

CITY OF PHILADELPHIA
DEPARTMENT OF COMMERCE, DIVISION OF AVIATION

REVISED COVID-19 EMERGENCY REGULATION # 1
GOVERNING ACCESS TO PHILADELPHIA INTERNATIONAL AIRPORT
TERMINAL BUILDINGS AND PREMISES WITHOUT AN AIRPORT BUSINESS
PURPOSE DURING THE COVID-19 PANDEMIC

BACKGROUND

WHEREAS, on March 11, 2020, the Mayor issued a Declaration of Extraordinary Circumstance: Suspending the Formal Regulatory Process for Regulations concerning a Novel Coronavirus; and

WHEREAS, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) (March 22 Order); and

WHEREAS, the March 22 Order prohibits all public and private gatherings of any number of people occurring outside a single household or living unit, except for the limited purposes permitted by the order; and

WHEREAS, the order also requires all Philadelphia residents to remain home unless they are engaged in Essential Personal Activities, provided, however, that individuals experiencing homelessness are exempt from that directive, but they are strongly urged to obtain shelter; and

WHEREAS, the March 22 Order embodies the City's general directive that all individuals and businesses engage in "Social Distancing" practices, which requires individuals to maintain at least six (6) feet of space between them at all times, requires individuals to frequently wash hands, and requires businesses to frequently and repeatedly to clean all surfaces; and

WHEREAS, on March 31, 2020, in order to further the purposes of the Mayor's March 22 order to limit the spread of COVID-19 and to keep Philadelphia residents safe during the COVID-19 outbreak, and to permit the enhanced cleaning of Philadelphia International Airport (Airport) premises, which is necessary to prevent the spread of COVID-19, the Department of Commerce, Division of Aviation, promulgated an Emergency Regulation, providing that access to Philadelphia International Airport terminal buildings is at all times restricted to Airport, airline and Tenant employees, ticketed passengers, and other persons authorized by the Philadelphia Police or the Airport CEO (March 31 Emergency Regulation); and

WHEREAS, the Airport has exercised its discretion to relax enforcement of the March 31 Emergency Regulation as applied to individuals experiencing homelessness while Airport operations have been limited, however, such relaxed enforcement has compromised the Airport's ability to assure proper sanitization and security of the airport facilities; and

WHEREAS, on April 15, 2020, the Secretary of Health of Pennsylvania issued an Order Directing Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operations (Safety Measures Order) that requires numerous COVID-19-related safety measures at businesses permitted to maintain in-person operations, including that businesses "prohibit non-essential visitors from entering the premises of the business[;]" and

WHEREAS, guidance with respect to the Safety Measures Order issued by the Pennsylvania Department of Health provides that it does not apply to City operations and that with respect to the operations of the Philadelphia International Airport, the Federal Aviation Administration rules apply at airports in lieu of that order; and

WHEREAS, the Airport CEO and the Director of Commerce have determined it is appropriate to implement certain public safety measures in line with the Secretary of Health's guidance in light of the COVID-19 pandemic;

WHEREAS, additional flights and airport operations are resuming in all terminals where operations had previously ceased as a result of the COVID-19 pandemic; and

WHEREAS, the security and cleaning staffing at the Airport remains limited as a result of staffing shortages caused by the COVID-19 pandemic; and

WHEREAS, it is imperative to the safety and security of airport staff and business guests that the Airport strictly restrict access to airport premises to those who have a legitimate business need to access the premises;

WHEREAS, on May 13, 2020, the Department of Commerce, Division of Aviation filed a Revised COVID-19 Emergency Regulation #1 Governing Access to Philadelphia International Airport Terminal Buildings and Premises Without An Airport Business Purpose During the COVID-19 Pandemic (May 13, 2020 Proposed Regulation) that was scheduled to go into effect on March 22, 2020, and the Division of Aviation has subsequently recognized further clarification was needed to such proposed emergency regulation; and

Now, therefore, the Department of Commerce, Division of Aviation rescinds the May 13, 2020 Proposed Regulation without it going into effect and adopts the following emergency regulation:

EMERGENCY REGULATION

1. **Effective Date and Repeal of Prior Emergency Regulation.** Effective May 22, 2020, the Emergency Regulation promulgated by the Department of Commerce Division of Aviation on March 31, 2020 is hereby repealed and replaced by the provisions of this Revised COVID-19 Emergency Regulation #1 Governing Access to Philadelphia International Airport Terminal Buildings and Premises Without an Airport Business Purpose During the COVID-19 Pandemic (Emergency Regulation #1).

2. **Definitions.** Capitalized terms in this Emergency Regulation #1 shall have the definitions provided in the Philadelphia International Airport Rules and Regulations (PHL Rules and Regulations), unless otherwise defined herein.

3. **Restricted Access During COVID-19 Pandemic.** Notwithstanding subsection 2(S) of the PHL Rules and Regulations, which typically governs access to the Terminal Buildings, the following emergency regulations shall control access to the Philadelphia International Airport (Airport) terminal buildings and other Airport premises for the duration of the COVID-19 pandemic emergency:

RESTRICTED ACCESS TO THE TERMINAL BUILDINGS AND AIRPORT PREMISES

At all times, access to the Airport premises, including the Terminal Buildings, is restricted to the following individuals and no other individuals are authorized to enter the Airport premises without written authorization from the CEO:

(a) credentialed (i) Airport Personnel (as defined in the PHL Rules and Regulations) and contractors, (ii) airline personnel, (iii) Tenant personnel and contractors, (iv) and personnel of the United States Transportation Security Administration and Customs and Boarder Protection (all collectively “Credentialed Personnel”);

(b) ticketed passengers;

(c) individuals transporting Credentialed Personnel and ticketed passengers to and from the Airport may access Airport premises, excluding the Terminal Buildings, only for that limited transportation purpose.

4. Violations and Fines. Section 2.J.1. (SECONDARY VIOLATIONS; Section 2-General) of Appendix G – VIOLATIONS AND FINES of the PHL Rules and Regulations is hereby amended, in part, to add the following language:

“Section 2(S) *Unauthorized access to PHL premises in violation of May 22, 2020 Revised COVID-19 Emergency Regulation # 1 Governing Access to Philadelphia International Airport Terminal Buildings and Premises Without an Airport Business Purpose During the COVID-19 Pandemic*”

5. Enforcement and Directions to Disperse. In addition to any remedies and penalties provided for by law or regulation, including but not limited to state and local laws governing defiant trespass, PHL Rules and Regulations at Appendix G – Violations and Fines, and the various City Orders and regulations enacted to control and prevent the spread of COVID-19, individuals violating this May 22, 2020 Emergency Regulation may be provided notice, written or oral, that


the Airport premises and Terminal Buildings are operating with restricted access and ordering any individual that is not specifically authorized to access the Terminal Buildings or Airport premises to immediately leave. Individuals experiencing homelessness will be offered information about appropriate services and referred to such services to the extent reasonably practicable, but shall not be permitted to remain on the Airport premises or in the Terminal Buildings unless the individual is otherwise authorized to access the Terminal Buildings or Airport premises under paragraph 3 of this Emergency Regulation #1. Nothing in this regulation shall be deemed to grant any individual a right to any particular services, including shelter services.

6. **Duration.** This Emergency Regulation #1 shall remain in effect until repealed at the conclusion of the COVID-19 pandemic disaster emergency unless repealed or superseded by subsequent regulation.

This Emergency Regulation #1 is hereby adopted by:

THE CITY OF PHILADELPHIA

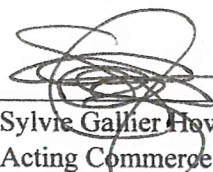
acting through its Department of Commerce, Division of Aviation

By: 
Rochelle L. Cameron, CPA, C.M.
Chief Executive Officer,
Philadelphia International Airport

Date signed: May 15, 2020

THE CITY OF PHILADELPHIA

acting through its Department of Commerce

By: 
Sylvie Gallier Howard
Acting Commerce Director

Date signed: May 15, 2020