

## Draft Regulations

### 740 CMR 2.00 GENERAL PROVISIONS

[Existing 740 CMR 2.01 through 740 CMR 2.05 Remain]

#### 740 CMR 2.06 Executive Director's Memoranda

The Executive Director may issue an Executive Director's Memoranda to interpret or clarify the meaning or application of a Massport regulation.

#### 740 CMR 2.07 Suspension of Regulations

The Executive Director may, with prior notice to the Members of the Authority, suspend application or enforcement of any one or more of Massport regulations for a period not to exceed six (6) months. Any such suspension beyond that period shall only be by a vote of the Members of the Authority, and in accordance with applicable law.

#### 740 CMR 2.08: References to Government Agencies and Regulatory Citations

- (a) All references to a federal or state agency, department, administration, service, office, secretariat or other governmental entity (hereinafter, individually or collectively, "Agency" or "Agencies", respectively), contained in 740 CMR shall mean the Agency and/or the functional successor to that Agency (e.g., the Transportation Security Administration is the functional successor to the Federal Aviation Administration for purposes of aviation security).
- (b) All references to a rule, regulation, order, directive, advisory, ruling, opinion, guidance document, or the like, issued by any Agency (hereinafter, "Regulation"), contained in 740 CMR shall mean that Regulation and/or the successor to or replacement for that Regulation (e.g., 49 CFR Part 1542 is the successor Regulation to 14 CFR Part 107).

#### 740 CMR 2.09: References to Masculine or Feminine

All references to masculine or feminine pronouns shall mean both masculine and feminine forms.

## 740 CMR 30.00: AIRPORT SECURITY

### 30.01: Definitions

Except as otherwise provided, the definitions at 740 CMR 21.01 and the definitions in this 740 CMR 30.01 shall apply to 740 CMR 30.00. The definitions below shall apply to 740 CMR 30.00. In the event of a conflict between the definitions in Section 30.00 and Section 21.00, the definition in Section 30.00 shall apply.

Access Control Door (“ACS Door”) - shall mean any door, gate or portal that provides access to a SIDA or to a Sterile Area from a public area of the Airport.

Aerodrome – shall mean that part of the Airport that is not open for public vehicular traffic or for other general public use, except for enplaning or deplaning Aircraft, said Aerodrome including but in no way being limited to runways, taxiways, landing areas, ramp and apron areas, and Aircraft parking and storage areas.

Air Carrier (“AC”) - shall mean any Person conducting operations at the Airport pursuant to a federal certificate to conduct air transportation services.

Air Operations Area (“AOA”) - shall mean any area of the Airport used or intended to be used for landing, takeoff, or surface maneuvering of Aircraft.

Aircraft - shall mean and include any and all contrivances now or hereafter used for the flight in air or space, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians and seaplanes.

Airport - shall mean an airport owned or operated by the Authority under 14 CFR Part 139.

Authority - shall mean the Massachusetts Port Authority as created by St. 1956, c. 465, and amendments thereto.

Aviation Service Operator (“ASO”) - shall mean and include any Person authorized by the Executive Director to perform services to or for Aircraft pursuant to 740 CMR 26.01 through 26.99.

Executive Director – shall mean the duly-appointed Executive Director of Massachusetts Port Authority. In all matters pertaining to operation of an Airport the powers of the Executive Director under 740 CMR 21.00 may be exercised by the Director of Aviation, and specific powers may be further delegated in writing to other members of the Authority's management.

Fixed Based Operator (“FBO”) – shall mean a company authorized by the Authority to sell and deliver and to provide into-Aircraft services, aviation fuel and lubricants and supplies or other aviation services authorized under 740 CMR 26.00 or otherwise approved by the Authority to owners and operators of Aircraft at an Airport.

General Aviation Terminal - shall mean a terminal building facility that serves general aviation users of the Airport, including its associated parking ramps for general aviation Aircraft.

Holder - shall mean a Person to whom Security Media or Identification Media has been issued.

Identification Media - shall mean a badge and/or other Authority-issued or approved media, the purpose of which is to evidence authorization by the Authority for the Holder of that media to work in a non-secured area of the Airport.

In-Flight Emergency - shall mean a problem or condition arising while an Aircraft is in the air, which in the judgment of the pilot could endanger the safe completion of the flight, and is so declared by the pilot to ATC.

Permission - shall mean permission expressly granted by the Authority, unless otherwise specifically provided.

Person - shall mean and include any individual, firm, co-partnership, corporation, association or company (including any legally recognized or authorized entity, including without limitation, any assignee, receiver, trustee or similar representative thereof) or the United States of America or any foreign government or any state, political division thereof, or the United Nations.

Personal Identification Information - shall mean the numeric or alpha-numeric pass code, fingerprint, voiceprint, retinal print, facial recognition display or other method of identity verification that may be used in connection with the Airport's access control system.

Piggyback or Piggybacking - shall mean more than one Person passing through an ACS Door during a single opening of that ACS Door without each Person using her individual Security Media and Personal Identification Information for verification of access authorization.

Property - shall mean any object, item, parcel, luggage, baggage, material or tangible personal property.

Prohibited Item - shall mean Property not permitted by TSA to be carried or within a passenger's possession within a Sterile Area.

Restricted Area - shall mean any area of the Airport to which the public does not have authorized access.

Security Identification Display Area ("SIDA") - shall mean a Restricted Area, as defined in 740 CMR 21.03, and the AOA, for access to which the Authority requires Identification Media.

Security Media - shall mean the badge and/or other Authority-issued or approved media the purpose of which is to evidence the media Holder's authorization to enter and be present in a SIDA.

Sponsor - shall mean the Person who certifies an applicant's need for Security Media or Identification Media and whose name appears on such media.

Sterile Area - shall have the meaning as defined in 49 CFR 1542.

Temporary Visitor Pass ("TVP") - shall mean a credential issued by the Authority that permits escorted access to a SIDA or Sterile Area of the Airport under the terms and conditions set forth herein.

Transportation Security Administration ("TSA") - shall mean the United States Transportation Security Administration or its successor agency.

Vehicle - shall mean and include any conveyance, including without limitation, any automobiles, trucks, buses, motorcycles, horse drawn vehicles, bicycles, pushcarts, limousines, taxicabs, vehicles of carriers for hire, charter motor vehicles, and any other device in or upon or by which any person or Property is or may be transported, carried or drawn upon land except railroad rolling equipment or other devices running only on stationary rails or tracks, and Aircraft.

### **30.02: Compliance with Federal Transportation Security Regulations**

All Persons shall comply with all federal transportation security regulations, standards, directives, orders, and other published guidance, including but not limited to 49 CFR Part 1540 and 49 CFR 1542, as they may be amended from time to time, and with any provisions of the Authority's TSA-approved Airport Security Program or TSA Security Directives of which they have explicitly been made aware (collectively, "TSR"). The violation of a TSR, as determined by TSA or a court of competent jurisdiction, shall constitute a violation of this section.

### **30.03: Sterile Area Property Screening**

No Person shall transport any Property into a Sterile Area or onto an Aircraft at the Airport unless such Property has first been screened by the TSA, or a Person authorized by the TSA to conduct such screening, except with the prior authorization by Massport or the TSA.

### **30.04: Firearms, Ammunition and Dangerous Weapons**

- (a) No Person except federal or state law enforcement officers, United States Postal Service, United States Customs and Border Patrol and Air Carrier employees, members of the Armed Forces of the United States and Massachusetts National Guard on official duty and licensed armored truck service guards with the prior approval of the Authority, who are authorized and validly licensed to carry firearms, ammunition and explosives) shall carry any firearms or explosives on the Airport. All Persons, other than those in the excepted categories listed above, shall, while on the Airport, surrender all such firearms, ammunition and/or explosives in their possession to the Officer in Charge of the State Police.
- (b) No Person except federal or state law enforcement officers, U.S. Postal Service, United States Customs and Border Patrol officers, or members of the Armed Forces of the United States and Massachusetts National Guard on official duty, unless authorized by the Authority, shall carry in a Sterile Area of the Airport any item or material prohibited by federal transportation security regulations (including but not limited to 49 CFR Part 1540, 49 CFR 1542) or any TSA regulation, standard, order, directive or other published guidance from being carried onto an Aircraft. No Person shall possess, either on the individual's Person or on or in her accessible Property within a Sterile Area of the Airport, any item prohibited by TSA regulations, standard, order, directive or other published guidance from being carried onto an Aircraft.

### **30.05: Firearms, Ammunition, Explosives, and Hoax Devices**

Except as provided above, no Person shall possess, transport or carry a firearm, ammunition, explosive, explosive device or hoax device (as that term is defined in M.G.L. c. 266 102A1/2) on the Airport. The penalty for violation of this section shall be the maximum fine the Authority is authorized to assess.

### **30.06: Proper Display of Identification and Security Media**

Authority-issued Identification Media and Security Media and TVPs must be displayed by the Holder on her outermost garment, above the waist and below the neck, when entering and at all times while within an Airport SIDA.

### **30.07: Display of Security Media While in Sterile Area**

A Person entering a Sterile Area directly from a SIDA or by way of an ACS Door shall, at all times while within a Sterile Area, properly display her valid Authority-issued Security Media.

### **30.08: Display of TVPs in the SIDA and Sterile Areas; Escorting Requirements**

A Person issued a TVP must both be escorted by her Sponsor's designated escort (who must be properly displaying valid Security Media that grants her unescorted access privileges) and must properly display her TVP when entering and at all times while within a SIDA or Sterile Area.

### **30.09: Limitation On Use of Security Media**

Security Media shall be displayed and used to access a Restricted Area only when the Holder is on duty and performing the functions for which she is authorized and employed to perform by her Sponsor. Security Media shall not be used to avoid checkpoint screening of the Holder or of items being transported into a Sterile Area of the Airport.

### **30.10: Security Media and Identification Media**

- (a) All Security Media and Identification Media issued by the Authority are at all times the property of the Authority. The Authority may issue, decline to issue, suspend or revoke Security Media, Identification Media or Restricted Area access privileges at the Airport at its sole discretion, with or without cause.
- (b) A Person to whom Security Media or Identification Media have been issued by the Authority or her Sponsor shall deliver and surrender such Security Media or Identification Media to the Authority:
  - 1. on or before the expiration date of the Security Media or Identification Media;
  - 2. on or before the termination date of the Security Media or Identification Media Holder's employment with her Sponsor or employer at the Airport;
  - 3. immediately when the Security Media or Identification Media Holder's operational need for access to the area for which the media authorized her access no longer exists; or
  - 4. on or before the date specified in any request by the Authority, whether delivered orally or in writing.
- (c) Failure to comply with the provisions of this section shall constitute a violation both by the Holder of Security or Identification Media and the Sponsor thereof.

- (d) Each calendar day that the Security Media or Identification Media is not delivered or returned to the Authority in accordance with this section shall be a separate violation.
- (e) A Holder of Security Media or Identification Media shall notify the Authority immediately of the loss of her Security Media or Identification Media. The penalty for the loss of Security Media or Identification Media shall be \$100.00 for the first occasion. The penalty for any subsequent loss shall be \$250.00 and/or suspension or revocation of Security Media or Identification Media privileges.

### **30.11: Security Media or Identification Media Holder's Duty to Update**

A Holder of Security Media or Identification Media and her Sponsor are under a continuing joint and several obligation to notify the Authority of any change in information provided to the Authority in connection with the issuance of her Security Media or Identification Media, including, but not limited to, any change in her place of residence. Notice by the Authority to a Holder of Security Media or Identification Media or Sponsor mailed or delivered to the Holder of the Media or her Sponsor, as the case may be, at the latest address on file with the Authority shall for all purposes constitute sufficient and adequate notice to the Holder of the media or her Sponsor, respectively.

### **30.12: Denial of Request for Security Media**

Any Person who files a request for unescorted access privileges to the SIDA, or for the issuance or renewal of any Security Media that would allow unescorted access to any Restricted Area of the Airport, and whose request is denied, shall be ineligible for unescorted access privileges for a period of two (2) years following issuance of such denial, except at the discretion of the Authority.

### **30.13: Entering a Restricting Area**

No Person shall enter or be present in a Restricted Area of an Airport unless authorized by the Authority to enter or be present in that area.

### **30.14: Entry Through ACS Doors**

- (a) No Person shall Piggyback or attempt to Piggyback or allow or attempt to allow any other Person to Piggyback through any ACS Door to a Restricted Area.
- (b) A Person entering a Restricted Area through an ACS Door shall provide her Personal Identification Information required for authorized access through that ACS Door. A Person who fails to properly provide her Personal Identification Information, as required, shall be considered to have entered and to be present in the Restricted Area without authorization, and shall be subject to penalties for violation of 740 CMR 30.00, as well as prosecution for trespass.
- (c) A Person who has been authorized by the Authority to have escorted access to a SIDA or Sterile Area shall not be considered to have Piggybacked through an ACS Door if she was escorted by a Person properly displaying his Authority-issued Security Media that grants him unescorted access authority through that ACS Door.

### 30.15: Duty to Secure an ACS Door

Any Person opening or passing through, or otherwise responsible for the security of an ACS Door shall lock or secure that ACS Door immediately after passing through it or when it is not in use, as the case may be.

### 30.16: Escorting Through Access Control System Doors

Except with the written Permission of the Authority, only a Person displaying a valid and current Massport-issued TVP may be escorted through an ACS Door, and only by a Person authorized by the Authority to act as an escort and complying with the terms and conditions for escorting set forth herein. No other Person (including, but not limited to, flight crew members, cabin crew members, and non-resident air-carrier management) shall be escorted or permitted entry through an ACS Door. The escorting of a Person not authorized to be escorted through an ACS Door shall constitute a violation of this section by both the Person escorted and the Person escorting, and both shall be subject to the penalties provided in 740 CMR 30.99.

### 30.17: Escorting Privileges

Only a Person to whom the Authority has issued Security Media granting unescorted access privileges, and who is properly displaying such media, may escort a Person authorized by the Authority to be escorted in a Restricted Area. The escorting Person must accompany and monitor the escorted Persons in a manner sufficient to determine whether any escorted Person is engaged in activities other than those for which escorted access was granted, and, if not, take immediate action in accordance with the SIDA training completed by the escorting Person as a condition of the issuance of her Security Media. Failure to comply with this section, whether by the escorting Person and/or escorted Person(s), shall constitute a violation by the escorting Person and her employer/ Sponsor. The escorting Person must remain with the escorted Person(s) until the escorted Person(s) depart from the SIDA.

### 30.18: Challenge

A Holder of Security Media shall challenge, in accordance with the SIDA training completed as a condition of the issuance of her Security Media, any Person who fails to display current and valid Security Media in a SIDA that would authorize that Person access to a SIDA. A Holder of Security Media shall immediately report to the Authority and to the Massachusetts State Police the presence of any such Person in a SIDA.

### 30.19: ACS Door Alarms

- (a) Except in an emergency, no Person shall activate an ACS Door alarm, unless expressly authorized by the Authority to do so.
- (b) Any Person who activates an ACS Door alarm or an alarm at a door that allows access to or from a Restricted Area shall: (a) clear the alarm, (b) notify the State Police or Massport Operations immediately, (c) remain at the alarm location until a State Police officer or Massport Operations personnel arrives at the alarm location to investigate, and (d) immediately identify herself to the responding police officer or Operations personnel as the Person who activated the alarm.

### 30.20: Removal from and Suspension of Access Privileges to Secured Areas

Any Person observed violating any provision of this chapter or an Airport security regulation, rule or directive or a TSR may be immediately removed from a SIDA, Sterile Area or Restricted Area of the

Airport and her Security Media may be confiscated and immediately deactivated, and the confiscated Security Media may be returned to such Person and reactivated at the sole discretion of the Authority.

Access to any SIDA, Sterile Area or Restricted Area by an individual determined by the Authority to have violated a provision of this chapter 30.00, may not be authorized: (a) before any penalty assessed and/or remedial action imposed as a sanction in connection with the violation has been satisfied; or (b) while any administrative or judicial proceedings in connection with the violation are pending.

### **30.21: Use of Cameras and Other Recording Equipment**

- (a) The use of a camera or electronic image recording equipment in a Restricted Area of an Airport or use of a camera or electronic image recording equipment to record the image of a Restricted Area of an Airport is prohibited, unless authorized by the Authority.
- (b) At the Authority's request, the user or owner shall surrender any media used to store photographic or electronic images of a Restricted Area of an Airport. The Authority may confiscate any such media if the owner or user refuses to surrender it on request.

### **30.22: Reporting of Threat Information, Incidents or Suspicious Activity**

All Air Carriers and tenants, their employees and all Holders of Security Media or Identification Media at an Airport shall promptly report to the Massachusetts State Police (telephone: 617-561-1700) all threat information, or information regarding incidents or suspicious activities at or related to an Airport, immediately upon learning of such information.

Incidents, suspicious activities and threat information may include, but are not limited to, any incidents of interference with a flight crew, all bomb threats, specific and non-specific, any information relating to the possible surveillance of an Aircraft or Airport facility, and any communication received by an Air Carrier or tenant, their employees or any Holders of Security Media or Identification Media that could indicate a potential threat to civil aviation or to persons or property at an Airport.

### **30.23: Unattended Property**

No Person shall leave any Property unattended for any period of time, anywhere within the boundaries of an Airport, except as specifically authorized by the Authority. Any unattended Property may be confiscated by the Authority or State Police and the Person responsible for such item shall be subject to the sanctions provided in these regulations.

### **30.24: Mandatory Marking of Tools**

Each Air Carrier ("AC"), Fixed Base Operator ("FBO") and Aviation Service Operator ("ASO") at Boston-Logan International Airport shall properly mark all portable cutting tools that may be used in the cabin of an Aircraft at Logan by the AC, FBO and ASO, or their respective employees, agents, or contractors.

The mark shall consist of two components in the order that follows: (1) the designation "BOS"; and (2) the airline code or Massport-approved FBO or ASO identifier, e.g.,

BOS UA .

The mark shall be engraved on the portable cutting tool or indelibly placed on the portable cutting tool. The mark shall be legible and clearly visible.

No Person shall carry, transport, possess or place in the cabin of Aircraft at BOS-Logan Airport, a portable cutting tool that is not properly marked in compliance with this regulation.

ACs, FBOs and ASOs shall, no less frequently than quarterly, conduct an audit of portable cutting tools to ensure that all such tools are accounted for.

Whenever an AC, FBO or CSO has reason to believe a portable cutting tool is unaccounted for, the AC, FBO or CSO shall immediately notify the Massachusetts State Police at 617.561.1700.

### **30.25: Preventing Unauthorized Access to Aircraft**

All Aircraft shall be secured to prevent unauthorized access or unauthorized operation. With respect to each Aircraft, it shall be the joint and several responsibility of the Aircraft owner, Aircraft operator, pilot in command, Aircraft bailee and Person on whose leasehold the Aircraft is located, to ensure that the Aircraft is effectively secured to prevent unauthorized access to and unauthorized operation of the Aircraft.

### **30.26: TSA Prohibited Items**

A Person who has been authorized by the Authority to possess a Prohibited Item not otherwise permitted by the TSA to be carried beyond a TSA passenger screening checkpoint, on specifically designated premises within a Sterile Area of the Airport, must ensure that such item: remains on the designated premises; is secured in a manner that prevents unauthorized use; and can be produced immediately upon request by the Authority. If a Prohibited Item is removed from the designated premises, left unsecured or lost, mislaid, stolen or otherwise unaccounted for, and the Person responsible for such item fails to immediately notify the Authority thereof, such Person shall be punished by a fine of \$500.00. If a Prohibited Item is removed from the premises, left unsecured or lost, mislaid, stolen or otherwise unaccounted for, and the Person responsible for such item immediately notifies the Authority thereof, such Person shall be fined \$250.00.

### **30.27: General Aviation and Charter Passenger Screening at BOS-Logan International Airport**

Regardless of the location of enplaning, private charter and general aviation Aircraft operators and FBO's serving private charter and/or general aviation operations at the Boston-Logan International Airport shall ensure that all Persons and property boarding private charter or general aviation Aircraft are screened for weapons, incendiaries and explosives.

TSA personnel or other Persons approved by the TSA, shall conduct such screening.

Special Aircraft operations, the security for which is provided or sanctioned and assured by a duly authorized department or agency of the federal government (e.g., United States Secret Service, Department of Defense, Department of State), at the request of such department or agency and based on the national interest, may be excepted from any or all the requirements of this section.

### **30.28: Explosive-Screening of Packages Presented to Air Carriers in Passenger Terminals**

An Air Carrier to which a package, parcel, luggage, or object of any form or description ("Package"), has been presented, within a passenger terminal (e.g., at a ticket counter), for placement on an Aircraft used in passenger transport, shall ensure that such Package is subjected to TSA explosive detection screening prior to being loaded onboard an Aircraft. For the purposes of meeting this requirement, an Air Carrier may use the same methods and procedures that it uses to ensure that passenger luggage presented for transport on that Aircraft are subjected to TSA explosive detection.

### **30.29: Conduct Inconsistent with Security**

No Person shall intentionally commit an act that could reasonably be expected to compromise, jeopardize or adversely affect security or public safety at an Airport.

### **30.30: Joint and Several Responsibility of Holders and Sponsors**

Any failure by a Holder of Security Media or Identification Media to comply with the provisions of 740 CMR 30.00 shall constitute a violation of that provision of 740 CMR 30.00 by the Holder of Security Media and the Holder's Sponsor.

### **30.31: Circumvention of Security Measures**

No Person shall commit an act or fail to act in an attempt to or with the intent to circumvent any security measure in place at the Airport.

### **30.32: Attempt or Conspiracy**

An attempt or conspiracy to commit an act that, if completed, would constitute a violation of any Massport regulation shall constitute a violation of that regulation.

### **30.33: Reimbursement for Penalties**

Any Person who causes or is deemed responsible for any security violation which results in the imposition of a monetary penalty upon the Authority, shall reimburse the Authority for the full amount of such penalty.

### **30.34: Reimbursement for Evacuation**

If the act(s) or omission(s) of any Person, including but not limited to an Air Carrier, its agent(s), employee(s) or contractor(s), creates or contributes to a condition that, in the opinion of the Authority, the State Police or the TSA, jeopardizes or adversely affects the security status of any Airport facility or portion of any Airport facility so as to warrant or require the evacuation of all or a portion of that facility, such Person shall be responsible for and shall pay all costs of, and associated with, such evacuation.

### **30.35: Passenger Manifests**

In the event of a public safety, public health or security situation, condition or incident at an Airport or affecting an Aircraft whose destination is or most recent departure point was an Airport, which situation, condition or incident involves a risk or potential risk to the public health or safety, an Aircraft operator shall promptly provide, at the request of the Authority, a complete and accurate passenger manifest for that flight, which shall include the names and other relevant identifying information of all passengers at, departing from or en route to or from an Airport.

### **30.36: Prima Facie Evidence**

Any written citation or notice of violation issued by the Authority with regard to a violation of 740 CMR 30.00 shall be prima facie evidence of the commission of such violation by the Person to whom the citation or notice of violation was issued and the facts giving rise to such violation, as set forth in the citation or notice.

### 30.37: Compliance with Sanctions

The Authority may suspend or revoke any Authority-issued Security Media, Identification Media, Secured Area access privileges and/or Sponsoring privileges of any Person who fails to pay a fine or to comply with a sanction imposed by the Authority in connection with a violation of the Authority's regulations, or of any Person whose financial accounts with the Authority are not in good standing.

### 30.99: Penalties for Violation

For each violation of 740 CMR 30.00, except as otherwise provided in that chapter, the following penalties may be imposed:

- (a) A fine in an amount not to exceed the maximum fine the Authority is authorized to impose for each day on which the violation occurs; and/or
- (b) Suspension of and/or disqualification for Security Media or Identification Media or for sponsorship of Security Media or Identification Media for such time as the Authority's Director of Aviation Security, in her sole discretion, may deem appropriate; and/or
- (c) Suspension or revocation of any or all privileges to conduct business or commercial activity at the Airport for such period of time as the Authority, in its sole discretion, may deem appropriate; and/or
- (d) In addition to any penalty or sanction provided in this Chapter 30.00, any person determined by the Authority to have violated any provision of this Chapter 30, may be denied access to any Airport or any portion thereof, for such period of time as the Authority deems appropriate; and/or
- (e) Criminal prosecution, as applicable.

740 CMR 31.00:           **MASSPORT-OWNED OR - OPERATED FACILITIES AND PROPERTIES –  
PUBLIC SAFETY**

**31.01: Conduct**

- (a) No Person shall, at or upon an Authority-owned or operated facility or property, do or omit to do any act, if the doing or omission thereof endangers or is likely to endanger any Person or property.
- (b) No Person shall commit any disorderly, obscene, threatening, indecent, violent or unlawful act, threaten any Person, or commit any nuisance at or on any an Authority-owned or operated facility or property.
- (c) Any person who, on more than one occasion during any consecutive twelve (12) month period, neglects, fails or refuses to comply with any provision of 740 CMR 1.00 et seq., the intent of which provision is to ensure the orderly conduct of operations or commercial activity at an Authority-owned or operated facility or property, shall be considered to have committed a disorderly act, under Section (b) of this regulation 31.01.
- (d) Notwithstanding any provision of 740 CMR to the contrary, the penalty for violation of any provision of 740 CMR 31.01 shall be: a fine in an amount not to exceed the maximum fine the Authority is authorized to impose; and/or expulsion and/or exclusion from such areas of Authority-owned or operated facilities and properties as the Authority may designate for such period of time as the Authority, in its sole discretion, may deem appropriate in the interest of public safety; and/or suspension or revocation of any or all privileges to conduct commercial activity on designated Authority-owned or operated facilities and properties for such period of time as the Authority, in its sole discretion, may deem appropriate.

**31.02: Unattended Property**

- (a) No Person shall leave any personal property unattended on or about an Authority-owned or operated facility or property.
- (b) Each calendar day the personal property is left unattended in violation of 31.02(a) shall be a separate offense.
- (c) The penalty for violation of this section shall be in an amount not to exceed the maximum fine the Authority is authorized to impose.