



Operating Instruction (OI)

**Maritime Transportation and Safeguard Services –
Permitting and ID Badging**

OI Category III No. 23-01

Authorized Signature:

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I. PURPOSE

Establish a rule and regulation authorizing the permitting and limited-access ID Badging for providers of Maritime Transportation and Safeguard Services (MTSS), in cooperation with and pursuant to U.S. Customs and Border Protection (CBP) requirements, to escort maritime crewmembers between the Port of Houston, Port of Galveston, or another port-of-call and George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU). MTSS providers shall hold a Houston Airport System (HAS) issued Airport Use Permit for Commercial Passenger Vehicles, Class 9C - Maritime Transportation and Safeguard Services (MTSS Permit) to provide this service, and if applicable, an HAS ID Badge.

II. BASIS

As stated in the City of Houston Code of Ordinances (Chapter 9 Aviation, Section 9-4), the Director of Aviation has the authority to "... promulgate and enforce or cause to be enforced reasonable and necessary administrative rules and regulations governing the use, control, and operation of the city airports and any other property placed under the jurisdiction of the department. The regulations shall not be inconsistent with applicable state, federal, or local laws, rules, and regulations."

This Operating Instruction (OI) is also adopted pursuant to regulatory requirements, including but not limited to, those contained in the following list, as may be amended from time to time:

- 49 CFR Part 1540, *Civil Aviation Security: General Rules*
- 49 CFR Part 1542, *Airport Security*
- Maritime Transportation Security Act of 2002
- CBP regulations and Form I-94W, *Nonimmigrant Visa Waiver Arrival/Departure Record*
- City of Houston Code of Ordinances, Chapter 9, *Aviation*
- City of Houston Code of Ordinances, Chapter 9, *Aviation*, Table 9-1
Annual and Recurring Airport Use Fees for Commercial Passenger Vehicles
- HAS OI I 05-02, *ID Badging*
- HAS OI I 05-03, *Violations – Offenses, Charging Instruments, Due Process Provisions*
- HAS Ground Transportation, Airport Use Permit Classifications for Commercial Passenger Vehicles
- See <https://www.fly2houston.com/biz/resources/commercial-vehicle-permits> for more information on Airport Use Permit for Commercial Passenger Vehicles.

III. DEFINITIONS

MTSS shall mean: Maritime Transportation and Safeguard Services.

MTSSC shall mean: Maritime Transportation and Safeguard Services Company.

MTSSD shall mean: Maritime Transportation and Safeguard Services Driver/Guard working on behalf of an MTSSC.

IV. APPLICABILITY

All MTSSCs and MTSSDs shall adhere to applicable HAS, federal, state, and local rules, regulations, procedures, and laws, no matter where published and are either:

- A. holding a current HAS-issued Class 9C - Commercial Vehicle Permit – Maritime Transportation and, if applicable, holding an HAS ID Badge, wishing to continue to provide MTSS, or
- B. a new MTSSC and MTSSD applicant wishing to start providing MTSS pursuant to this OI.

V. PROCEDURES FOR OBTAINING AUTHORIZATION TO PROVIDE MTSS AT HAS AIRPORTS

The procedures for obtaining authorization for a MTSSC and MTSSD to provide MTSS at HAS Airports may be amended at any time, without advance notice, at the sole discretion of the Director of Aviation.

A. Eligibility for an MTSS Permit

- 1. MTSSCs shall submit an online application and payment of fees as established by [City of Houston Code of Ordinances, Chapter 9, Aviation, Table 9-1, Annual and Recurring Airport Use Fees for Commercial Passenger Vehicles](#) to the HAS Ground Transportation Permit Office at <https://www.mygovernmentonline.org/> for an MTSS Permit – *New Company*.
- 2. Copy of a current Transportation Worker Identification Credential (TWIC Card), as required by the Maritime Transportation Security Act of 2002, shall be required to be submitted to HAS at time of application for the MTSSC's sponsoring authority.
- 3. For each vehicle operated by the MTSSC, the MTSSC shall submit an online application to the HAS Ground Transportation Permit Office online at <https://www.mygovernmentonline.org/> for an MTSS Permit – *Addition or Renewal of Company Vehicle(s)*, and payment of applicable fees, and all required documents, as applicable, including but not limited to:
 - (a) Certification of Title or Official Certification Copy;
 - (b) Copy of current State Vehicle Registration for Leased Vehicle and copy of Lease Agreement between the "Lessee" and "Lessor";
 - (c) Copy of current Liability Insurance Certificate; and
 - (d) Copy of MTSS Permit – *New Company*.

4. An MTSS Permit authorizes the holder to provide MTSS at the HAS Airports in the public areas of the HAS Airports.
- B. Eligibility for MTSSC Desiring to Provide MTSS in Sterile Areas of the HAS Airports
1. Upon receipt of an MTSS Permit – *New Company*, if MTSSC desires to have MTSSD access the sterile areas to conduct MTSS, an application and payment of fees shall be submitted to the HAS Badging Office requesting a HAS ID Badge.
 - (a) See HAS OI 105-02, *ID Badging*, for requirements, as may be amended from time to time.
 - (b) See <https://www.fly2houston.com/biz/resources/badging> for more information and link for the online application.
 2. Process for Designation as an MTSSC Authorized Signatory Authority
 - (a) MTSSC shall request HAS Ground Transportation Office to facilitate MTSSC's initial Authorized Signatory Authority.
 - (b) MTSSC shall apply to HAS ID Badging Office to designate Authorized Signatory Authorities. The senior local official of a MTSSC, upon approval as the initial Authorized Signatory Authority, may designate a limited number of MTSSC personnel as authorized signatory authorities who are authorized to sign the ID Badge application on behalf of the sponsoring organization. Individuals so designated must themselves successfully complete a fingerprint based Criminal History Records Check (CHRC) prior to receipt of their ID Badge.
 - (c) A copy of the signatures of individuals so authorized will be provided to the Airport Security Manager or their designee and kept on file in the HAS ID Badging Office for reference purposes. A specific form is provided for this purpose (Authorized Signatory Authority Form) and only that form is acceptable.
 - (d) ID Badge applications will only be processed after the applications are signed by an authorized signatory authority meeting all regulatory requirements.
 - (e) MTSSCs that desire to have sterile area access must demonstrate in writing to the satisfaction of the Airport Security Coordinator or their designee, in their sole discretion, that the applicant for an ID Badge is legally eligible to be issued an ID Badge, and that a valid and security-wise acceptable recurring need exists for the specific individual to gain access to one or more sterile areas of the airport. Badges will not be granted solely for the convenience of any individual, company or organization.
 - (f) MTSSC and MTSSDs shall submit a copy of a current Transportation Worker Identification Credential (TWIC Card), as required by the Maritime Transportation Security Act of 2002, or a current Non-Commissioned Security Officer License issued by the Texas Department of Public Safety, shall be required to be submitted to the HAS ID Badging Office, at time of application for the HAS ID Badge.

VI. RESPONSIBILITY OF MTSSC SPONSORING HAS ID BADGES AND HAS ID BADGE HOLDERS

- A. It shall be the duty, obligation and responsibility of the MTSSC to ensure that their sponsored MTSSDs that obtain and use ID Badges are fully aware of the regulations, penalties, and enforcement procedures contained in this OI, as well as all other applicable laws, rules and regulations, before starting work in the sterile areas or using the privileges covered by this OI, and all other applicable laws, policies, procedures, rules and regulations. It shall be the duty, obligation and responsibility of the MTSSC to produce to HAS, immediately upon request and without redaction of any kind, any documents that the MTSSC is required by law, ordinance, policies, procedures, rules and regulations to maintain. It shall be the duty, obligation and responsibility of the MTSSC to ensure that everyone sponsored by them is kept advised of all changes and revisions to the regulations, penalties and enforcement procedures contained in this OI and other applicable laws, policies, procedures, rules and regulations.
- B. It shall be the responsibility, duty and obligation of each and every individual to whom an ID Badge is issued, as a condition precedent to being issued and retaining a ID Badge, to know the limitations of their access, to know the laws, ordinances, policies, procedures, rules and regulations governing access, safety and security at HAS and to timely and faithfully carry out their duties and obligations to the same, including, but not limited to, obeying each and every law, policy, procedure, rule and regulation and to strictly avoid any violation(s) of the same and by acceptance and retention of an ID Badge they represent that they have complied with these responsibilities, duties and obligations.
- C. No ID Badge holder may enter a sterile area for the purpose of boarding an aircraft as a passenger without submitting to Transportation Security Administration (TSA) screening and inspection of their person and accessible property in accordance with the procedures being applied to control access to that area or aircraft.
- D. The ID Badge shall carry with it the privilege of entry to the sterile area for MTSS. The access granted with the issuance of an ID badge is a privilege only, not a right, and may be suspended, revoked or cancelled, in whole or in part, and may be applicable to a single driver, a single company or the industry as a whole, at any time and either temporarily or permanently, in the sole discretion of HAS.
- E. All ID Badge holders must fully comply with all TSA and other screening measures to enter the sterile area and attempts to circumvent or actual circumvention of the same shall result in the immediate seizure and revocation of the privilege and of the ID Badge.
- F. The ID Badge holder is authorized to escort, simultaneously, a maximum of four (4) maritime crewmembers with boarding passes for the day of travel. Access rights are strictly limited to the general public areas, the parking areas authorized for use by MTSSDs by the HAS Ground Transportation Office, and the sterile areas required to accomplish the MTSS pursuant to CBP regulations.
- G. The ID Badge holder is issued a limited-access badge and shall **NOT** escort individuals that are not maritime crewmembers holding a boarding pass for the day of travel.
- H. A holder of an ID Badge shall not in any manner engage in challenging the directions of a member of the TSA but shall immediately report such encounter to the Airport Security Coordinator for the appropriate HAS Badging Office where a written incident report shall be made. The ID Badge holder has the duty to remember the name of the TSA agent, the date, time, and checkpoint area.

- I. By acceptance of an ID Badge, the ID Badge holder understands and agrees that the privilege of entering the sterile area may change on a mere moment's notice, which may be given at the checkpoint, in the event of certain changes in the National Threat Level Alert System or in the event of certain intelligence.
- J. An ID Badge holder providing MTSS shall not solicit additional business or provide services other than MTSS on airport property.
- K. The issuance of an ID Badge does not convey any property rights to the authorized badge holder. An ID Badge may be denied, revoked, or suspended in accordance with this OI or other OIs, laws, rules, regulations, and procedures governing HAS. Issuance, use and retention of an ID Badge is also subject to all other laws, rules, regulations, and procedures of appropriate governmental bodies or regulatory agencies. The issuance of HAS ID Badges for MTSS may be modified or terminated, in whole or in part, at any time in the sole discretion of the Director of Aviation.

VII. PHASE-IN OF OI III 23-01, MARITIME TRANSPORTATION AND SAFEGUARD SERVICES – PERMITTING AND ID BADGING

- A. Applications will be accepted for MTSS Permits and ID Badging on February 1, 2023.
- B. All existing MTSSCs and MTSSDs providing MTSS at HAS airports under a HAS Ground Transportation - Commercial Vehicle Permitting, Class 9C - Maritime Transportation Permit, with or without a HAS ID Badge, shall be required to reapply to provide MTSS pursuant to the requirements of this OI, upon the earliest expiration of their Class 9C permit or HAS ID Badge.
- C. After March 1, 2024, any MTSSCs or MTSSDs not having an MTSS Permit and, if applicable, an HAS ID Badge for sterile area access, shall be in violation if they provide MTSS at any of the HAS Airports. Notice is hereby given that failure to have and display an MTSS Permit and HAS ID Badge, if applicable, after March 1, 2024, shall constitute criminal trespass.