

14- O-1087

**AN ORDINANCE
BY TRANSPORTATION COMMITTEE**

3584

AN ORDINANCE ADDING SECTION 22-191 OF THE ATLANTA CITY CODE REGARDING THE ISSUANCE OF NOTICES OF VIOLATION ("NOVs") FOR THE UNSAFE OR IMPROPER OPERATION OF MOTOR VEHICLES AND FOR THE IMPLEMENTATION OF SAFETY REGULATIONS IN THE RAMP AREAS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta owns and operates Hartsfield-Jackson Atlanta International Airport (the "Airport"); and

WHEREAS, the City is responsible for establishing and enforcing appropriate rules and regulations governing the use of the Airport by airlines and others engaged in the business of public transportation of persons and property by aircraft; and

WHEREAS, the City heretofore has adopted ordinances requiring aeronautical activities to be conducted in compliance with certain rules for aircraft and motor vehicle traffic on terminal aprons as codified in Divisions 5 and 6 of Article III of Chapter 22 of the Atlanta City Code; and

WHEREAS, the growth and expansion of the Airport and recent improvements in airline operations at the Airport to meet the current market demand for air travel require additional traffic and safety rules so as to be suitable for current operating conditions at the Airport; and

WHEREAS, the aviation general manager has the authority to establish regulations related to traffic and traffic control pursuant to Section 22-182(b) of the Atlanta City Code; and

WHEREAS, the Ramp Safety Standards Program sets forth the rules and regulations that have been developed to promote safe operation in the Air Operations Area through the enforcement of federal regulations, the Atlanta City Code, the policies of the Airport and descriptions of prohibited conduct provided in the Ramp Safety Standards Manual; and

WHEREAS, when a holder of a Security Identification Display Area badge violates any code section, rule, or regulation covered by the Ramp Safety Standards Program, there may be administrative sanctions assessed against the violator to satisfy the objectives of the Ramp Safety Standards Program; and

WHEREAS, it is necessary to add Section 22-191 to the Atlanta City Code to accomplish these purposes; and

WHEREAS, the Ramp Safety Standards Program is described in the Ramp Safety Standards Manual, a draft of which is attached as Exhibit “A”.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 22-191: That Section 22-191 of the Atlanta City Code be and hereby is added to the Atlanta City Code. Designated supervisory and managerial personnel of the Department of Aviation may issue an NOV for the unsafe or improper actions of Airport employees and other individuals present in the Air Operations Area. NOVs may be issued for unsafe or improper acts that occur within the AOA, which will include the ramps, NLVR, and perimeter roadways. The specific offenses for which NOVs may be issued and the point values associated with each offense shall be promulgated by the aviation general manager. The offenses are described in the Ramp Safety Standards Manual, as it may be revised from time-to-time. The aviation general manager shall be authorized to suspend or revoke driving or SIDA badge access privileges and require remedial training for such offenses. NOVs may be issued in addition to any uniform traffic citation that may be issued by the Atlanta Police Department.

DEFINITIONS

1. Air Operations Area (“AOA”) - consists of all restricted ground areas of the Airport, including taxiways, runways, loading ramps, vehicle roadways and parking areas.
2. Movement Area - The aircraft movement area that is under the control of the air traffic control tower, i.e. runways / taxiways.
3. Non-Licensed Vehicle Roadway (“NLVR”) - consists of the designated roadways available for vehicular traffic within the AOA.
4. Non-Movement Area - The area, other than that described as the Movement Area, used for the loading, unloading, parking and movement of aircraft on the airside of the airport (including ramps, ramp areas and on-airport fuel farms).
5. Safety Management Systems (“SMS”) - the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk.
6. Security Identification Display Area (“SIDA”) – the term ‘SIDA’ has the same meaning given to that term in Section 22-56.

VIOLATION SANCTION SYSTEM

For the purposes of the sanction system, violations of Airport rules and regulations fall into four categories: Warning, Class I, Class II and Class III. The following point values are assigned to each category:

- WARNING – no points
- CLASS I – 1 point

- CLASS II – 2 points
- CLASS III – 3 points

VIOLATIONS, SANCTIONS AND SANCTION POINTS

The accumulation of violation points will be tracked by the Department of Aviation and the following sanctions will be imposed:

Warning Notice: A warning may be given in the sole discretion of the person issuing the NOV for Class I and II violations, unless an aggravating factor would elevate the offense into a higher class. Two or more warnings given to the same individual within a three hundred sixty-five (365) consecutive calendar day period will result in the issuance of an NOV for a Class II Violation to such individual.

Class I: For a Class I Violation, the violator must appear at the Airport's Security Office and view and pass the tests on the SMS module and the Non-Movement Driving module and/or such other prerequisites for driving on the AOA as may then be currently in force and effect. A Class I Violation carries one (1) sanction point.

Class II: For a Class II Violation, the violator must appear at the Airport's Security Office and view and pass the tests on the SMS module and the Non-Movement Driving module and/or such other prerequisites for driving on the AOA as may then be currently in force and effect. In addition, the violator's driving privileges shall be suspended for two (2) days. A Class II Violation carries two (2) sanction points.

Class III: For a Class III Violation, the violator must appear at the Airport's Security Office and view and pass the tests on the SMS module and the Non-Movement Driving module and/or such other prerequisites for driving on the AOA as may then be currently in force and effect. In addition, the violator's driving privileges shall be suspended for seven (7) days. A Class III Violation carries three (3) sanction points.

VIOLATION POINTS ACCUMULATION; REVOCATION OF PRIVILEGES

All SIDA badges are the property of the City of Atlanta. The aviation general manager may permanently revoke a violator's driving or SIDA badge access privileges under the following circumstances: (i) after the accrual of seven (7) sanction points within any twelve (12) month period; (ii) for a violator's failure to complete any required remedial or corrective training within seven (7) business days of the issuance of an NOV; or (iii) at any time deemed necessary due to the severity of the offense.

NOV RECORD

Each SIDA badge holder's NOV record will be maintained and tracked by the Department of Aviation for one year (12 months) after the most recent offense.

APPEALS PROCESS

- a. The violator or the violator's employer may request an appeal of an NOV in accordance with this Section. Except as otherwise provided herein, any applicable sanctions will be imposed following the resolution of the appeal.
- b. All appeals must be submitted to the Aviation General Manager or his or her designee in writing by one of the following methods:
 - a. Mail: Aviation General Manager, P.O. Box 20509, Dept. of Aviation, Atlanta, GA 30320;
 - b. E-mail: NOVappeals@atlanta-airport.com or an e-mail address that the Department of Aviation subsequently designates; or
 - c. Hand Delivery: 6000 N. Terminal Parkway, Suite 4000, Atlanta, GA 30320.
- c. All appeals, including appeals submitted by employers, must be received in the office of the aviation general manager within twenty-four (24) hours of the violator's receipt of the NOV. In the event the due date for the appeal falls on a Saturday, Sunday or legal holiday, the violator may submit his or her appeal on the next business day. Failure to comply with this requirement may result in an immediate denial of the appeal. Depending on the severity of the offense, the aviation general manager may suspend or revoke driving or SIDA badge access privileges prior to the resolution of an appeal.
- d. The aviation general manager or his or her designee will issue a final ruling on the matter.
- e. The aviation general manager or his or her designee will notify the violator and the violator's employer of any sanctions assessed under this Section. Such notices shall be delivered personally to the violator and the company or shall be mailed to the last known address of the company on file with the Airport.

A true copy

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 03, 2014
MAR 12, 2014