

Port of Seattle
Rules and Regulations Governing First Amendment Activities
at Seattle-Tacoma International Airport
Effective October 9, 2012
Published on the Airport's website at
<http://www.portseattle.org/business/pages/default.aspx>

Whereas, from time to time, individuals and groups seek to engage in activities implicating the First Amendment, such as distribution of literature, charitable solicitation and expressions of opinions and ideas in various forms ("First Amendment Activities" or "Activities") at Seattle-Tacoma International Airport ("Airport"); and

Whereas, to ensure the safe, orderly and efficient operation of the Airport, while allowing such Activities on the Airport premises, it is necessary that such Activities be subject to reasonable time, place and manner regulations; and

Whereas, such regulations are especially necessary given that the Airport is not a public forum and is not only among the nation's busiest but also relatively space-constrained inside the terminals and on adjacent sidewalks and driveways, but also must meet the security demands imposed by the post-9/11 environment;

Now, therefore, pursuant to the authority vested in the Port of Seattle Commission, and delegated to the Managing Director of Seattle-Tacoma International Airport, these Rules and Regulations are adopted, which Rules and Regulations shall amend and supersede all earlier versions and provide as follows:

Section 7.F. First Amendment Activities

1. Types of First Amendment Activities Covered by these Regulations

a. "Distribution" means and includes:

the distribution of materials, including but not limited to leaflets, pamphlets, flyers, books, photos, or any other written or printed material, for the expression of ideas and opinions; provided, however, the distribution of commercial materials shall not be treated as a First Amendment activity but instead shall be subject to the license or concession for advertising at the Airport.

b. "Solicitation" means and includes:

the solicitation of funds on behalf of not-for-profit organizations for charitable, patriotic, political, social justice or religious purposes; or

the solicitation of petition signatures or votes on behalf of not-for profit organizations for charitable, patriotic, political, social justice or religious purposes.

c. "Demonstration" means and includes:

a gathering of persons for the purpose of expressing a group opinion to observers through the use of speech, signs and/or expressive conduct; provided, however, the expression of a message for commercial purposes shall not be treated as a First Amendment activity.

d. "Survey" means and includes:

conducting surveys on behalf of not-for-profit organizations for charitable, patriotic, political, social justice, religious, or educational purposes.

2. Purposes of Regulating First Amendment Activities

- a. To ensure the free and orderly flow of pedestrian traffic into and through terminals of the Airport and of the vehicular traffic outside the terminals;
- b. To protect persons using the Airport from repeated communications or encounters that is or might be perceived as harassment or intimidation;
- c. To protect travelers from being an unwilling captive audience;
- d. To maintain security by restricting the activities allowed hereunder to public-use, non-secured areas in the Airport and by implementing additional restrictions where necessitated by increased security threats;
- e. To accommodate the requests of persons and groups to engage in First Amendment activities by providing designated areas within the Airport;
- f. To resolve conflicts between different persons and groups who may otherwise arrive with the intent to use the same areas at the same time for competing interests; and

- g. To protect the integrity of the Port of Seattle's contractual relationships with concessionaires and lessees at the Airport.

3. Permit Required to Engage in First Amendment Activities

- a. Any persons or groups seeking to engage in Distribution, Solicitation, Demonstration, or Survey at the Airport must first obtain a written permit from the Airport Operations Director or designee of the Seattle-Tacoma International Airport Operations Department ("Department"). To obtain a permit, the applicant shall ensure the Department has received a written permit application no later than 72 hours before the date requested for the activity. The application shall be found on a form on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>, and can also be provided by the Department, which shall set forth the location where such permit application shall be filed. The application shall contain the following:
 - 1) If application is on behalf of an individual, provide the full name, mailing address, telephone number and email address ("contact information") of the person who will conduct proposed activity; if the application is for a group, then provide name and contact information of the representative for each organization sponsoring and/or conducting the proposed activity.
 - 2) The full name, mailing address, telephone number and email address of the person who will supervise and be responsible for the conduct of the proposed activities ("supervisor") if application is for a group.
 - 3) A brief description of the proposed activities, including method of communication and which type of permit is requested, whether for distribution, solicitation, demonstration, or survey.
 - 4) Dates and times of the proposed activities; provided that a permit will not be issued for a period in excess of thirty (30) days.
 - 5) The number of people who will participate in each proposed activity.
 - 6) Where a permit for solicitation is requested, the application must include as an attachment reliable documentary evidence of the not-for-profit status of the organization sponsoring and/or conducting the solicitation.
- b. Within 72 hours after the Department receives a completed permit application, the Airport Operations Director or designee shall issue the permit or provide a

written response explaining the reasons for any denial. The 72 hours for the decision of the Airport Operations Director or designee on the permit application does not begin to run until the permit application is received with all required information. Reasons for denial shall be limited to the following:

- 1) Non-compliance with the permit application requirements set forth in subsection F.3.a above. If an applicant files another application to comply with requirements, the 72 hour review period shall start over.
- 2) Insufficient space available in the areas designated for First Amendment activities at the time(s) requested, in which case the Department shall offer the applicant, in writing, a substitute date(s) or time(s) for the permit and/or shall issue a permit for a smaller number of persons or a permit allowing participation by a limited number of persons at any given time.
- 3) Any alert on the National Terrorism Advisory System issued by the United States Department of Homeland Security, with regard to security conditions for operations at the Airport. In such cases, based on the totality of the security situation, including the availability of security resources in light of increased demands and requirements by the federal government, the Airport Operations Director or designee may deny a permit request in its entirety and/or designate alternate sites for the conduct of those activities outside the core area of the Airport. Where a permit is denied in its entirety, the Department, where feasible, shall designate a location for the posting of written information as an alternative means of disseminating information covered by the permit request.
- 4) Failure to comply with prior permits.
- 5) In the event of an emergency or unforeseen circumstances that might adversely affect the efficient transit of passengers or affect the security, health and safety of passengers and Airport workers.

4. Permit Denial Appeal Process

Any person whose permit request is denied in full or in part may appeal the decision to the Managing Director of the Airport by means of a letter stating the grounds therefore, within five (5) business days of receiving a response from the Airport Operations Director or designee. The Managing Director of the Airport or designee

shall review the initial permit decision and the appeal, and shall issue a written decision affirming the denial or challenged limitation, or granting or modifying the permit requested, within five (5) business days of receipt of such appeal. This decision shall be sent by certified mail to the supervisor of the proposed activity at the address provided on the application, with a copy by email, and shall be effective upon such service. It shall constitute a final decision of the Department.

5. Permitted Locations and Limitations on Numbers of Participants for First Amendment Activities

All Distribution, Solicitation, Survey and Demonstration activities shall be limited to their designated areas and limited in the number of participants as set forth in this Section F.5 and in the applicable Exhibits to these Regulations.

a. Distribution and Survey activities:

The Airport Operations Director or designee shall designate areas in and around the Airport's terminal buildings, skybridges and parking garage where permitted Distribution and Survey activities may be located as set forth and depicted on the Airport's plans published on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>. Up to two (2) persons may engage in permitted activity on any one skybridge at any one time. Up to ten (10) persons may engage in permitted activity in the North Ground Transportation Plaza in the parking garage at any one time.

b. Demonstration activities:

The Airport Operations Director or designee shall designate areas in the parking garage and close to terminal buildings where permitted demonstrations may be located as set forth and depicted on the Airport's plans published on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>. Up to ten (10) persons may engage in permitted activity in the North Ground Transportation Plaza in the parking garage at any one time. Up to twenty-five (25) persons may engage in permitted activity at the Flag Pavilion at any one time. Groups of more than 25 persons may engage in permitted activity at the North Charter Bus Lot or the empty lot on the west side of the 17000 block of International Boulevard (Pacific Highway S.); provided, however, for the North Charter Bus Lot, the supervisor shall ensure all participants arrive and depart by vehicles approved by the Department and following the demonstration, clean up and restore the area to

the condition it was in prior to the demonstration; the applicant shall be responsible for expenses associated with transport to the North Charter Bus lot. For all permitted areas, upon demonstration completion, applicant shall be responsible for cleaning up and restoring the area to its original condition.

c. Solicitation activities:

Solicitation activities shall be confined to the area within the Airport terminal specified by the Airport Operations Director or designee, and as set forth and depicted in the Airport's plans published on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>. Any person engaged in solicitation must wear a permit badge, displayed above the waist, at all times while engaged in solicitation. Any applicant for a permit to engage in solicitation must also apply to Airport Operations for a badge. Any lost or stolen badges must be immediately reported to the Department upon discovery that the badge is missing. The applicant must also reserve time on the sign-up sheet for use of the specified area consistent with sign-up procedures which shall be published and updated from time-to-time on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>.

d. Each permit shall specify the designated area in which the particular activity may take place; provided that the Airport Operations Director or designee may move such permitted activities from one designated area to another upon written notice to the applicant/permit holder, when, in the judgment of the Airport Operations Director or designee, such relocations are or become necessary to the safe and efficient operation of the Airport.

6. Labor-Related Activities

- a. Generally, labor-related activity shall not be treated as a separate permit category. If labor-related activity takes the form of Distribution, Survey, Solicitation or Demonstration, all of the provisions of F.1 through F.5, above, and F.7 through F.11, below, shall apply – except as provided for in F.6.b, F.6.c, and F.6.d below.
- b. Employers may permit employees, their representatives or others to undertake Distribution, Survey, Solicitation, or Demonstration in the employer's leased area, subject to the provisions of Section F.8.

- c. Subject to the provisions of Section F.8, one or more employees of an employer doing business at the Airport may engage in conversations with other employees regarding matters of mutual benefit of other employees of the employer without providing notice and without first obtaining a permit in any location as long as the conduct in that location does not interfere with Airport operations or pose a safety or security concern.
- d. Subject to the provisions of Section F.8, any person may discuss wages, benefits, or terms and conditions of employment with any employee of an employer doing business at the Airport without providing notice and without first obtaining a permit in any location even if the activity involves a distribution of material, as long as such distribution is associated with the conversation about wages, benefits or terms and conditions of employment.

7. Off-limits Areas

Under no circumstances shall any Distribution, Solicitation, Survey, or Demonstration take place in any of the following locations:

- a. In any secured area;
- b. Beyond the passenger security screening checkpoints through which passengers and visitors are required to pass when moving toward an aircraft departure gate, or within fifty (50) feet of any security screening checkpoint;
- c. In any restroom facilities, elevators, escalators, stairways, terminal doors, vestibules or storage areas or within ten (10) feet thereof;
- d. Within ten (10) feet of the entrance to or exit from any area leased by an Airline or concessionaire or other business;
- e. On paved portions of streets, roadways, driveways, or any drive lanes within the parking garage;
- f. In any area used by a concessionaire, Airline or other business under a lease, contract or other agreement with the Port of Seattle, except with the express permission of the concessionaire or lessee;
- g. Within ten (10) feet of any person waiting in line or any person loading or unloading luggage;

- h. At any ticket or baggage check-in counter;
- i. At any baggage pick-up or collection area except designated solicitation areas;
- j. In any parking area, including the parking garage except designated areas within the parking garage;
- k. In any portion of the Airport's transit system, including shuttles and trains.

The Airport Operations Director or designee is authorized to exercise his/her discretion to revise the above list in the interest of protecting the security, health and safety of passengers and workers and when necessary to ensure the free flow of passengers and the efficient operation of the Airport on an emergency basis. Any revision to this list shall be published on the Airport's website at <http://www.portseattle.org/business/pages/default.aspx>.

8. Rules Governing Conduct of Permitted Activities

No person or group, while conducting Activities governed by these Regulations, shall:

- a. Harass, intimidate, threaten or invade the privacy rights of any person;
- b. Physically or verbally obstruct, delay or interfere with the free movement of any person at the Airport;
- c. Use sound or voice amplifying apparatus in or adjacent to the terminal building complex. No chanting, dancing, or similar conduct is permitted;
- d. Use or place upon Airport premises, tables, stands, chairs, or other structures;
- e. Store placards, boxes, or supplies on Airport premises other than in authorized public lockers;
- f. Obstruct, delay or interfere with any vehicle;
- g. State or represent that he or she or the organization is a representative or otherwise affiliated with the Port of Seattle or the Airport;
- h. Fail to wear the required identification when required by the Department;
- i. Carry any banners or signs that are posted on poles or sticks of any type or that exceed the following size limitation: banners or signs may be held by a person or worn on an individual's person so long as such banners or signs do not protrude

beyond the person's front or back or above the person's head or exceed the person's body width;

- j. Violate any federal, state or local law or regulation.
- k. Destroy, damage or deface Airport property.
- l. Incite others to violence or other criminal activity or engage in any activity that jeopardizes the health, safety, or security of customers or workers at the Airport.

9. Emergency Closure or Suspension

- a. The Managing Director of the Airport or designee may order the emergency closure of the Airport, or any portion thereof, on account of emergency security, health or safety conditions, catastrophe or disaster, unusually congested or extreme weather conditions, or government orders. Upon such order, all persons holding permits under these Regulations shall immediately cease all activities thereunder for the duration of the emergency closure.
- b. When the federal government declares an alert on the National Terrorism Advisory System issued by the United States Department of Homeland Security with regard to security conditions for operations at the Airport, the Airport Operations Director or designee may suspend First Amendment activities in their entirety or limit the size and scope of such activities and/or designate a location for the posting of written information as an alternate means of disseminating the information covered by the permit request. The Airport Operations Director or designee will take into account the totality of circumstances relating to security, including the availability of security resources at the Airport in light of increased demands and requirements by the federal government.

10. Violations

- a. For purposes of this subsection F.10, a "violation" shall mean one or more of the following:
 - 1) A false or misleading material statement or omission on a permit application;
 - 2) Engaging in any of the activities covered by these Regulations in a location outside the area designated in the permit;

- 3) Engaging in any of the activities covered by these Regulations without a valid permit;
 - 4) Violating any of the rules governing conduct set forth in subsection F.8 of these Regulations;
 - 5) Failing to cease or alter activities, even if covered by a permit, during an emergency or increased security threat, as required in subsection F.9 of these Regulations.
- b. The occurrence of any violation shall result in:
- 1) immediate temporary suspension of the permit; and
 - 2) institution of proceedings for the revocation of the permit.

Depending on the circumstances, the Airport Operations Director or designee may refrain from suspending or instituting proceedings to revoke the permit.

- c. Three (3) or more violations by any person participating as part of a group or in his/her individual capacity, may, at the discretion of the Airport Operations Director or designee, become the basis for denial of future permit applications. However, depending on the egregiousness of a violation, the Airport Operations Director or designee may deny a permit application after only one violation.
- d. In addition to the other remedies in this subsection F.10, the Airport Operations Director or designee may apply to a court of competent jurisdiction for injunctive relief barring any group or individual who has violated these Regulations or the terms of a permit, or has otherwise engaged in or expressed an intent to engage in activities that have the potential to impair or interfere with security or the orderly and efficient use of Airport property for the Airport's travel and transportation functions, from engaging in future Activities at the Airport.
- e. The remedies described in this subsection F.10 are in addition to the Airport's remedies at common law and under criminal statutes. Any person who engages in First Amendment activities in off-limits areas or locations outside the area designated in a permit, and any person who engages in First Amendment activities without a valid permit or who violates these rules, may be subject to arrest for trespass if such person refuses to leave when requested to do so by Airport personnel or police.

11. Permit Revocation Hearing Process

- a. Within one (1) business day of a permit suspension under subsection F.10.b above and/or where the Airport Operations Director or designee has determined that a permit should be revoked, the Department shall provide notice by email and by certified mail to: (a) the supervisor or person(s) otherwise responsible for the conduct of activities under the permit; and (b) the person(s) who allegedly committed the violation. Such notice shall reference the permit, permit status, and the nature of the violation. Such notice shall also state that a hearing on the temporary suspension and/or proposed revocation will take place before a hearing officer who shall be designated by the Managing Director of the Airport. No person who has been involved in any aspect of citing the permit holder for a violation, and no person who has been involved in any aspect of the decision to suspend or revoke the permit, may serve as a hearing officer.
- b. At the hearing, the Department shall present evidence, including from one (1) or more witnesses with personal knowledge of the alleged violation. The supervisor or other person responsible for the conduct of activities under the permit, or his/her counsel or designee, may do some or all of the following at the hearing: (a) present documentary evidence and/or witness testimony related to the alleged violation; (b) cross examine any witness called by the Department. Strict rules of evidence shall not apply. All testimony shall be recorded. The Managing Director of the Airport or designee shall preserve the recorded testimony and copies of all documents related to the hearing. To revoke a permit, the Department must show, by a preponderance of the evidence, that the alleged violation occurred. If the supervisor or other person responsible for the conduct of activities under the permit fails to appear for a hearing without having received prior permission from the hearing officer to reschedule the hearing, the permit holder and persons who allegedly committed the violation will be considered in default and the hearing officer may revoke the permit.
- c. Within five (5) business days following the hearing, the hearing officer shall issue a written decision stating whether the permit is revoked. If a permit is revoked, the decision shall state the grounds for revocation. If the decision is that there was insufficient evidence for a permit revocation, the suspension of the permit shall be dissolved and the permit reinstated. This decision shall be effective upon sending it by email and by certified mail to the supervisor or other person responsible for the conduct of activities under the permit to the address provided at the time of the application for the permit. If the permit holder or persons associated with the

permit holder engage in First Amendment activity after the decision is issued, as an alternative to sending the decision by email and by certified mail, the Department may serve a copy of the decision on the persons engaging in the First Amendment activity. In that event, the decision shall be effective upon hand delivery to those persons. The decision issued by the hearing officer shall constitute the final decision of the Department for purposes of a permit holder's ability to appeal to court.

