

# NIH Policy Manual

## 1301 - Conduct of Staff and Traffic Violations at the NIH Campus

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### Transmittal Notice

- Explanation of Material Transmitted:** This chapter implements the Federal regulations governing the conduct of staff and traffic on the National Institutes of Health (NIH) Campus in Montgomery County, Maryland. The manual chapter is being revised to comply with Manual Chapter 1710 requirement to update manual issuances every 5 years.
- Filing Instructions:**
  - **Remove:** NIH Manual Chapter 1301 dated, 08/28/2009
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### A. Purpose

This chapter provides policy with regard to personal conduct, traffic violations and illegal activities while on the NIH Campus, located at 9000 Rockville Pike, Bethesda, MD 20892, a designated federal enclave.

## **B. Scope**

This chapter applies to all areas on campus and is directed to all NIH personnel, including but not limited to employees, contractors, volunteers, fellows, guest researchers, on-site research collaborations, trainees, and interns (referred to here as “staff”) on campus, except as otherwise provided. The conduct of persons on the campus is governed by Federal regulations and by Maryland criminal statutory provisions, which were made Federal criminal offenses by [18 United States Code \(U.S.C.\) § 13](#); omission of certain crimes from this chapter is not an indication that such crimes are legal on the campus. Other Maryland criminal statutes will apply to the campus unless superseded by Federal law.

For visitors or the public, see [45 CFR Part 3](#) for requirements of personal conduct, traffic violations, and illegal activities while on the NIH campus.

## **C. Background**

The standards of conduct and traffic violations are based on Federal and Maryland Codes. In the event of an irreconcilable conflict between the regulations at [45 Code of Federal Regulations \(CFR\), part 3](#) and a State of Maryland statute governing the identical subject matter, the regulations of 45 CFR, part 3 would be the ruling authority, as set forth in under [18 U.S.C., section 13, Laws of State adopted for areas within Federal jurisdiction](#). Any official charges will be referred to a Federal Court.

## **D. Policy**

All staff on the campus will not engage in any conduct detrimental to the Government and must avoid conflicts of private or personal matters with public duties and responsibilities. In accordance with these principles, this chapter details the standards of conduct and traffic violations applicable to the campus and enforced by the Division of the Police (DP) through [NIH DoA General Administration, #08: Control of Violations of Law at Certain NIH Facilities](#) and [NIH DoA: General Administration #12, Emergency Readiness Programs and National Emergency Operational Plans](#).

### **1. Conduct of Staff**

#### **a. Identification:**

- i. Staff must display an NIH-issued or approved identification (ID) badge while on the campus. Non-employees, including contractors, who do not display a NIH ID badge or temporary NIH Visitor’s badge are subject to removal from campus and may lose future campus access. Employees who do not display an NIH ID badge are subject to administrative penalties imposed by the employee’s organization. The following exceptions apply to this requirement:
  1. Staff that are admitted as patients located in the Clinical Center;

2. Young children (accompanied by staff) such as infants and children in strollers, carriages or other carrying devices will not be required to obtain a visitor ID (see additional information regarding the [NIH Accompanied Child Visitor Policy](#)); and
  3. Staff attending select or special events with authorized security procedures from the Special Events Unit, Division of Police (DP)<sup>1</sup>.
- ii. Upon request by an NIH police officer, staff involved in any of the following situations must provide identification, other than a NIH ID, such as a driver's license or other appropriate government ID:
1. a traffic accident or traffic stop while on the campus; and
  2. NIH police officer has reason to believe the individual is engaged in or has engaged in, criminal activity.
- b. **Activities:**
- i. The participation of activities and sports including roller-skating, skateboarding, sledding, or similar activities are allowed by staff only in specifically designated areas or as approved by the NIH Director.
  - ii. Photography, filming, or video recording for public meetings of the interior or exterior of NIH facilities on NIH property or NIH leased property are permitted unless it violates security regulations, policies, or is prohibited by appropriate signs. See [Guidelines for Photography, Filming, or Video Recording at the NIH](#). Additional stipulations are found in [45 CFR 3.42\(c\)](#) and [Clinical Center's C-003 – Photographs, Audio and Video Recording by Patients or Visitors in the NIH Clinical Center](#).
  - iii. Privately-owned property may be removed from the campus. If an NIH police officer questions the removal of privately owned property from the campus, the individual may need to prove ownership of the property to the NIH police officer. Packages, briefcases, or other containers brought on the campus perimeter are subject to inspection and/or search, while on, or when being removed, from the campus.
  - iv. Any NIH federal employee, who, while operating a motor vehicle in the scope of Federal employment, is involved in a vehicular accident and is subsequently involved in litigation arising from the accident (or personal representative, if the action is brought against the estate) must inform their immediate supervisor as soon as possible after receiving notification of legal action for damages (see [MC 1172 –Defense of Suits Against NIH Employees Operating Motor Vehicles in Scope of Employment](#)).
  - v. All incidents resulting in personal injury or willful damage to property in excess of \$100 dollars in value must be reported by the person(s) involved to the [Division of Police](#) as soon as possible<sup>2</sup>.

<sup>1</sup> See [Conditions for Access to and Use of NIH Facilities for Group Functions, Activities, and Special Events](#).

2 An individual involved in an incident that occurred on NIH property with an NIH Police response can follow [this procedure](#) to request a report.

## 2. Traffic

### a. Regulations

- i. Staff may not wash, polish, change oil, lubricate, or make non-emergency repairs on a privately owned vehicle on campus.
- ii. The speed limit is 25 miles per hour, unless otherwise posted. A driver of a vehicle may not exceed the speed limit.
- iii. Staff must comply with all official signs and with the lawful directions or orders, including traffic and parking directions, of an NIH police officer or other authorized person.
- iv. Pedestrians have the right-of-way in crosswalks and other areas subject to [Maryland Annotated Code Transportation, Sec. 21-502](#) and [Transportation, Sec. 21-511](#);
- v. The driver of a vehicle shall come to a stop when a pedestrian is in a roadway crosswalk:
  1. On the half of the roadway on which the vehicle is traveling; or
  2. Approaching from an adjacent lane, on the other half of the roadway.
- vi. Drivers will exercise due care and caution to avoid injuring pedestrians, children and incapacitated individuals ([Transportation, Sec. 21-504](#)).
- vii. Staff or driver must yield the right of way to an emergency vehicle using its siren or flashing lights.
- viii. Pedestrians with visual, hearing, or mobility impairments have the right-of-way at any crossing or intersection subject to the following rules ([Maryland Annotated Code Transportation, Sec. 21-502](#); [Transportation, Sec. 21-511](#)). The driver of a vehicle shall yield the right-of-way to:
  1. Pedestrian who is blind or partially blind and using a service animal or carrying a white or a chrome, nickel, aluminum or other reflecting or shining metal cane, with or without a red tip, cane;
  2. Pedestrian who is deaf or hearing-impaired accompanied by a service animal; and
  3. Pedestrian who is mobility impaired using any of the following mobility assisted devices: manual or motorized wheelchair; motorized scooter; crutches; or cane.
- ix. Any vehicle operated between dusk and dawn must be equipped with an operating headlight, taillight, or reflector.
- x. Upon request by a police officer, a person involved in a traffic accident must present a valid driver's license.
- xi. Staff must park bicycles, motorbikes, and similar vehicles in designated areas only and may not bring these vehicles inside buildings (see [MC 1411 – Bicycles, Bicycle Racks and Locker Facilities](#)).

- xii. Staff must operate a bicycle, motorbike, or similar vehicle with a horn or other warning device.
- xiii. Parking privileges for a defined construction area may be granted by the ORS Division of Amenities and Transportation Services (DATS). The DATS issues permits for construction projects on campus after consultation with the NIH DP, as necessary.
- xiv. Staff must display a current and valid parking permit for motor vehicles for that location. The NIH Director may revoke, or refuse to issue or renew, any parking permit for violation of this section, or any provision of this part ([MC 1410 – Parking Policy](#) for parking permit details).
- xv. Staff without a campus parking permit must park in an area designated by posted signs or similar instructions, such as “Visitor Parking” and “Reserved for Visitors” (see [MC 1410 – Parking Policy](#)).

**b. Violations**

- i. Driving any motorized vehicle under the influence of an alcoholic beverage, drug or controlled substance while on the campus is prohibited and governed by the [Maryland Transportation Code Annotated Section 21-902](#).
- ii. A pedestrian may not suddenly leave a curb or other place of safety and walk, or run, into the path of a moving vehicle.
- iii. Staff who are not blind or partially blind, may not use or carry a white cane, white tipped cane with red, a chrome, nickel, aluminum, or other reflecting or shining metal cane.
- iv. Unattended motor vehicles are prohibited unless the following precautions are taken per [Transportation, Sec. 21-1101](#):
  - 1. Engine must be stopped;
  - 2. Ignition must be turned off and key removed;
  - 3. Brake effectively set; and
  - 4. Parked in the appropriate area as detailed in [MC 1410 – Parking Policy](#).
- v. Drivers may not have a vehicle<sup>3</sup> stopped or parked, with or without an occupant:
  - 1. In a lane, space or area not designated for parking by a posted sign, and/or standing;
  - 2. On a sidewalk;
  - 3. Within an intersection or crosswalk;
  - 4. Within 10 feet of a fire hydrant, 5 feet of a driveway, or 20 feet of a stop sign, crosswalk, or traffic control signal;
  - 5. In a double-parked position;
  - 6. Along a yellow painted curb;
  - 7. On the side of a street facing oncoming traffic;
  - 8. In a position obstructing traffic;
  - 9. For a period in excess of 24 hours, except at living quarters, or with the approval of the Division of Police (DP); and

10. Staff may not drive or park an unauthorized motor vehicle on the grass or any unpaved area without the approval of the DP.

- vi. Any person operating a bicycle or a motor scooter on campus has the responsibilities required of a driver of a vehicle ([Maryland Transportation Law 21-1202, § 21-504, § 21-202, § 21-203](#)), except for those provisions that by their very nature do not apply.
- vii. No motorized vehicles (scooters, mopeds, etc.) are allowed access to the campus through pedestrian entrances<sup>4</sup>.

3 Motor vehicle or other vehicle.

4 Bicyclists are permitted to use pedestrian entrances.

### 3. Prohibited Actions

This is not an all-inclusive list of criminal or prohibited actions. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty. NOTE: Violators are subject to fines and imprisonment.

- a. [18 U.S.C. 245](#) and [45 CFR 3.6](#) prohibits discrimination and use of force (or threat use of force) to willful injury, intimidation, or interference with any person:
  - i. Based on age, color, creed, handicap, national origin, race, sex;
  - ii. Participating in a federally protected activity, such as public education, employment, or the enjoyment of public accommodations, or helping another person to do so; and
  - iii. Participating in or using any public facility including all services, privileges, accommodations, and activities provided on the campus.
  - iv. For additional protections, refer to [MC 1310 – Workplace Violence Prevention and Response](#) and [MC 1311 – Preventing and Addressing Harassment and Inappropriate Conduct](#).
- b. Possession or use of explosives to cause malicious damage to a building or other property owned, possessed, used or leased by the U.S. Government is strictly prohibited ([18 U.S.C. 844](#)).
- c. Gambling is prohibited on the campus. This does not apply to purchasing authorized lottery tickets in vending facilities operated by the Maryland Business Enterprise for the Blind Program, which is allowed in accordance with the [Randolph-Sheppard Act, 20 U.S.C. §§ 107, et seq](#) and [34 CFR 395.35\(c\)\(3\)](#).
- d. No one is permitted to bring weapons, openly or concealed, of any type onto the campus, even with a weapons permit. No person, other than a duly authorized NIH police officer, shall possess firearms,<sup>5</sup> explosives, other dangerous or lethal weapons, or like materials, intended to be used as a weapon, either openly or concealed.
- e. Off-duty law enforcement officials visiting NIH on unofficial business must store their firearms at locations designated by the NIH DP.

- f. Prohibited from displaying any article or service for sale on the campus buildings or grounds; display any sign or other form of advertisement; collect private debts; solicit business, collect for charities, or subscriptions. The following exemptions apply:
  - i. In connection with approved national or local campaigns for funds for welfare, health and other public interest purposes, or solicitation of labor organization membership or dues, as authorized<sup>5</sup> under the [U.S.C. 7131\(b\)](#);
  - ii. Solicitation of Combined Federal Campaign (CFC) contributions on behalf of charitable organizations under [5 CFR 950.102\(a\)](#); and
  - iii. Exemptions described in [41 CFR 102 74.410](#).
- g. The following acts are prohibited on the campus:
  - i. Unwarranted loitering, disorderly conduct (acting in a manner to disturb public peace is prohibited, as governed by [Maryland Criminal Law Title 10-201](#))
  - ii. Littering or disposing of trash or rubbish in an unauthorized manner
  - iii. Creating any hazard to people or property
  - iv. Throwing items, of any kind, from or at a building
  - v. Climbing on any part of a building for any unauthorized purpose
  - vi. Playing radios, or other similar devices, in a loud, distracting or disturbing manner
  - vii. Knowingly giving any false or fictitious report regarding an accident or violation of this policy or any applicable Federal or Maryland statute to any person authorized to investigate an accident or alleged violation.
  - viii. Staff will not possess, sell, consume, or use alcohol or other intoxicating beverages, except as part of authorized research, in living quarters located on the campus, while attending an official function or in connection with official duties on campus, or as otherwise authorized by the NIH Director ([45 CFR Part 3](#)).
  - ix. The manufacture, sale, consumption, use, or possession of narcotics and other controlled or counterfeit substances is prohibited and shall be governed by the Controlled Substances Act ([21 U.S.C. 841-845](#)).
  - x. Use of tobacco products is not permitted in any NIH building or on the campus. For additional information and exemptions, refer to [Manual Chapter 1321 – Tobacco-Free NIH](#).
  - xi. Staff may not remove Federal property from the campus, or any building on the campus, without an official property pass specifically describing the item(s) to be removed and signed by an authorized NIH property custodian. In emergency situations, or when the property custodian is unavailable, a NIH police officer may approve the removal of Federal property after consulting with staff's administrative officer or appropriate official.
  - xii. Staff may not bring animals, including cats or dogs, on the campus, except for pre-approved and authorized purposes. This does not apply to domestic pets of residents residing in NIH-assigned living quarters or to authorized service animals.

5 Upon written request, the NIH Director may permit the possession of antique firearms, held solely for collection purposes, in living quarters located on the campus, if the NIH Director determines the collection does not present any risk of harm.

## **E. Responsibilities**

1. **Director, National Institutes of Health (NIH)** executes authority, exercises responsibility, and has accountability for the safety and security of NIH and its assets. This includes responsibility for approving security program policy, architecture, operations, funding, and facilitating implementation of security initiatives.
2. **Director, Office of Research Services (ORS)** may exercise authority in consultation with, or in the absence of, the Associate Director, Security and Emergency Response (ADSER), to close all, or any part, of any building or facility on the campus during an emergency and/or any time deemed necessary to protect staff or property or to ensure the orderly conduct of Government business.
3. **Associate Director, Security and Emergency Response (ADSER)** has primary responsibility:
  - a. To close all, or any part, of any building or facility on the campus in an emergency and/or at any time it is determined necessary to protect staff or property and to ensure the orderly conduct of Government business.
  - b. To appoint law enforcement officers as special police and enforce rules and regulations prescribed for the protection of HHS facilities and grounds (known as the NIH enclave) in Montgomery County, Maryland, over which the Federal Government has acquired exclusive jurisdiction under the Laws of Maryland, Chapter 158, approved March 31, 1953.
  - c. To utilize, with their consent, the facilities and services of any State or local law enforcement agency to enforce laws and preserve the peace on the NIH enclave and shall be exercised in accordance with the limitations and requirements of the Homeland Security Act of 2002, 40 U.S.C. 1315, and other applicable statutes and regulations, including the Federal Acquisition Regulation, as amended (48 CFR Chapter 1), and the Competition in Contracting Act of 1984. Immediately following exercise of this authority, notification by telephone shall be given to the Director, NIH.
4. **Division of Police (DP), SER, ORS**
  - a. Implement the safe and orderly conduct of persons and traffic on the NIH Campus.
  - b. Officers are authorized to enforce<sup>6</sup> traffic laws and regulations (including parking regulations) on NIH property.
  - c. Patrol the buildings and areas on foot or in marked emergency police vehicles.

- d. Ensure that persons accessing designated areas have the appropriate identification with authorization, and the stationary electronic security devices remain functioning.
- e. Search for explosives and/or firearms at campus entry points, respond to calls for suspicious packages, and perform of area sweeps proceeding special events.
- f. Detect, deter, and guard against personal attacks, loss of assets, criminal activity and acts of terrorism by their high visibility, observations, inspections at and physical security of the vehicular and pedestrian accesses to those NIH locations.
- g. Conduct investigations and document criminal incidents, police and intelligence information, lost or found property, breaches of security and sensitive information, motor vehicle accidents, and injured persons.
- h. Respond criminal scenes to ensure that items of an evidentiary nature are properly protected, collected, and processed.
- i. Detect defects and initiate correction of hazardous conditions such as roads, walkways, lighting, traffic control devices and signage.
- j. Respond to and take appropriate police action at intrusion and other sounded alarms to select agent, irradiator, and classified information areas.
- k. Control traffic and motorists and assist as needed with directions, and vehicle malfunctions.
- l. Provide personal escorts of Dignitaries visiting NIH, pedestrian employees' afterhours, patients, and families to and from the Children's Inn and Family Lodge, and Hazardous Materials to designated locations.
- m. Upon report of a violation or the observance of a violation, the responding police officer will:
  - i. ensure the scene is safe; request an ambulance if medical attention is necessary;
  - ii. summarize the incident with a detailed description of individual(s) and vehicle(s);
  - iii. provide this information to security dispatch for broadcast to other police units;
  - iv. interview the witness(es) and/or victim(s) and compile a detailed report;
  - v. collect, index and properly store all physical evidence; assign a report number for the incident and provide the report number to the victim(s), if any;
  - vi. conclude the investigation with action most appropriate to the incident; and
  - vii. issue traffic citations and/or make criminal arrests.
- n. Division of Police (DP) supervisors will review all arrest and citation reports. Any significant deviations from normal NIH DP procedures are noted and provided to the Chief of Police (DP Director) for review and possible follow-up.

## 5. NIH Personnel

NOTE: Includes federal employees, contractors, volunteers, fellows, guest researchers, on-site research collaborations, trainees, and interns.

- a. Must have NIH ID Badge on persons at all times, and other approved forms of government identification.
- b. Follow requirements for identification, traffic and motor vehicles, activities as prescribed in Section D. Policy. NOTE: Failure to abide criminal violations or prohibited activities in section D. Policy 3 will result in citations or investigations of persons.
- c. Personnel should contact or work directly with local authorities in emergencies or activities **not** occurring on the Bethesda or RML sites.

6 Officers enforce traffic laws through one of two primary sources: regulations listed under 45 CFR and the Maryland Transportation Article.

## F. References

1. [5 CFR, Chapter XVI, part 2635: Administrative Personnel](#)
2. [45 CFR, Part 3: Conduct of Staff and Traffic on the National Institutes of Health Federal Enclave](#)
3. [18 U.S.C. Annotated: Crimes and Criminal Procedures](#)
4. [21 U.S.C. Annotated: Food and Drugs “Controlled Substances Act”](#)
5. [40 U.S.C. 1315 - Law Enforcement Authority of Secretary of Homeland Security for Protection of Public Property](#)
6. [40 U.S.C. 3103. – Admission of Guide Dogs or Other Service Animals Accompanying Individuals with Disabilities](#)
7. 18 U.S.C. 245 - Federally Protected Activities
8. [NIH Manual Chapter 1310, Workplace Violence Prevention and Response](#)
9. [NIH Manual Chapter 1321, Tobacco-Free NIH](#)
10. [NIH Manual Chapter 1410, Parking Policy](#)
11. [NIH Manual Chapter 1411, Bicycles, Bicycle Racks and Locker Facilities](#)
12. [NIH Manual Chapter 1743, Managing Federal Records](#)
13. [DoA General Administration, #08: Control of Violations of Law at Certain NIH Facilities](#)
14. [NIH DoA General Administration #12, Emergency Readiness Programs and National Emergency Operational Plans](#)
15. [DoA General Administration #30, Closure of NIH Buildings in Emergency Situations](#)
16. [Maryland State Government Section 12-102](#)
17. [Maryland Criminal Law Title 10-201](#)
18. [Maryland State Government Section 9-102](#)
19. [Maryland Transportation, Section 21-502](#)
20. [Maryland Transportation Section 21-504](#)
21. [Maryland Transportation Section 21-511](#)

22. [Maryland Transportation Section 21-902](#)
23. [Maryland Transportation Section 21-1101](#)
24. [Maryland Transportation Section 21-1202](#)

## **Appendix 1: Definitions**

1. **NIH Campus** – The main site or enclave of the National Institutes of Health (NIH) is comprised of three hundred and eighteen (318) acres of Federal property located in Bethesda, MD.
2. **Police Officer** – A law enforcement officer, uniformed or non-uniformed law enforcement officer appointed under a delegation of authority by the Administrator of General Services Administration (GSA) as defined in [45 CFR Part 3](#) and [40 U.S.C. Section 1315](#); any other Federal law enforcement officer; and any other person whose law enforcement services are secured by contract, or upon request or deputation from a State or local law enforcement agency. Note: Delegated Authority – [45 CFR Part 3](#) and [40 U.S.C. Section 1315](#)- Officers of the NIH, Division of Police (DP), Bethesda Campus, are authorized by the authority delegated by the Administrator of GSA to make arrests and perform the other duties of a Federal Law Enforcement Officer as defined in the [45CFRPart 3](#), and in accordance with [40U.S.C.1315](#), annotated, page 85, under [Amendment Public Law 107-296](#).