

[Docket No. 6205; Amdt. 159-4]

PART 159—NATIONAL CAPITAL AIRPORTS

Applicability of Virginia Motor Vehicle Law on National Capital Airports

By Notice 64-43 of September 10, 1964 (29 F.R. 13041) FAA proposed to incorporate into Part 159—National Capital Airports of the Federal Aviation Regulations those rules of conduct and prohibitions of the Virginia Motor Vehicle law that carry penalties greater than those provided by Federal law for petty offenses, but without incorporation of the penalties.

As was explained in the notice, violations of Part 159 are petty offenses. Therefore, the net effect of incorporation of these provisions of Virginia law, less accompanying penalties, into Part 159 is to make violations of the incorporated provisions of Virginia law subject to prosecution as Federal petty offenses like any other violations of Part 159. Petty offenses may be tried before United States Commissioners unless the person charged elects to be tried in the U.S. District Court.

One of the two comments received endorses the proposal. The other comment misunderstood that the purpose of the amendment was to make certain laws applicable that did not already apply. It is emphasized that the proposal does not make these Virginia laws applicable at the airports for the first time since they are now fully applicable and can be enforced as Federal laws by means of the penalties they provide (18 U.S.C. 7, 13). The proposal makes it possible to prosecute violations of these provisions under the lesser penalties provided for violations of Part 159. This Agency cannot change the principles of law governing prosecution for the same conduct under both Federal and State law. However, this rule does not have the effect of subjecting violators to additional jeopardy of prosecution under either Fed-

eral or State law. The Virginia laws are incorporated as they are on the date of adoption of this amendment.

In consideration of the foregoing, Part 159 of the Federal Aviation Regulations, 14 CFR Part 159, is amended, effective March 1, 1965, as follows:

1. By amending § 159.11 to read as follows:

§ 159.11 Applicability of Virginia laws.

(a) Section 13 of Title 18 of the United States Code makes applicable on Dulles International Airport and on Washington National Airport the laws of the Commonwealth of Virginia governing operation of motor vehicles on public highways, to the extent that those laws are not inconsistent with this part.

(b) The rules of conduct and prohibitions of Chapter 4, Regulation of Traffic, of title 46.1, Motor Vehicles, of the Code of Virginia, 1950, as amended, that carry penalties greater than a fine of not more than \$500 or imprisonment for not more than six months, or both, are hereby incorporated by reference as provisions of this part, to the extent that they apply by their terms to the circumstances at the airport and are not inconsistent with specific provisions of this part. The penalties provided by Virginia law for violations of these rules and prohibitions are not incorporated.

2. By amending § 159.171(a) to read as follows:

§ 159.171 Penalties.

(a) Any person who willfully and knowingly violates a rule prescribed in this part, including any provision incorporated by reference, or an order or instruction issued or a sign posted under this part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500, or imprisoned for not more than 6 months, or both.

(Washington National Airport Act (54 Stat. 686), as amended; Second Washington Airport Act (64 Stat. 770), as amended)

Issued in Washington, D.C., on January 22, 1965.

N. E. HALABY,
Administrator.

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