

## CHAPTER 7

### Regulation of Airports

#### SECTIONS

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#### **§ 701. Airport operating certificates.**

(1) *Power to issue.* The Secretary is empowered to issue airport operating certificates to, and establish minimum safety standards for the operation of, airports that serve any scheduled or unscheduled passenger operation of air carrier aircraft.

(2) *Issuance.* Any person, state or state port authority desiring to operate an airport that is described in subsection (1) of this section and that is required by the Secretary, by rule, to be certified may file with the Secretary an application for an airport operating certificate.

(a) If the Secretary finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this title and the rules, regulations, and standards prescribed thereunder, the Secretary shall issue an airport operating certificate to such person.

(b) Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation; and unless the Secretary determines that it would be contrary to the public interest, such terms, conditions, and limitations shall include, but not be limited to, terms, conditions, and limitations relating to:

(i) the operation and maintenance of adequate safety equipment, including fire fighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft; and

(ii) the condition and maintenance of primary and secondary runways as the Secretary determines to be necessary.

(3) *Exemption.* The Secretary may exempt any operator of an airport if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.

**Source:** PL 9-138 § 51.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

### **§ 702. Operation and maintenance of airports.**

Each state shall be responsible for the operation and maintenance of all airports in his state, subject to the airport certification process of section 701 of this chapter.

**Source:** PL 9-138 § 52.

### **§ 703. Regulation of tariffs of airport operators.**

(1) *Tariffs of airport operators.* Every airport operator shall file with the Secretary, and print and keep open to public inspection, tariffs showing all rates, fees and charges for services provided to air carriers, and showing, to the extent required by regulations, all classifications, rules, regulations, and practices used in connection with such services and the assessment of such rates, fees and charges.

(2) *Observation of tariff.* No airport operator shall charge, demand, collect or receive greater or less or different compensation than the rates, fares, and charges specified in its then currently effective tariffs; and no airport operator shall refund or remit any portion of the rates, fees, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Secretary to be specified in such tariffs except those specified therein.

(a) Nothing in this title shall prohibit such airport operators, under such terms and conditions as the Secretary may prescribe, from reducing or waiving rates, fees or charges to air carriers owned or operated by state government or the national government, or an agency or department thereof.

(3) *Notice of tariff change.* No change shall be made in any rate, fee, or charge, or any classification, rule, regulations or practice affecting such rate, fee, or charge, or the value of the service thereunder, specified in any effective tariff of any airport operator, except after 30 days. notice of the proposed change filed, posted and published in compliance with subsection (2) of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. The Secretary may in the public interest by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section governing the filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances and conditions.

(4) *Power to prescribe rates and practices of airport operators.* Whenever, upon complaint, or upon his own initiative, and after notice and hearing conducted pursuant to the procedures provided chapter 10 of this title, the Secretary shall be of the opinion that any rate, fee or charge demanded, charged, collected or received by any airport operator from an air carrier, or any classification, rule, regulation, or practice affecting such rate, fee, or charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Secretary shall determine and prescribe the lawful rate, fare, or charge thereafter to be demanded, charged, collected or received or the lawful classification, rule, regulation or practice thereafter to be made effective.

(5) *Rules of rate-making.* In exercising and performing his powers and duties with respect to the determination of rates for the carriage of persons or property, the Secretary shall consider, among other factors:

(a) The effect of such rates upon the movement of traffic;

(b) The need in the public interest of adequate and efficient services provided by airport operators at the lowest cost consistent with the furnishing of such service;

(c) Such standards respecting the character and quality of service to be rendered by airport operators as may be prescribed by or pursuant to law; and

(d) The need of each airport operator for revenue sufficient to enable such airport operator, under honest, economical, and efficient management, to provide adequate and efficient airport service.

**Source:** PL 9-138 § 53.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

#### **§ 704. Expenditure of national funds for airports.**

No national funds, other than those expended under this title, shall be expended (whether or not in cooperation with State or other local governmental agencies), for the acquisition, establishment, construction, alteration, repair, maintenance, or operation of any landing area or for the acquisition, establishment, construction, maintenance, or operation of air navigation facilities thereon, except upon written recommendation and certification by the Secretary that such landing area or facility is reasonably necessary for use in air commerce. Any interested person may apply to the Secretary, under regulations prescribed by him, for such recommendation and certification with respect to any landing area or air navigation facility proposed to be established, constructed, altered, repaired, maintained, or operated by, or in the interests of, such person. There shall be no exclusive right for the use of any landing area or air navigation facility upon which national funds have been expended.

**Source:** PL 9-138 § 54.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

#### **§ 705. Derivation and disbursement of funds.**

(1) All moneys received by the Secretary, the Department, or the National Government from rates, fees, and other charges pursuant to this title shall be paid to the air transportation trust account established by section 201(4)(c) of this title, to be expended only for the purposes stated in subparagraphs (i) and (ii) thereof.

(2) All moneys received by airport operators from rates, fees, and other charges pursuant to this title shall be paid to a special trust account to be expended only for the state from which such moneys were received, and to be used at the discretion of the state for:

(a) matching funds for grants from the foreign governments or international organizations for airport development;

- (b) maintenance of runways and navigational aids;
- (c) improvements, expansion, and maintenance of the terminal buildings; and
- (d) other matters related to the operations under the authority of the airport operator.

(3) The Secretary may exempt a state from the requirements of subsection (2) of this section if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.

**Source:** PL 9-138 § 55.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code.