
February 20, 2020

The Honorable Kumar Barve
Chairman, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

**Re: *Letter of Information - House Bill 620 - Baltimore-Washington International
Thurgood Marshall Airport - Security Screening Checkpoint - Charitable Donations***

Dear Chairman Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 620 but offers the following information for the Committee's consideration. This bill requires the MDOT Maryland Aviation Administration (MDOT MAA) to implement and maintain donation boxes at all entrances of security checkpoints at the Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall).

The requirement that the donation boxes be located at the entrances of all security checkpoints will impact the security and passenger flow at BWI Marshall. This may cause congestion in sensitive and secure areas that will lead to longer screening times and delays for passengers. Furthermore, congestion of these areas prevents Behavioral Detection Officers and Passenger Screening Canine Operations from operating successfully at the security checkpoints. Any deposited currency carrying trace amounts of explosive material could result in detection by the screening canines. If a trained law enforcement canine alerts while passing a donation box, Standard Operating Guidelines (SOG) require the container to be considered "suspicious." SOG require that the first responders establish an evacuation perimeter around the container, which can be as large as 1000' diameter based on the size of the container/package. Once the perimeter is established, the Incident Commander (either BWI Fire & Rescue Department or MDTA Police) will coordinate with the Maryland State Fire Marshall's Office to respond and perform the required Render Safe Procedures. These procedures are in line with 14 CFR Part 139, Certification of Airports; 49 CFR Part 1542, Airport Security; NFPA Airport/Community Emergency Planning.

MDOT MAA is concerned that the Federal Aviation Administration (FAA) may consider the use of MDOT MAA resources to cover the various expenses of installing and maintaining the donation boxes at BWI Marshall to be a misuse of airport revenues/resources. Under federal law, airport sponsors such as MDOT MAA make certain assurances to the FAA in order to be eligible to receive federal grants. Pursuant to Federal airport revenue use laws (see 49 U.S.C. §47107 and 49 U.S.C. §47133), revenues generated at BWI Marshall must be expended for the capital or operating costs of the airport, the local airport system, or other local facilities owned or operated by the airport owner or operator. These costs must be directly and substantially related

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to the air transportation of passengers or property. Because the Department of Disability's function is not related to aviation, the FAA may consider MDOT MAA's use of its resources to support a non-aviation function to be a violation of federal law. If House Bill 620 were enacted and the FAA determined that MDOT MAA violated its federal grant assurances, MDOT MAA could be subject to significant fines and/or the possibility of reductions in federal grants.

The Maryland Department of Transportation respectfully requests that the Committee consider this information as it deliberates House Bill 620.

Respectfully submitted,

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