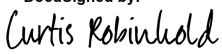


PORTLAND INTERNATIONAL AIRPORT

AMENDMENT TO EMERGENCY TEMPORARY RULE AND REGULATION

Pursuant to the authority delegated to me by the Port of Portland Commission, I hereby adopt the attached *Amendment to Emergency Temporary Rule and Regulation* to be effective February 1, 2020 at 11:59 p.m. PST. The *Emergency Temporary Rule and Regulation*, adopted pursuant to Ordinance No. 423-R, Section 4.1.2, as amended to include additional requirements, will remain in effect for the duration of relevant directives from the Federal government, including the President of the United States Executive Order issued on January 21, 2021, and from the State of Oregon and Multnomah County, including Oregon Governor Executive Order 20-12 and Oregon Governor's May 7, 2020 guidance entitled *Reopening Oregon: Details on Restarting Public Life and Business*. The *Emergency Temporary Rule and Regulation* will be terminated or modified consistent with the Federal government, State of Oregon and Multnomah County directives.

THE PORT OF PORTLAND

DocuSigned by:

By: _____
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Curtis Robinhold
Executive Director

Date: 2/2/2021

AMENDMENT TO EMERGENCY TEMPORARY RULE AND REGULATION

1. PURPOSE

This is an amendment ("Amendment") to the *Emergency Temporary Rule and Regulation* ("Emergency Rule"), issued by the Port of Portland on May 13, 2020, in response to the President of the United States ("President") Executive Order signed on January 21, 2021. Due to the ongoing public health threat posed by the coronavirus ("COVID-19"), the President issued an *Executive Order, Promoting COVID-19 Safety in Domestic and International Travel*, requiring face masks to be worn in airports ("Federal Directive"). In turn, the Transportation Service Administration ("TSA"), in consultation with the Federal Aviation Administration and the Centers for Disease Control, prepared *Security Directive 1542-21-01* ("SD 1542-21-01") outlining the implementation of the Federal Directive.

The Federal Directive and SD 1542-21-01 impose stricter guidelines on wearing face masks at airports than Oregon Governor's ("Governor") *Executive Order 20-12, Stay Home, Save Lives*, issued on March 23, 2020 ("EO 20-12"), and the framework for reopening businesses and activities within the state, entitled *Reopening Oregon: Details on Restarting Public Life and Business* issued on May 7, 2020 ("Framework"). The Framework includes a statewide Face Covering policy, which requires employees in certain businesses where physical distancing cannot be maintained to wear a mask or cloth material that covers the nose and mouth. Further, the Framework "strongly recommended" that these businesses "establish a mandatory face-covering policy for their customers as well." In addition, the Framework "strongly recommends" that a mask or cloth material that covers the nose and mouth be worn in any indoor public space, especially where six feet of physical distance cannot be maintained. In contrast, SD 1542-21-01 states, in part, that under Federal law every individual must wear a face mask "at all times in and on the airport" with some exemptions. Failure to comply with SD 1542-21-01 "may result in removal and denial of re-entry."

This Amendment is designed to respond to the COVID-19 public health threat, to continue to promote compliance with EO 20-12 and the Framework and to comply with the Federal law. The Emergency Rule is also designed to: (a) protect the public health, safety, interest, and general welfare at Portland International Airport ("Airport"); (b) restrict or prevent any activity or action that would interfere with the safe, orderly, and efficient use of the Airport by its passengers, operators, tenants, and authorized users; (c) promote consistency with the actions by airlines and airports nationally; and (d) support similar actions by businesses and governmental authorities operating at the Airport.

2. DEFINITIONS

2.1 Airport

"Airport" means the Portland International Airport and adjacent areas as described in color in the Map of Terminal, Landside Area and Airside Area attached to the *Portland International Airport Rules* ("PDX Rules") as Appendix B and attached hereto for reference; also referred to as PDX.

2.2 Face Covering

"Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, slits, exhalation valves, or punctures that completely covers only the nose

and mouth and surrounding areas of the lower face, and is secured to the head with ties or ear loops. A Face Covering is not a face shield, goggles, scarves, ski masks, balaclavas, or bandannas, shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose, or any covering that hides or obscures the wearer's eyes or forehead. Examples of Face Coverings include: (a) a neck gaiter that has two layers of fabric; (b) a homemade covering made from a t-shirt, sweatshirt, or towel that is tightly woven, held on with rubber bands or otherwise; or (c) a mask, which need not be medical-grade. A Face Covering may be factory-made or handmade, and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face. Medical masks and N95 respirators are acceptable Face Coverings, but as long as medical grade masks are in short supply, they should be reserved for health care providers and first responders. In general, even when not required by the Emergency Rule, people are strongly encouraged to wear Face Coverings when in public. Face Coverings that are not disposed of after each use should be cleaned frequently. Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under the Emergency Rule and is not to be used to comply with the requirements of the Emergency Rule. Valves of that type permit droplet release from the mask, putting others nearby at risk. A video showing how to make a Face Covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

and

<https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

2.3 Public Areas

"Public Areas" means all non-sterile areas on Airport property including, without limitation, the Terminal, the Terminal Roadway, public parking lots and garages, Tri-Met facilities, and all sidewalks, corridors, elevators, escalators, pedestrian bridges, tunnels and walkways connecting the Terminal, Terminal Roadway, public parking garages and lots, and Tri-Met facilities.

2.4 Terminal

"Terminal" means the primary building at the Airport where Airport Customers come to fly in and fly out of the Airport.

2.5 Terminal Roadway

"Terminal Roadway" means the roadway adjacent to the Airport providing access to the Terminal and intended for Airport use by the general public and Ground Transportation Permitted Businesses.

3. GENERAL CONDUCT AND USE OF PUBLIC AREAS

3.1 Terminal Access

In order to ensure the safety, security and health of airline passengers, employees, and contractors working at the Airport, no person may enter or be present in the Public Areas of the Airport, except for persons who can demonstrate they fall within one or more of the following:

(a) ticketed airline passengers; (b) individuals accompanying or assisting ticketed passengers on an arriving or departing flight; (c) individuals whose employment requires their presence in one or more Public Areas; (c) any Port of Portland employee during their regular working hours; and (d) other individuals who have been authorized by Airport officials to enter and be present in one or more Public Areas. Persons whose only purpose is to greet an arriving passenger are required to remain outside the Terminal unless the arriving passenger requires assistance. Free speech activities at the Terminal remain subject to the permit requirements of the PDX Rules, Chapter 8, and locations for free speech activities may be assigned or modified based on the purposes identified in the Emergency Rule, and all participants in such activities must comply with the Face Covering requirements, and state and local laws, orders, and public health guidance.

3.2 Face Coverings

All members of the public and all those working at the Airport are required to wear a Face Covering in the Airport, including but not limited to the Rental Car Center and tunnels. The following persons are exempt from the Face Covering requirement: (a) children under the age of two years; (b) anyone with a medical condition that prevents them from wearing a Face Covering; (c) anyone who is communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication; (d) anyone complying with an official requirement to remove Face Coverings for security or identification purposes; (e) anyone for whom wearing a mask would create a risk to workplace health, safety or job duty as determined by relevant safety guidelines or federal regulations; and (f) anyone temporarily removing a Face Covering in accordance with Federal, State or local directives (e.g. when dining or taking medications).

4. ENFORCEMENT

4.1 Enforcement Officers

Pursuant to Section 5.1 of Port of Portland Ordinance No. 423-R, *An Ordinance Regulating Use and Operation of Airports and Their Facilities* ("Ordinance 423-R"), Port of Portland Police ("Port Police") may remove or evict from the Airport any person who enters or is present at the Airport in violation of the Emergency Rule. Additionally, pursuant to Section 5.3.2 of Ordinance 423-R, the Executive Director of the Port of Portland appoints Airport Operations Specialists and Airport Duty Managers as enforcement officers (in addition to Port Police) for the purpose of enforcing the Emergency Rule.

4.2 Enforcement Process and Sanctions

Enforcement of the Emergency Rule shall be consistent with the enforcement procedures in Chapter 1, Enforcement of Rules, of the PDX Rules. Failure to comply with the Face Covering and access requirements of the Emergency Rule is a Class A misdemeanor under ORS 778.990. In addition, failure to comply with a direction to leave the Airport may result in the individual being excluded from the Airport for a period of up to ninety (90) calendar days and/or arrested and charged for trespass under ORS 164 or other applicable law.