ramp and apron area or any area wherein the directional beam of high intensity radar is within 300 feet or the low intensity beam [less than 50 kilowatts' output] is within 100 feet of another aircraft, an aircraft refueling operation, an aircraft refueling truck or aircraft fuel or flammable liquid storage facility.
8. During fuel handling in connection with any aircraft, no passenger or passengers shall be permitted to remain in such aircraft unless a cabin attendant is at the door and a passenger ramp is in position if the same is required for the safe and rapid debarkation of passengers. Smoking is prohibited in or about such aircraft during fuel handling. Only personnel engaged in the fuel handling or in the maintenance and operation of the aircraft being fueled shall be permitted within 50 feet of the fuel tanks of such aircraft during the fuel handling operations.
9. Persons engaged in aircraft fuel handling shall exercise care to prevent overflow or spillage of fuel or oil. In the event of spillage of fuel or oil, the vendor or tenant responsible for the fuel spillage shall immediately report the spill to the airport operations duty supervisor and clean the spilled fuel or oil with a dry absorbent cleaning agent and dispose of the agent in a manner in compliance with all federal, state and county laws and regulations and airport environmental management system procedures and requirements. In no case shall spilled fuels be allowed to enter the airport drainage system.
10. No person shall start the engine or engines of any aircraft when there is gasoline or any type of fuel on the ground underneath the aircraft. In the event of 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 cleaned, until permission has been granted by the Manager or his authorized representative for the starting of engines in the area.
11. Automotive and ramp equipment shall be refueled at refueling stations and from dispensing devices approved by the Manager.

Sec. 712.451. Provisions in regard to vehicles. [Act No. 74-1967, § 327, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 8]

1. All persons operating vehicles on airport property must at all times comply with any signal, direction or lawful order of the Manager or any member of the Westchester County Department of Public Safety. When traffic is controlled by traffic lights, signs, mechanical or electrical signals, or pavement markings, all vehicles will obey such lights, signs, signals and marking, unless a law enforcement officer from the Westchester County Department of Public Safety directs otherwise.
2. No person operating a vehicle on airport property shall operate such vehicle in a careless or negligent manner or in disregard to the rights and safety of others, or without due caution or circumspection or at a speed or in a manner which endangers or is likely to endanger persons or property or while the driver thereof is under the influence of intoxicating liquor or any narcotic, narcotic derivative, hallucinogenic or habit-forming drug. No person may operate any vehicle which is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property is prohibited.
3. No vehicle shall be operated in or upon any Operational Area, fuel storage area, public landing area, public ramp and apron area, or public aircraft parking and storage area unless:
(a) the driver thereof is duly authorized to operate such vehicle on the highways of the State of New York; and (b) such vehicle is registered in accordance with the provisions of the law of the State of New York and approved for usage by the Manager and/or his or her designee.
4. No vehicle shall be operated in or upon an Operational Area, fuel storage area, public landing area, public ramp and apron area, or upon public aircraft parking and storage area unless it is in sound mechanical order, and has adequate lights, horns and brakes and clear vision from the driver's seat.
5. All vehicles, except emergency equipment responding to an alarm, shall yield the right-of-way to any and all aircraft in motion.
6. All vehicles operating in or on the Operational Area shall be equipped with a two-way radio receiver and transmitter operational at all times, unless otherwise authorized by the Manager. If the vehicles are operating between one-half hour before sunrise and one-half hour after sunset or when the visibility is limited, then they shall be additionally equipped with a functional rotating beacon in operation. No vehicle shall enter a public landing area without first obtaining clearance from the traffic control tower.
7. No vehicle shall be driven on the public ramp and apron area between an aircraft and its loading gate except for emergency vehicles.
8. No vehicle for hire shall load or unload passengers at the airport at any place other than that designated by the Manager.
9. No person shall park a vehicle or permit the same to remain halted on a public vehicular parking area, Operational Area, fuel storage area, public landing area, public ramp and apron area, or public aircraft parking and storage area, except at such places and for such periods of time as may be prescribed or permitted by the Manager. No aircraft refueling vehicle shall be parked within 50 feet of a building or hangar other than refueling service shop or within 15 feet of any other aircraft refueling vehicle.
10. No person shall stop or park a vehicle:
 - a. In front of a driveway or airport access gate;
 - b. Within a bus stop safety zone or taxicab zone, except vehicles authorized to use such areas;

- c. In other than leased or authorized areas for the purpose of washing, greasing or repairing a vehicle, except repairs necessitated by an emergency;
 - d. On the roadway side of any stopped or parked vehicle;
 - e. Within 15 feet of a fire hydrant;
 - f. Other than in accordance with restrictions posted on authorized signs.
11. The Manager may remove, or cause to be removed, from any area of the airport any vehicle which is disabled, abandoned, parked in violation of these rules and regulations or which presents an operational problem to any other area at the airport, at the operator's expense and without liability to the County of Westchester or its operating agent for any damage which may result in the course of such moving.
 12. In accordance with New York State law, the driver of any vehicle involved in an accident on the airport which results in injury or death to any person or damage to any property will immediately stop such vehicle at the scene of the accident and give his name, address and operator's license and registration number, insurance carrier and insurance identification information, including but not limited to the number and effective dates of said driver's insurance policy, to any law enforcement officer from the Westchester County Department of Public Safety. If practical, the driver will also give such information to the person(s) injured and/or the person(s) sustaining the damage, or witness of the injury/damage, and report said accident to the Manager forthwith.
 13. No person shall park a vehicle within any public vehicular parking area except upon the payment of such parking fees and charges as may from time to time be prescribed by the County.
 14. The Manager shall have authority to detain vehicles parked in air terminal vehicular parking areas for nonpayment of parking charges.
 15. Operations of fuel trucks on the airport will be in accordance with instructions issued by the Manager. All fuel trucks on the airport will operate with a rotating red beacon. The beacon will be in operation at all times while the fuel truck is in use between one-half hour before sunset and one-half hour after sunrise.

Sec. 712.461. Miscellaneous provisions. [Act No. 74-1967, § 328, eff. 1-2-1968; amended by Act No. 58-1979, Act No. 89-2007, § 9]

1. No person or vehicle shall travel on any portion of the airport except upon the roads, walks or places provided for the particular class of traffic; nor occupy the roads or walks in such manner as to hinder or obstruct their proper use.
2. No person shall enter any restricted area of the airport posted as being closed to the public without permission of the Manager.
3. No person shall enter upon the Operational Area of the airport without permission of the Manager or his designated representative.
4. No person shall:
 - a. Post, distribute or display signs, advertisements, circulars, printed or written matter at the airport without permission of the Manager;
 - b. Engage in a demonstration at the airport without having first obtained a permit from the Commissioner of Transportation of Westchester County.
5. No person shall solicit funds, free rides or any other service for any purpose at the airport without permission of the Manager.
6. No person, unless duly authorized by the Manager, shall, in or upon any area, platform,

stairway, waiting room, building or any other appurtenance of the airport:

- a. Sell or offer for sale any article of merchandise;
 - b. Solicit any business or trade, including the carrying of baggage for hire; the shining of shoes or bootblacking;
 - c. Entertain any persons by singing, dancing or playing any musical instrument;
 - d. Solicit alms.
7. No person shall loiter in and about any toilet area, platform, waiting room, building or any other appurtenance of the airport for purposes of violating any provision of this article or otherwise engaging in unlawful activity.
8. Possession and use of any weapons, explosives or incendiaries in the airport will be in compliance with all applicable laws and regulatory measures, including, but not limited to, the regulations of the Transportation Security Administration regarding the transport, possession and carriage of weapons in airports and on aircraft, and is further proscribed as follows:
- a. No person, except an authorized federal, state or local law enforcement officer, authorized air carrier employee designated as a federal flight deck officer, authorized airport security employee, security officer authorized to carry a firearm under Title 49 of the Code of Federal Regulations § 1562.29, or authorized member of an armed force of the United States, on official duty, will carry or transport any firearm or similar weapon in the Operational Area or Restricted Areas, unless said person has the permission of the Manager to do so and said firearm or similar weapon is unloaded and secured within a locked, hard-sided safe storage depository, as that term is defined in Section 527.11(d) of the Laws of Westchester County.
 - b. No person, except an authorized federal, state or local law enforcement officer, authorized air carrier employee designated as a federal flight deck officer, authorized airport security employee, security officer authorized to carry a firearm under Title 49 of the Code of Federal Regulations § 1562.29, or authorized member of an armed force of the United States, on official duty, will carry or transport any firearm or similar weapon in areas open to the public for general use, unless said person is otherwise specifically authorized under applicable law to carry such firearm or similar weapon and it is unloaded and secured within a locked, hard-sided safe storage depository, as that term is defined in Section 527.11(d) of the Laws of Westchester County, and is brought for the purpose of transport and declared to the aircraft operator in accordance with Title 49 of the Code of Federal Regulations § 1540.111(c). All unauthorized persons will surrender all such firearms or similar weapons in their possession to any law enforcement officer of the Westchester County Department of Public Safety.
 - c. No person, except an authorized federal, state or local law enforcement officer, authorized air carrier employee designated as a federal flight deck officer, authorized airport security employee, security officer authorized to carry a firearm under Title 49 of the Code of Federal Regulations § 1562.29, or authorized member of an armed force of the United States in the course of official duties and otherwise in accordance with federal, state and local law, will discharge any firearm or similar weapon on the airport.
9. No person shall interfere or tamper with any aircraft at the airport or start the engine of such aircraft without the consent of the operator or owner.
10. Any person finding any lost article at the airport shall deliver it to the office of the Manager and/or any law enforcement officer of the Department of Public Safety. An article unclaimed

by the owner will be disposed of pursuant to law.

11. Cleaning of or otherwise maintaining aircraft shall be accomplished only in the areas designated for that purpose by the Manager.
12. No person shall place, discharge or deposit in any manner, offal, garbage or any refuse in or upon any airport highway, Operational Area, fuel storage area, public vehicular parking area, public landing area, public ramp and apron area, or public aircraft parking and storage area, except at such places designated and marked for such purpose and under such conditions as the Manager may from time to time prescribe.
13. No person shall enter any public building, arcade, observation platform, public landing area or public ramp and apron area of the airport with any animal except a Seeing Eye dog or one properly confined for shipment. Animals may be permitted in other areas of the airport if on a leash or confined in such manner as to be under control.
14. Notwithstanding any other provision of law to the contrary, the Manager has the authority to remove any person from the airport that the Manager determines to be acting in a disorderly, unruly, or disruptive manner. In addition, the Manager has the authority to remove any property from the airport that the Manager determines is necessary for the security of the airport and/or the safety the property.

Sec. 712.462. Westchester County Airport Terminal Use Procedures. [L.L. No. 2-2004; § 1; amended by L.L. No. 7-2005]

1. Applicability. This Section shall apply to all use of the passenger terminal ("terminal") and the terminal ramp at the Westchester County Airport ("Airport") by Airlines providing Passenger Service, as that term is defined herein. The terminal ramp shall be for the exclusive use of Airlines providing Passenger Service. This Section does not apply to any activities by Airport users not providing Passenger Service. All Passenger Service provided at the Airport shall be provided at the Terminal.
2. Definitions. The following terms as used in this Section shall have the following meanings:
 - a. "Airline" shall mean any person providing Passenger Service in aircraft designed for more than (9) passenger seats, including but not limited to, any air carrier or other operator certificated to provide Passenger Service under Parts 119, 121 or 135 of the Federal Aviation Regulations, Title 14, Code of Federal Regulations. For purposes of this Section, "person" shall mean any individual, firm, company, association, society, corporation, partnership, copartnership, joint-stock company, trust, estate, governmental entity or any other legal entity or legal representatives, agents or assigns thereof. The masculine gender shall include the feminine, and the singular shall include the plural, where indicated by context.
 - b. "Commissioner" shall mean the Commissioner of Transportation of Westchester County or his or her designee, which designee may include the Airport Manager of the Westchester County Airport.
 - c. "Ground Handling Services" shall include, at a minimum, ramp services, aircraft arrival and departure marshalling, aircraft parking and push-back, external engine starting, gate access coordination, aircraft deicing/anti-icing. Americans with Disability Act compliance on the Terminal Ramp, and any other services needed in the ordinary course by Airlines using the Terminal Ramp.
 - d. An "Incumbent Passenger Allocation" shall mean a Passenger Allocation that was in use by a Qualified Airline on November 30, 2004, pursuant to the provisions of Westchester

- County Board of Legislators Resolutions 59-1985 and 266-1985, and the 1994 Terminal Capacity Affirmation and Extension Agreement.
- e. An "Incumbent Ramp Allocation" shall mean a Ramp Allocation that was in use by a Qualified Airline on November 30, 2004, pursuant to the provisions of Westchester County Board of Legislators Resolutions 59-1985 and 266-1985, and the 1994 Terminal Capacity Affirmation and Extension Agreement.
 - f. "Limited Qualified Airline" shall mean any Airline that: (1) holds a valid operating certificate from the Federal Aviation Administration for the type of service it provides or seeks to provide at the Airport; (2) has, or has immediate and demonstrable, access to the aircraft and operating personnel to provide the service it provides or seeks to provide; (3) has a valid Limited Terminal Use Agreement with the County in effect; (4) furnishes proof of requisite insurance pursuant to the terms of the then-current Limited Terminal Use Agreement; (5) has designated a representative for purposes of this Section; (6) is current on its financial obligations with the County; and (7) has conducted no more than four (4) operations constituting Passenger Service at the Airport within the previous 90 days.
 - g. "Limited Terminal Use Agreement" shall mean that agreement that Airlines must execute with the County in order to satisfy in part the requirements of Subsection 2(f) above.
 - h. "Passenger" shall mean any person enplaned or deplaned at the Terminal. Federal employees who are actually on official duty and Airline employees shall not be deemed to be Passengers.
 - i. "Passenger Allocation" shall mean the authorization to schedule the enplanement or deplanement of one passenger onto or from an aircraft that has a Ramp Allocation.
 - j. "Passenger Service" shall mean any air service to or from the Airport for which seats are individually offered or sold to the public or a segment of the public, regardless of whether such individual seats are offered or sold directly by the aircraft operator, a charterer, another Airline, or any other entity.
 - k. A "Qualified Airline" shall mean any Airline that: (1) holds a valid operating certificate from the Federal Aviation Administration for the type of service it provides or seeks to provide at the Airport; (2) has, or has immediate and demonstrable access to, sufficient aircraft and operating personnel to provide the service it provides or seeks to provide; (3) has a valid Terminal Use Agreement with the County in effect; (4) furnishes proof of requisite insurance pursuant to the terms of the then-current Terminal Use Agreement; (5) has designated a representative for purposes of this Section; and (6) is current on its financial obligations with the County.
 - l. "Ramp Allocation" shall mean the authorization to schedule an Airline aircraft operation on the Terminal Ramp during a designated half hour each day, or for a single designated half hour in the case of a Limited Qualified Airline operating pursuant to Subsection 7 hereof. An operation shall consist of an arrival or a departure.
 - m. "Technical Specifications and Procedural Requirements" shall mean any applicable and lawful technical, engineering, and mechanical specifications for the Airport, including but not limited to the Terminal Ramp, that are issued from time to time by the Commissioner, based upon Federal Aviation Administration guidelines and regulations, and upon the safety, efficiency and physical limitations of the Airport, including the Terminal and Terminal Ramp. The Technical Specifications and Procedural

- Requirements shall at least address maximum aircraft length, maximum wingspan, and maximum weight for aircraft using the Terminal Ramp.
- n. "Terminal Ramp" shall refer to that portion of the apron at the Airport that is immediately adjacent to the Terminal building and which is available for scheduled Airline operations.
 - o. "Terminal Use Agreement" shall mean that agreement that Airlines must execute with the County in order to satisfy in part the requirements of Subsection 2(j)^{iEN} above.
3. Terminal Ramp Use and Capacity.
- a. Terminal Ramp Capacity. A maximum of four aircraft may be scheduled to use the Terminal Ramp at any time. It is the responsibility of each Airline to schedule arrivals and departures of its aircraft so as to avoid the need to wait elsewhere on the Airport for access to the Terminal Ramp. Allocation of the Terminal Ramp capacity shall be governed by Subsection 5 below.
 - b. Use of Terminal Ramp. An Airline must hold a Ramp Allocation for each aircraft operation scheduled to use the Terminal Ramp. The Commissioner may deny access to the Terminal Ramp to any aircraft without a current Ramp Allocation. Subject to availability and subject to other Ramp Allocations, the County will endeavor to accommodate any aircraft arriving outside of the half-hour slot of its Ramp Allocation for such arrival or departure if caused by weather, airspace delays, mechanical difficulties, or other factors.
 - c. Parking on the Terminal Ramp. Subject to the use of the Terminal Ramp by Qualified Airlines that have valid Ramp Allocations, and subject to the efficient management of limited space on the Terminal Ramp and security considerations, the County will attempt to accommodate Qualified Airlines (1) who wish to park aircraft overnight on the Terminal Ramp after the last scheduled Ramp Allocation for the day or (2) when a Qualified Airline has nonsequential arrival and departure Ramp Allocations for the same aircraft. Any actions by the County allowing use of the Terminal Ramp for such parking pursuant to this provision shall not entitle an Airline to any changes in its Ramp Allocations. An Airline is not entitled to occupy a parking position during any half hour for which it has no Ramp Allocation and must vacate the Terminal Ramp when directed by Airport staff.
 - d. Technical Specifications. All Airlines shall comply with the Technical Specifications and Procedural Requirements as issued by the Commissioner from time to time.
 - e. Ground Handling Services. Ground Handling Services for all Airline operations shall be provided by the County or its contractors. An Airline must be a Qualified Airline or Limited Qualified Airline to receive Ground Handling Services.
4. Passenger Capacity of the Terminal. In the interest of passenger safety, security, public health, and comfort, the Terminal was designed for a capacity of 240 passengers per half hour, without consideration of whether such passengers are enplaning or deplaning. Allocation of this capacity shall be governed by the provisions of Subsection 5.
5. Allocation of Terminal Ramp and Terminal Capacity. In order reasonably and equitably to allocate the available Terminal building and Terminal Ramp capacity, to ensure competition, and to promote orderly and efficient Airport operations, the County shall allocate available Terminal Ramp and Terminal building capacity by means of a lottery as set forth in this Subsection.
- a. Incumbent Allocations: A Qualified Airline that has Incumbent Ramp Allocations or

Incumbent Passenger Allocations may continue to operate pursuant to such Allocations under this Section after November 30, 2004, so long as (1) this Section is in effect; and (2) the Airline complies with applicable County ordinances, laws, rules and regulations governing the Airport, including this Section. After December 31, 2004, Incumbent Ramp Allocations and Incumbent Passenger Allocations shall be treated identically to later-acquired Ramp Allocations and Passenger Allocations for purposes of compliance with this Section, including the provisions of Subsections (5)(d)-(m).

- b. Future Quarterly Allocations:
 - i. By the last business day of December 2004, the Commissioner shall publish a report ("Terminal Capacity Allocation Report") identifying all Incumbent Ramp Allocations and Incumbent Passenger Allocations as of November 30, 2004. The Terminal Capacity Allocation Report shall list (1) the time slots for, and names of, Qualified Airlines using each Incumbent Ramp Allocation and Incumbent Passenger Allocation; and (2) available Ramp Allocations and Passenger Allocations, on a half-hourly basis.
 - ii. By the last business day of every third month after November 30, 2004, the Commissioner shall make a preliminary determination of the then-available Terminal and Terminal Ramp capacity by subtracting all Ramp and Passenger Allocations from total Passenger and Ramp capacity and shall make a report of such available capacity ("Quarterly Available Capacity Report") available in a convenient form for Qualified Airlines and all other interested persons.
 - iii. The allocation of available capacity shall be by means of a Quarterly Lottery. The Quarterly Lottery may be conducted through representatives of the County and Qualified Airlines or may be conducted electronically, as the Commissioner shall determine from time to time.
 - iv. No later than December 15, 2004, and by the 15th day of each third month thereafter, any Qualified Airline seeking an Allocation of any available capacity by means of the Quarterly Lottery shall submit a request to the Commissioner in the manner specified by the Commissioner. The request shall, at a minimum, identify the Airline's designated representative for the forthcoming Quarterly Lottery and the aircraft with which the Qualified Airline proposes to provide service for any Ramp Allocation.
 - v. On January 4, 2005, and on the first Tuesday of each third month thereafter, the County shall conduct the Quarterly Lottery to allocate capacity for the half hourly periods for which there is available capacity. The Commissioner may designate alternative dates for the Quarterly Lottery upon 14-days notice to the designated representative of each Qualified Airline.
 - vi. At the commencement of the Quarterly Lottery, the Commissioner will provide a report of then-available Passenger and Ramp Allocations. All Qualified Airlines who submitted a request pursuant to Subsection (5)(b)(iv) shall be randomly assigned numbers to establish their order of selection in the first round of the Quarterly Lottery. Each Qualified Airline, in its order of selection, may draw Ramp Allocations and Passenger Allocations for up to a total of four (4) operations to take place in four half-hourly periods, up to the available Passenger and Ramp capacity identified in Subsections 3 and 4, whichever may first be reached. An operation shall be either an arrival or a departure. Draws may include increases in Passenger

Allocations (so long as the total of Passenger Allocations for all Qualified Airlines during the half-hour period does not exceed 240 passengers) for operations for which the Qualified Airline has a Ramp Allocation.

- vii. At the conclusion of the first round of the Quarterly Lottery, should any Passenger or Ramp capacity remain, the process shall be repeated, with the same order of selection, for such number of additional rounds as may be necessary until no Qualified Airline that submitted a request pursuant to Subsection (5)(b)(iv) seeks Allocations.
- c. Other Matters. Routes, rates, selection of aircraft and other matters not addressed by this Section, other County law or regulation, the Airport's Technical Specifications and Procedural Requirements, or Terminal Use Agreement shall be determined by the Qualified Airline or the Federal Aviation Administration pursuant to federal law.
- d. Compliance with Applicable Requirements. All Airlines operating at the Airport shall at all times be in compliance with all applicable and lawful Airport rules and regulations. County ordinances and laws, including all Airport Technical Specifications and Procedural Requirements that may be issued from time-to-time. Any Airline violating or causing the violation of such rules, regulations, ordinances, laws, agreements or technical specifications shall cure such violation within fifteen (15) days of being so notified by the County. Failure to so cure shall result in the cancellation by the Commissioner of the Ramp Allocations and Passenger Allocations connected with such violations.
- e. Calculation of Allocation Usage for Purposes of Determining Compliance. For purposes of determining whether an Airline is exceeding its Passenger Allocations for any half-hour period under Subsection (5)(h), the County shall employ a calendar month average. For the purposes of determining whether an Airline should have its Passenger Allocations adjusted for under-use pursuant to Subsection (5)(g), the County shall employ a three-calendar-month average based on the data reported pursuant to Subsection (5)(f). In calculating such averages, the denominator shall be the number of aircraft operations actually flown during the period pursuant to a particular Ramp Allocation and the numerator shall be the number of passengers actually enplaned and deplaned on all such operations. For purposes of using averages: (1) any average that is not a whole number shall be rounded down to the next lowest whole number if the fraction greater than the next lowest whole number is lower than five tenths; and (2) any average that is not a whole number shall be rounded up to the next highest whole number if the fraction greater than the next lowest whole number is equal to or greater than five tenths. In calculating such averages, the County shall not include, either in the numerator or the denominator, data concerning operations during the following holiday periods:
 - i. Christmas/New Year from December 20 through January 5.
 - ii. The Presidents' Day holiday from three (3) days before Presidents' Day through three (3) days following Presidents' Day.
 - iii. Easter from five (5) days prior to Easter through the fifth day following Easter.
 - iv. Memorial Day from three (3) days before Memorial Day through three (3) days after Memorial Day.
 - v. July 4, from July 1 through July 7.
 - vi. Labor Day, from three (3) days prior to Labor Day through three (3) days after Labor

Day.

- vii. Thanksgiving from five (5) days prior to Thanksgiving through five (5) days after Thanksgiving.
- f. Reporting.
 - i. Airlines operating at the Airport shall certify actual passenger loads, on a per flight, per day, enplaned, deplaned, basis to the County twice monthly in the form designated by the Commissioner by no later than five business days from (1) the 15th of each month and (2) the last day of each month.
 - ii. Each Airline shall designate at the time of any application under Subsection (5)(b)(iv). Quarterly Lottery draw under Subsection (5)(b)(vii), or transfer under Subsection (5)(k), the type of aircraft to be used for each Ramp Allocation time slot. Such designation shall be in the form established for this purpose by the Commissioner. Further, any Airline seeking to change the type of aircraft using a Ramp Allocation shall provide notice to the County, in the form designated by the Commissioner, at least seven days prior to such change. Any designation or change in aircraft type shall comply with the Technical Specifications and Procedural Requirements.
 - iii. The County may, at any time, audit passenger ticket lifts and/or other appropriate passenger statistics of any Airline to determine actual passenger enplanements or deplanements.
 - iv. Failure to comply with any of the reporting or audit requirements contained in this Subsection (5)(f) within five days of an Airline's receipt of notice of noncompliance by the Commissioner shall result in immediate termination of the Ramp Allocation(s) and Passenger Allocations of the Airline. Further, any intentional misstatement of information required in this Section, as determined by the Commissioner, shall result in the immediate termination of the Ramp Allocation(s) or Passenger Allocations of the Airline.
- g. Failure to Use Allocations. If for any three-calendar-month period, an Airline's actual average passenger load for any half-hour for which it has Passenger Allocations should be less than 85 percent of the total of its Passenger Allocations, then the Commissioner shall reduce its Passenger Allocation for the subsequent quarter to 115 percent of such reported three calendar-month-average passenger loads for that half-hour period. The review and reduction made pursuant to this Subsection shall be made for successive, and not for overlapping, three-month periods. The County shall waive the application of this Subsection for any period in which the Commissioner has determined that total passenger enplanements at the Airport have been significantly adversely affected by war, national emergency or extraordinary terrorist threat, labor action, or force majeure.
- h. Exceedance of Passenger Allocations. If for any calendar month, an Airline's average passenger load during any half-hour period should exceed its Passenger Allocations for that period, then such Airline's Passenger Allocations shall be adjusted to such average load figure or such portion thereof as the available capacity of the Terminal shall accommodate ("Adjusted Passenger Allocations"). If two or more Qualified Airlines' average passenger loads for a calendar month in a particular half-hour time period exceed their Passenger Allocations and there is insufficient Passenger Capacity to accommodate all of these exceedances, the Commissioner shall assign Adjusted Passenger Allocations proportionally to the Qualified Airlines' shares of Passenger

Allocations for that half-hour period. If there is insufficient available Terminal capacity to accommodate all of the exceedances of Passenger Allocations by an Airline, then the Commissioner shall issue a written Notice of Violation to such Airline, and the Airline shall, within fifteen (15) days from such notice, reduce its average passenger load to the Adjusted Passenger Allocations level. For the purposes of determining compliance with such mandated reduction, the average passenger load will be calculated for the period from 15 days prior to the Notice of Violation to 15 days after the Notice of Violation ("Compliance Test Period"). In lieu of such mandated reduction, a Qualified Airline may obtain sufficient Passenger Allocations from another Airline pursuant to Subsection 5(k) to accommodate its average usage during the Compliance Test Period. Should any Airline fail to reduce its average passenger load during the Compliance Test Period then:

- i. On the sixteenth day following the Notice of Violation, such Airline's Passenger Allocations for the applicable half-hour period shall be reduced by the amount by which that the Airline's average loads exceeded the Airline's Passenger Allocations as set forth in the Notice of Violation. The Airline shall thereupon be required to comply immediately with such reduced Passenger Allocations.
 - ii. The Airline shall lose the privilege of participating in the next subsequent Quarterly Lottery for either Passenger Allocations or Ramp Allocations.
 - iii. Should such Airline's average passenger load during the calendar month following the reduction in its Passenger Allocation under Section 5(h)(i) not comply with such reduced Passenger Allocation, then the Commissioner may terminate, upon twenty days' written notice, such Airline's Ramp Allocation and Passenger Allocations for the subject half-hour period.
- i. Use of Ramp Allocations.
- i. Any Airline obtaining a Ramp Allocation must initiate service within 60 days from the date it obtains such Allocation and must provide such service on at least a five-day-per-week basis, with aircraft capable of using the Passenger Allocations corresponding to the particular Ramp Allocation. Should any Airline fail to initiate service within such 60-day period, such Airline shall, on the 61st day, lose such Ramp Allocation and Passenger Allocations. Such Airline shall also lose the privilege of participating in the next Quarterly Lottery. Notwithstanding the foregoing, any Airline may, within ten days of any Quarterly Lottery, surrender to the County without penalty any Passenger Allocations or Ramp Allocation or portions thereof obtained in such Quarterly Lottery. Any surrendered Allocations will become available capacity in the next Quarterly Lottery.
 - ii. Any Airline with a Ramp Allocation must schedule use of such Allocation on at least a five-day-per-week basis, with aircraft capable of using the Passenger Allocations corresponding to the particular Ramp Allocation, or transfer the Allocation to another Airline or Airlines (pursuant to Subsection k) which together would provide service that schedules use of such Passenger Allocations, on at least a five-day-per-week basis.
 - (a) Failure to schedule use of a Ramp Allocation on at least a five-day-per-week basis shall result in a notice of violation from the Commissioner. If the Airline fails to schedule use of its Ramp Allocation on at least a five-day-per-week basis within 15 days of the notice of violation from the Commissioner, the Commissioner shall immediately cancel such Airline's Ramp Allocation and

associated Passenger Allocations. If an Airline fails to schedule use of its Ramp Allocation on at least a five-day-per-week basis for a second time within a one-year period, the Commissioner shall immediately cancel the Airline's Ramp Allocation and associated Passenger Allocations upon one-day notice. The County shall waive the application of this Subsection for any period in which the Commissioner has determined that total operations at the Airport have been significantly adversely affected by war, national emergency or extraordinary terrorist threat, labor action, or force majeure.

- (b) The Commissioner may also terminate an Airline's Ramp Allocation and associated Passenger Allocations if he or she determines that an Airline's actual use of its Ramp Allocation is inconsistent with its published schedules for use of the Ramp Allocation, indicating an intent to hold a Ramp Allocation without making use of it on a five-day-per-week basis.
- iii. Before initiating new or changed service, a Qualified Airline must have approval from the Commissioner regarding scheduled arrival and departure times pursuant to Subsection (5)(j).
- j. Scheduled Departure and Arrival Times. The Commissioner shall approve changes in and new scheduled arrival or departure times. Any changes not disapproved within 10 days of receipt of notice of such changes shall be deemed approved. Approval or disapproval of any changes shall be based on the following criteria:
 - i. All arrival and departure times must be scheduled within the half hour for which the Qualified Airline holds a Ramp Allocation;
 - ii. The Qualified Airline must have adequate Passenger Allocations;
 - iii. The scheduled arrival and departure times must allow for the aircraft's passengers to be enplaned and/or deplaned within the half hour for which the Qualified Airline holds a Ramp Allocation and Passenger Allocations;
 - iv. Adequate ramp time outside of the half-hour period for which the Qualified Airline holds a Ramp Allocation is available, if necessary, to accommodate the proposed operation;
 - v. Scheduled times shall not interfere with efficient handling of other operations within the same half-hour period or in an adjacent period;
 - vi. Scheduled operations shall minimize the need for any arrival or departure holds on other Airport aprons;
 - vii. Operations shall maintain a reasonable balance of arrival and departure passengers in the Terminal;
 - viii. In no event shall the Commissioner's approval or disapproval of scheduled departure or arrival times deny a Qualified Airline the authority to use its Ramp Allocation and/or Passenger Allocation or affect Airline rates or routes.
- k. Transfer of Allocations; Notice.
 - i. Qualified Airlines may, upon two (2) weeks prior written notice to the County, transfer:
 - (a) Ramp or Passenger Allocations to another Qualified Airline provided that the transferor has operated flight(s) under such Allocations, employing aircraft capable of using the entire Allocations, for 30 days on at least a five-day-per-week basis, or
 - (b) Ramp Allocations and Passenger Allocations from one time period into another

- time period as long as no such transferred Allocations would result in use of the Terminal or Terminal Ramp in excess of capacity for any half-hour time period.
- ii. The Commissioner may, in his sole discretion, waive either the notice period or the transferor's required use of the Allocation under this Section for short-term transfers but in no event shall waive the notice requirement.
 - iii. Notice to the County shall be in such electronic and/or other form designated by the Commissioner. Any notice of a transfer shall set forth (a) the names of the transferor and transferee; (b) the duration or any other conditions on the transfer, or whether the transfer is unconditional; and (c) whether the transfer is for all, or a portion (and if so, what portion) of the Allocation.
 - iv. The County's review of notices pursuant to this Subsection shall be limited to a determination that the proposed transaction (a) involves Qualified Airlines and (b) will not result in exceedance of the capacity limits set forth Subsections 3(a) or 4 of this Section.
- l. New Entrants. An Airline not currently providing service at the Airport can become a Qualified Airline and obtain Allocations through the Quarterly Lottery and/or transactions with other Airlines pursuant to Subsection (5)(k) if it demonstrates compliance with the criteria set forth in Subsection (2)(h).^{iiEN}
 - m. Disputes Regarding Allocations. To the extent that any Qualified Airline disputes the identity of the designated holder of Ramp Allocations and/or Passenger Allocations, such Qualified Airline shall seek to resolve its dispute informally among the affected Airlines. If such efforts should fail, any Qualified Airline may petition the Commissioner for resolution of the dispute. After providing all Qualified Airlines with notice of the dispute, an opportunity to provide supporting information, and an opportunity for a meeting with all affected Airlines, the Commissioner shall make one of three findings: (1) find that the Allocation is properly identified by the County in the reports required in Subsections (5)(b)(i), (5)(b)(ii) and/or (5)(b)(vi); (2) that another Qualified Airline is properly the holder of the relevant Allocation; or (3) that no Qualified Airline has a clear right to the allocation and that the Allocation is forfeited and available for reallocation pursuant to the provisions of Subsection (5). All determinations of the Commissioner shall be final.
6. Hearings; Enforcement of This Section.
- a. Request for Hearing and Reconsideration. Any Airline that disputes a decision by the Commissioner to terminate its Ramp Allocation(s) and/or Passenger Allocations is entitled to seek a hearing and reconsideration of the Commissioner's decision by submitting to the Commissioner a formal request within 10 days of such decision. Upon receipt of such request, the effectiveness of the Commissioner's decision to terminate an allocation shall be suspended until he or she renders a decision under Subsection (6)(c).
 - b. Process for Hearing.
 - i. Upon request for a hearing and reconsideration, the Commissioner shall cause to be held a hearing before a hearing officer selected by the County on the termination at issue.
 - ii. A formal hearing shall be on due and adequate notice to the party concerned and shall be set down for a day certain no less than 15 days and no more than 30 days from the Airline's request for hearing and reconsideration.
 - iii. A notice of hearing shall set forth:

- (a) The time and place of the hearing;
 - (b) The basis or bases for the Commissioner's decision to terminate Ramp Allocations and/or Passenger Allocations;
 - (c) The right to present evidence;
 - (d) The right to examine and cross-examine witnesses;
 - (e) The right to be represented by counsel; and
 - (f) That failure to appear shall constitute a default by the respondent, that the hearing may proceed in the respondent's absence and a determination made based upon evidence submitted by the Westchester County Department of Transportation.
- iv. The hearing officer may grant adjournments upon request of any party to the proceeding, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.
- (a) If an adjournment is requested in advance of the hearing date, such request shall be presented to the hearing officer in writing, and shall specify the reason for such request.
 - (b) In considering an application for adjournment of a hearing, the hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.
- v. To aid in the administration of this Section, the Commissioner or any hearing officer designated by him or her in a particular proceeding, may issue subpoenas in the Commissioner's name requiring the attendance and giving of testimony by witnesses and the production of books, papers and other evidence for any hearing or proceeding conducted under this Section. Service of such subpoena(s), enforcement of obedience thereto, and punishment for disobedience thereof, shall be had as and in the manner provided by the Civil Practice Law and Rules relating to the enforcement of any subpoena. It shall be the responsibility of the party requesting the issuance of a subpoena to effect service thereof.
- vi. On the return day of the hearing, the hearing officer shall note the appearances of the persons attending the hearing. Witnesses shall be sworn and testimony shall be recorded either by a certain stenographer or by use of an electronic recording device.
- vii. Testimony shall be transcribed upon the request of any interested party. The party requesting the transcript shall pay the costs and expenses in connection therewith.
- viii. The hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
- ix. After the conclusion of a formal hearing, the hearing officer shall prepare and issue findings of fact, conclusions and recommendation(s) to the Commissioner.
- c. Decision by Commissioner.
- i. Upon the conclusion of a formal hearing and after receipt of the hearing officer's report and recommendation(s), the Commissioner shall make a decision based on such findings, determinations and recommendations as he or she deems proper, and shall execute an order carrying such decision into effect.
 - ii. The Commissioner may direct a rehearing or require the taking of additional evidence and may rescind or affirm, in whole or in part, a prior determination after such hearing.

- iii. The Commissioner shall cause to be served upon the Airline, copies of findings of fact, conclusions and recommendations and orders made as a result of a formal hearing.
 - d. Service by County. Service of findings of fact, conclusions and recommendations, and orders, shall be made by hand or by overnight delivery to the designated representative of the Airline.
 - e. Hearing Cost. The cost of the hearing process (including but not limited to the fees for the hearing officer, transcription and other clerical costs, and the cost of providing witnesses but excluding any salaries of County employees) shall be borne equally by all Airlines who are parties to the hearing.
 - f. Injunctions. The County may maintain actions in any court of competent jurisdiction to restrain by injunction any attempted use of the Terminal or Terminal Ramp by any Airline without current, valid Ramp Allocations or Passenger Allocations or any attempted Passenger Service in violation of this Section.
7. Limited Qualified Airlines.
- a. Applicability. A Limited Qualified Airline may use the Terminal for an operation subject to the requirements of this Subsection.
 - b. Operations. The Commissioner shall approve each operation by a Limited Qualified Airline so long as he has determined that there is adequate Terminal and Terminal Ramp space available for such operation and either of the following conditions exists:
 - i. The Limited Qualified Airline has executed an agreement with a Qualified Airline for the use of the Qualified Airline's Ramp Allocation and the operation would not result in the use of the Terminal in excess of the limits set forth in Subsection 4 of this Section; or
 - ii. The Limited Qualified Airline provides the County with at least seven days' notice that it intends to conduct a single operation for which there is an available Ramp Allocation.

Limited Qualified Airlines shall comply with the applicable provisions of Subsections 3, 4, and 5(d) of this Section. Each approval by the Commissioner under this Subsection 7 shall constitute a one-time Ramp Allocation for purposes of Subsections 3(b) and 3(c) of this Section.

- c. Reporting. An Airline shall provide the Commissioner with a report, on a form provided by the Commissioner, regarding any Passenger Service operation authorized pursuant to Subsection 7(b). The County may, at any time, audit passenger ticket lifts and/or other appropriate passenger documents of any Airline to determine actual passenger enplanements or deplanements.
- d. Effect of Noncompliance. The Commissioner may terminate any Airline's authority to use the Terminal and to receive Ground Handling services for 90 days upon a finding that the Airline has failed to comply with the requirements of this Subsection 7.
- e. Hearings. Any Airline that disputes a decision by the Commissioner pursuant to Subsection 7(d) is entitled to seek a hearing and reconsideration of the Commissioner's decision. Such hearing and reconsideration shall substantially follow the process outlined in Subsection 6.
- f. ⁱⁱⁱENEffect on Qualified Airline Reporting. Use of Ramp Allocations by a Limited Qualified Airline pursuant to this Subsection shall not affect the calculations under

Subsections 5(g) or 5(h).

Sec. 712.463. Westchester County Airport Security. [Act No. 89-2007, § 10]

1. No persons entering Westchester County Airport will violate any security measures imposed pursuant to the provisions of Title 49 of the Code of Federal Regulations, Chapter XII, entitled Transportation Security Administration, Department Of Homeland Security, and any amendments made thereto and/or any other applicable federal, state or local laws and rules and regulations of the Federal Aviation Administration and Transportation Security Administration.
2. No person shall fail to obey and comply with the provisions of any posted sign in the airport.
3. No person shall enter any restricted area unless authorized by the Manager and/or his or her designee.
4. The Commissioner of Transportation has authority under these rules to impose such additional requirements, restrictions, policies, and procedures regarding public areas and non-public areas in the airport as may be deemed necessary for the safety, security and protection of the general public and property. Such additional requirements, restrictions, policies, and procedures may be triggered by an increase in the threat to the airport, its passengers or aircraft, or the national airspace. More stringent security measures may be initiated by the Department of Homeland Security utilizing the Homeland Security Advisory System, or any other applicable law enforcement agency, including the Westchester County Department of Public Safety, based on heightened security concerns stemming from developing threats. No person will violate any rules and regulations as contained in this chapter and any additional requirements, restrictions, policies, procedures and/or more stringent security measures imposed or initiated pursuant to this subdivision.

ⁱ Editor's Note--So in original; should refer to Subsection 2(k).

ⁱⁱ Editor's Note: So in original; should be Subsection (2)(k).

ⁱⁱⁱ Editor's Note: So in original, should be Subsection f.