

# Maryland Register

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## Title 11 DEPARTMENT OF TRANSPORTATION Subtitle 05 MARYLAND PORT ADMINISTRATION

### 11.05.05 The World Trade Center Baltimore Building and Grounds

Authority: Transportation Article, §§6-101, 6-201.2(b)(2), and  
6-204(c)(i)(j),(l), Annotated Code of Maryland;  
Executive Order 01.01.1992.20

#### Notice of Proposed Action

[14-009-P]

The Maryland Port Administration proposes to amend Regulations .02, .03, and .06 and adopt new Regulations .09 and .10 under **COMAR 11.05.05 The World Trade Center Baltimore Building and Grounds**. This action was considered at an open meeting on October 1, 2013.

#### Statement of Purpose

The purpose of this action is to set forth reasonable time, place, and manner restrictions on those individuals, groups of persons, or organizations that desire to engage in activities implicating the First Amendment, such as distribution of literature, charitable solicitation and expressions of opinions and ideas in various forms at the World Trade Center - Baltimore.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** Anticipated additional revenue is based on the actual collection of the application fee.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	Indeterminable
E. On other industries or trade groups:	NONE	Indeterminable
F. Direct and indirect effects on public:	NONE	Indeterminable

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The intent of this fee is to help cover administrative costs by the Maryland Port Administration. It is difficult to estimate the potential revenue to the Administration as it has not been set and the applicant can ask for the fee to be waived.

D. The intent of this fee is to help cover administrative costs by the Maryland Port Administration. It is difficult to estimate the potential revenue to the Administration as it has not been set and the applicant can ask for the fee to be waived.

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#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Michele Hardwick, Coordinator, MPA, 401 E Pratt St., 20th Floor, Baltimore, MD 21202, or call 410-385-4791, or email to mhardwick@marylandports.com, or fax to 410-333-4225. Comments will be accepted through February 10, 2014. A public hearing has not been scheduled.

#### **.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.

(1) *"9/11 Memorial"* means the marble plinth and the steel artifact from the World Trade Center New York mounted upon it located near the center of the WTC Plaza, the three limestone blocks from the Pentagon located at the east side of the WTC Plaza, the three black monoliths representing the crash of United Airlines Flight 93 at Shanksville, PA, also located at the east side of the WTC Plaza, and a stone marker on the east side of the WTC Plaza explaining the 9/11 Memorial. The term WTC Property includes the 9/11 Memorial.

[(1)] (2) — [(13)] (14) (text unchanged)

[(14)] (15) *"WTC Plaza"* means [the brick plaza located] area between the north side of the building and the access driveway on Pratt Street and bound on the east and west sides of the WTC property by the concrete plank drainage system (drain tile).

[(15)] (16) *"WTC Property"* means the WTC building, the WTC Plaza, and all structures, and improvements to said property, [and grounds adjacent to it,] and all WTC parking areas, which are owned, leased, operated by, or under the control of the MPA.

[(16)] (17) (text unchanged)

#### **.03 Use of WTC Property.**

- A. — E. (text unchanged)
- [F. No portion of the WTC, including the WTC building, plaza, and property, is a public forum.]

#### **.06 Preservation of Property.**

- A. (text unchanged)
- B. A person who violates this regulation, in addition to any other penalties prescribed in this chapter, shall be liable for any loss or [or] damages to real or personal property caused by the violation.

#### **.09 First Amendment Activities.**

- A. *First Amendment Activities Covered by these Regulations.*

(1) *"Demonstration"* means a gathering of persons for the purpose of expressing a group opinion to observers through use of their speech, signs, and/or expressive conduct, excluding expression of a message for commercial purposes.

(2) *"Distribution"* means the distribution of literature and materials for the exposition of ideas and opinions in the exercise of freedom of speech, association, assembly, and religion, but excluding purely commercial materials.

(3) *"Solicitation"* means the solicitation of funds on behalf of not-for-profit organizations for charitable, philanthropic, patriotic, political, or religious purposes, or the collection of petition signatures.

B. *Demonstration, distribution, or solicitation shall be permitted on WTC Property only when authorized by the Administration and conducted in accordance with these regulations.*

- C. *Permits and Restrictions.*

(1) *A group of 15 or more persons desiring to engage in demonstration, distribution, or solicitation on WTC Property, must first obtain a written permit from the Administration for the proposed activity and, having obtained a permit, is sometimes referred to herein as a "Permittee."*

(2) *Permits shall be issued on a first-come, first-served basis.*

(3) *The MPA may charge a uniform fee for reviewing a permit application and granting a permit under this section. Upon request by the applicant, MPA may waive the fee based upon the ability of the applicant to pay the fee.*

(4) *These activities shall be confined to the WTC Plaza within areas designated by the Administration.*

(5) *These activities may not obstruct, delay, interfere with the free movement of, or impede any person, including, but not limited to pedestrians transiting the WTC Property, Tenants entering and exiting the WTC Building, or persons viewing or visiting the 9/11 Memorial. The Administration may designate and rope off reasonable ingress, egress, and public pedestrian routes.*

(6) *These activities shall be permitted only between 8 a.m. and 8 p.m., except that leafleting shall be permitted during large public events occurring in the Inner Harbor Park of Baltimore after 8 p.m.*

(7) *The number of participants in any permitted activity may be limited to a number reasonable under the circumstances, as determined by the Administration and the MDTA Police, to preserve safety, order, and ingress, egress, and public pedestrian routes.*

(8) *A person engaged in disorderly drinking as defined by the Baltimore City Police Ordinances or publically intoxicated as defined under Maryland law will not be permitted to participate in these activities.*

(9) These activities shall be conducted in a peaceful and orderly manner. A person, group of persons, or organization participating in an activity may not:

(a) Impede, physically grasp at or touch Tenants, the public, or pedestrians using or transiting the WTC Property or viewing the 9/11 Memorial, or attach objects to their clothing without their consent;

(b) Engage in Aggressive Solicitation as defined by the Baltimore City Code or unlawful harassment;

(c) Engage in disorderly conduct;

(d) State or represent that he, she, or the organization is a representative of, or is otherwise affiliated with the Maryland Port Administration, the Maryland Department of Transportation, or the State of Maryland; or

(e) Unreasonably disturb WTC tenants or the public in the course of normal business activity or viewing of the 9/11 Memorial on WTC Property.

(10) A person, group of persons, or organization conducting an activity shall be responsible for maintaining the cleanliness of the WTC Property and for removing all litter attributable to their activities from the WTC Property before departure.

(11) Any person, organization, or other legal entity conducting an activity shall be responsible for any damages to any WTC Property, or to any other real or personal property, caused by that person's, organization's, or other legal entity's actions, including, but not limited to any cleaning or repair costs incurred by MPA.

(12) Pamphlets, handbills, leaflets, signs, placards, posters, collection boxes or containers, and similar materials may not be left unattended on WTC Property.

(13) Electronic sound-amplifying equipment other than a battery operated handheld megaphone being used facing away from the plinth of the 9/11 Memorial may not be used in conducting these activities on WTC Property unless expressly authorized by MPA.

(14) A person, group of persons, or organization engaging in demonstration, distribution, or solicitation on WTC Property shall abide by the terms of the permit, this chapter, and local, State, and federal law.

#### **.10 Permits.**

A. The procedures in §C of this regulation shall be followed in applying for a permit to engage in demonstration, distribution, or solicitation on WTC Property.

B. In granting a permit, the WTC Manager shall exercise no discretion except as provided in these regulations.

C. Procedures.

(1) Any group or organization of 15 or more persons seeking to engage in demonstration, distribution, or solicitation on WTC Property must first obtain a written permit from the Administration.

(a) To obtain a permit, the applicant shall submit to the Administration during normal business hours a written permit application no later than 2 working days before the date requested for the activity. MPA will waive or lessen this 2-day requirement in order to permit first amendment activities that arise in response to imminent events.

(b) The application shall be on a form provided by the Administration that shall set forth the location where such permit application shall be filed.

(2) The application for the permit shall include:

(a) The full name, mailing address, telephone number, and email address of the person or organization applying for the permit, and, if a group or organization, the name, address, and telephone number of a designated representative;

(b) 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;

(c) The date and times of the proposed activity, provided that a permit will not be issued for any time between the hours of 8 p.m. and 8 a.m.;

(d) A brief description of the proposed activity, including the method of communication and which type of permit is requested, for example, whether for demonstration, distribution, or solicitation;

(e) The number of persons expected to participate; and

(f) The signature of the applicant.

(3) Application Review.

(a) The WTC Manager shall review each application promptly.

(b) If the application is incomplete, the WTC Manager shall make reasonable efforts to inform the applicant.

(c) If the application is complete, the WTC Manager shall forward the application to the MDTA Police, and the Administration Security Department for review, comment, and signature.

(4) A permit shall be issued unless the WTC Manager, the Administration, or the MDTA Police specifically finds:

(a) The information contained in the permit application is incomplete or contains material misrepresentations;

(b) The applicant refuses to sign the permit;

(c) The proposed activity interferes with a previously issued permit or scheduled event;

(d) An emergency situation exists;

(e) The proposed activity interferes materially with vehicular or pedestrian traffic, including viewing of the 9/11 Memorial;

(f) The proposed activity interferes materially with the normal business activities of WTC tenants;

*(g) The proposed activity, on its face, violates any law, ordinance, or regulation of the federal, State, or Baltimore City governments; or*

*(h) The proposed activity reasonably appears to present a clear and present danger to the public safety, health welfare, or good order.*

*(5) The applicant shall sign the permit and return it to the offices of the WTC Manager at least 12 hours before the proposed activity. MPA will waive or lessen this twelve-hour requirement in order to permit first amendment activities that arise in response to imminent events.*

*D. A permit may be revoked at any time if the:*

*(1) Terms or conditions of the permit are violated;*

*(2) Activities or conduct of the Permittee present a clear and present danger to the public health, welfare, or safety; or*

*(3) Activities of the Permittee constitute a violation of any applicable law or regulation.*

*E. Appeal of Permit Decisions.*

*(1) Any person whose permit request is denied in full or in part, or revoked, may appeal the decision to the MPA Director of Commercial Management, by means of a letter stating the grounds therefore, within 5 working days of receiving a response from the WTC Manager.*

*(2) The MPA Director of Commercial Management 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 as requested, within 7 working days of receipt of such appeal.*

*(3) The MPA Director of Commercial Management's decision shall be sent certified mail to the responsible person at the address provided, with a copy by email or fax, or both, when provided, and shall be effective upon such service.*

*(4) The MPA Director of Commercial Management's decision shall constitute a final decision of the Administration, and may be appealed to an appropriate court as provided by law.*

M. KATHLEEN BROADWATER  
Deputy Executive Director  
Maryland Port Administration