



TENANT DIRECTIVE

BWI: 607.1
DATE: September 5, 2014
DISTRIBUTION: D

TITLE: DISTRIBUTION OF HANDBILLS

I. REFERENCES:

- A. Annotated Code of Maryland, Criminal Law, Section 6-409.
- B. Code of Maryland Regulations (COMAR) 11.03.01.08E, Handbills.

II. DIRECTIVE STATEMENT:

- A. The purpose of this Directive is to supplement the rules and regulations governing the procedures for distributing handbills at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall). For purposes of this Directive, Handbill means a printed notice or literature distributed by hand and includes but is not limited to leaflets, flyers and circulars. Handbilling does not mean and does not include the acts included in the act of Picketing and Demonstrating as controlled by COMAR 11.03.01.08F and Tenant Directive 602.1.
- B. The following procedures are promulgated to ensure the safe, secure, and efficient movement of patrons and employees throughout the BWI Marshall Terminal. These procedures are intended to protect Airport patrons and employees from potential harassment and abuse by persons and organizations distributing handbills while at the same time recognizing the rights of individuals and organizations to present their views in a public facility.
- C. The distribution of Handbills at BWI Marshall may be conducted only in the areas specified by the Director, Office of Terminal and Landside Operations, BWI Marshall, pursuant to the procedures of this Directive.

- D. Advance written authorization, by the Director, Office of Terminal and Landside Operations, BWI Marshall, is required before any Handbill distribution activities may be conducted at BWI Marshall. Persons or organizations authorized to distribute Handbills at BWI Marshall must contact the BWI Marshall Landside Operations Center (410-859-7736) the day before each planned and authorized activity for confirmation of an area in which the distribution of Handbills is authorized.
- E. No organization or individual may distribute Handbills at BWI Marshall for more than 14 days in any given 30-day period. A new written request must be submitted to the Director, Office of Terminal and Landside Operations, BWI Marshall, prior to each 14-day period or portion thereof during which a person or organization desires to engage in the activities regulated herein.
- F. Notwithstanding the provisions of item E above, an individual or organization may obtain approval for an additional consecutive period if, as of the next to last day of the individual's or organization's permit period, no other individual or organization has obtained a permit for that period. An individual or organization wishing to succeed itself shall forward a letter of request to reach the Director, Office of Terminal and Landside Operations, BWI Marshall, not later than 4:30 p.m. on the 12th day of an active permit.
- G. The BWI Marshall Landside Operations Center is responsible for the scheduling and monitoring of Handbill distribution activity at BWI Marshall and will enforce all rules in accordance with this Directive.

III. PROCEDURES:

- A. BWI Marshall is not a public forum for First Amendment activities. Certain activities are incompatible with the transportation uses of BWI Marshall. Unfettered use of BWI Marshall to distribute Handbills would prevent the intended use of the Airport as a transportation center and potentially endanger the health and safety of passengers, other patrons and employees using BWI Marshall. Moreover, such activities would impede and cause unreasonable hazards during the construction activities anticipated at BWI Marshall. The use of BWI Marshall for the purpose of exercising rights of free expression and communication to distribute Handbills will not be permitted to restrict or impair the transportation function of BWI Marshall. Organizations who may request a permit at BWI Marshall to distribute Handbills will be given consideration regarding their request on a case-by-case basis. Decisions on whether or not to

grant any such request will be based, in part, on the availability of designated locations for such activities during the period of request, as well as other factors enunciated herein.

- B. The Administration has determined that only certain designated areas of the Airport provide a reasonable opportunity for distributing Handbills while not preventing the use of the Airport for its intended purpose of providing safe, orderly, and efficient flow of pedestrian and vehicle traffic and air transportation. The Director, Office of Terminal and Landside Operations, BWI Marshall, maintains a chart designating those areas where the distribution of Handbills does not prevent the use of BWI Marshall for its intended purpose. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of the Airport facilities for their intended purpose, the Director, Office of Terminal and Landside Operations, BWI Marshall, will strive to maintain a minimum of four (4) areas of the non-Secured Areas of the Terminal for Handbilling. Where necessary to preserve the use of the Airport by the public for transportation purposes, the Director, Office of Terminal and Landside Operations, BWI Marshall, may reduce the number or size of or change the location of designated areas from time to time to take into account changes in pedestrian or vehicle flow, construction, alterations to the Terminal and their surroundings, emergency conditions, or other unforeseen circumstances which may necessitate a change. Notwithstanding the above, the following areas do not provide a reasonable opportunity for the distributing of Handbills without preventing the use of the Airport for its intended purpose of providing a safe, orderly and efficient flow of pedestrian traffic and are areas where distributing Handbills is prohibited:

1. Air Operations Areas, Secured Areas and Sterile Areas;
2. Roadways and thoroughfares for vehicles;
3. Within 10 feet of any access point to any place of business of any tenant, lessee or permittee of the Administration;
4. Roadway curbsides or curbs at which passengers load or unload from vehicles, motor vehicles or commercial vehicles and staging areas for Ground Transportation vehicles and designated bus stops;
5. Areas leased or assigned by agreement with the Administration for use by vendors or other lessees, permittees or licensees of the Administration;

6. Within 10 feet of any security screening point, terminal entrance vestibules, doorways or other interior or exterior entrances, access gates, escalators, elevators, stairways, moving walkways, baggage conveyance bins or equipment, or baggage cart dispensing units;
 7. Within 10 feet of any kiosk, queue and stanchions or curbside baggage check-in counter, queue and stanchions;
 8. Within 50 feet of any construction site or construction equipment except in those areas designated by the Director, Office of Terminal and Landside Operations, BWI Marshall, around construction work gates;
 9. Within construction areas;
 10. Inside Airport restrooms or within 10 feet of any access to an Airport restroom;
 11. The Meditation Room;
 12. The Observation Gallery;
 13. The baggage claim areas of BWI Marshall;
 14. The airline ticket counter areas of BWI Marshall; and
 15. Any other areas that may be designated by the Director, Office of Terminal and Landside Operations, BWI Marshall, from time to time as necessary to maintain the safety and efficiency of Airport operations.
- C. No person shall distribute Handbills or otherwise attempt to communicate their views to other users of the Airport without first delivering a written request to the Director, Office of Terminal and Landside Operations, BWI Marshall, of their intent to do so at least seven (7) days prior thereto. Such written request shall be required in order that adequate precautions may be taken by the Director, Office of Terminal and Landside Operations, BWI Marshall, to protect the public health, security, safety and order to assure efficient and orderly use of Airport for its primary purpose and to assure equal opportunity for freedom of expression. The written request shall state:
1. The full name, mailing address and telephone number of the person delivering the written notice, or if he or she is a member of an

organization which is sponsoring, conducting or promoting the activity, the full name, mailing address and telephone number of the organization, and the full name, mailing address and telephone number of a responsible officer or agent thereof;

2. A description of the proposed activity stating the type of communication to be involved and the size and volume of the items to be handed out for the activity;
 3. The date, hour, location and anticipated duration of such activity;
 4. The number of persons planning to participate in such activity; and
 5. A statement or evidence that the person sponsoring, conducting or promoting the proposed activity is one that is charitable, religious or political in nature or whose purpose for the proposed activity is not for the deriving or making of profit from the sale or exchange of goods or services.
- D. The Director, Office of Terminal and Landside Operations, BWI Marshall, shall review the request for sufficiency of information and shall meet with an authorized representative of the organization requesting to distribute Handbills to discuss specific procedures for the conduct of the activity at BWI Marshall. The Commander, Airport Division, Maryland Transportation Authority Police or his designee and directors and/or managers of other pertinent Maryland Aviation Administration offices or divisions such as Airport Security, Airport Operations, and Terminal and Landside Operations as necessary may also attend the meeting. Following the meeting, the Director, Office of Terminal and Landside Operations, BWI Marshall, shall issue the requested permit or notify the applicant in writing why issuance of a permit is denied. A permit shall not be granted or denied based upon the content of any non-Commercial message. In the event that more than one person or organization submits a request to distribute Handbills, the Director, Office of Terminal and Landside Operations, BWI Marshall, will review those requests on a first-come first-served basis and grant or deny permits in that order.
- E. The permit issued will designate the time, location and manner that the holder is eligible to conduct activities at BWI Marshall. The permit will also identify the number of persons permitted to distribute Handbills at the location. No more than the agreed number of persons distributing Handbills is permitted.

- F. During all Handbilling activities, a spokesperson/responsible representative will be designated by the Handbilling group and will be present at the Handbilling site. This individual's name and location will be given to the Landside Operations Center (telephone 410-859-7736) at the start of Handbilling each day. The spokesperson will also advise the Landside Operations Center daily when the Handbilling has ceased.
- G. Individuals and organizations engaged in distributing Handbills shall not:
1. Intentionally touch, grab, restrain, or in any way intimidate any person;
 2. Repeatedly attempt to give literature to any person who has indicated that such person does not wish to accept the literature;
 3. Follow, pursue or call out to any person passing by who does not freely take the Handbill;
 4. Interfere with the public's unimpeded and free access to any free-standing concession counter or area;
 5. Disrupt or interfere with the free and orderly flow of pedestrian or vehicular traffic;
 6. Use any noise making device or amplification device capable of amplifying the human voice;
 7. In any manner indicate to the public that he or she is an official of the State of Maryland, the Maryland Aviation Administration, or in any manner misrepresent to the public the true identity of the organization he or she represents;
 8. In any way contend, imply, or lead Airport patrons to believe that the individual's or organization's views represent or are endorsed by the Maryland Aviation Administration, its tenants, or the State of Maryland;
 9. Erect any racks, tables, or other means of displaying printed materials or other items or place any chairs, boxes or other obstructions in the public areas;
 10. Attach any sign, circular, or other written material to any wall, booth, post, counter, or other surface;

11. Leave unattended at BWI Marshall, discard, or abandon bags, boxes, or other containers of literature, food, or other items (except in BWI Marshall trash receptacles);
 12. Distribute any items of food or drink;
 13. Conduct such activities in or on roadways or vehicle access lanes;
 14. Wear or carry a sign or placard;
 15. Engage in speech or solicitation in any area not permitted by these rules;
or
 16. Receive or accept any immediate payment or donation of money from any person.
- H. Persons under the influence of intoxicants will not be permitted to distribute Handbills.
- I. No organization shall have more than eight (8) persons engaged distributing Handbills at BWI Marshall at any one time. No more than two (2) people are permitted to distribute Handbills at any location at one time. In the event there is not space available, the Director, Office of Terminal and Landside Operations, BWI Marshall, may further restrict the number of persons.
- J. Each person distributing Handbills shall obey all Administration Rules and Regulations along with all applicable state and federal laws.
- K. Identification badges of a permanent material or plastic encased, pin type must be worn by Handbilling representatives at all times while Handbilling activities are being conducted. Such badges shall be at least 3" x 5" in size, contain the name of the represented organization and representative in boldface print, and be worn in a conspicuous manner on the upper front of the representative's outermost garment.

- L. Violation of the above procedures may result in withdrawal of an authorization to distribute Handbills at BWI Marshall.

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AIRPORT OPERATIONS**

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Director
Office of Airport Operations