

[Docket No. 8898; Amdt. 159-10]

PART 159—NATIONAL CAPITAL AIRPORTS

Landing Charges

The purpose of these amendments to Part 159 of the Federal Aviation Regulations is to revise the landing charges at the National Capital Airports provided in § 159.181; to limit the exception in § 159.181(b)(1) for aircraft of 3,500 pounds or less weight not engaged in commercial operations to landings at Dulles International Airport; and to clarify the exception, previously in § 159.181(b)(2), that concerns certain air carriers with specified contracts on landing charges. These amendments were proposed in Notice 68-13 issued on May 23, 1968 (33 F.R. 7884), and some favorable public comments were received.

Some comments opposed the proposed \$4 minimum landing fee at Washington National Airport on the ground that it represented a discriminatory and disproportionate increase for small aircraft since they do not consume as much time on the runway as do large aircraft. However, experience indicates that in a mixed traffic pattern the use of runway commitment time is approximately the same for each landing or takeoff, regardless of the size of the aircraft. As stated in the notice, the \$4 minimum landing fee is based upon both indirect and direct costs of providing and maintaining the runways and other landing area facilities at Washington National Airport, and represents the approximate costs for one landing and one takeoff regardless of the size of the aircraft. Many general aviation aircraft, while having the opportunity of using the runways, have been paying no landing fees for their runway commitment time. The fee is instituted to insure fair and equitable cost recovery, consistent with the policy of the Bureau of the Budget Circular A-25 concerning user charges for Government services and property.

Additional comments asserted that smaller aircraft should not be required to pay for "sophisticated" runways and facilities built to accommodate large and jet aircraft. The airport was constructed for the purpose of serving all users. Larger aircraft pay larger landing fees, based upon weight, for the use of the runways. Thus, to the extent that large or jet aircraft require longer and more sophisticated runways, the landing fees reflect the cost of providing and maintaining these runways. Further, the costs on which the landing fees are based do not include those of providing other air navigation aids such as the instrument landing systems and components installed at the airport for the benefit of all users.

Other comments asserted that in light of profits received at Washington National Airport, the real purpose of the minimum landing fee is to discourage general aviation's use of that airport, to divert that traffic to Dulles, or to subsidize losses incurred at Dulles. However,

as stated before, the purpose is to recover cost on an equitable basis. Also, it must be noted, profits at Washington National Airport are derived largely from concessionaire revenues which, consistent with the policy of the Bureau of the Budget Circular A-25, are not limited to the recovery of costs alone. In recognition of the fact that landing fees cannot be set in advance to recover costs exactly, all landing fees, including those of air carriers under contract, are subject to periodic adjustments to reflect actual experience.

Suggestion was made in one comment that helicopters should pay the minimum landing fees. However, as stated in the Notice, helicopters do not use the runways for landing purposes, and the decision to exclude them from payment of the minimum landing fees is adhered to.

Some commentators questioned the rationale behind setting higher landing fees for turbojet powered aircraft that are of comparable weight with reciprocating engine or turbopropeller powered aircraft. The revised landing fees were established after considering the amounts domestic and flag air carriers pay for landings under existing contracts with the United States, and as revised they equalize the landing fees for air carriers and other users of the runways.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented. These amendments are now issued for the reasons stated in Notice 68-13.

In consideration of the foregoing, § 159.181 of the Federal Aviation Regulations is amended, effective October 11, 1968, to read as follows:

§ 159.181 Landing charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for each landing of an aircraft at Washington National Airport or Dulles International Airport is as follows:

WASHINGTON NATIONAL AIRPORT	
Basic landing charge:	
Turbojet powered aircraft, for each 1,000 lbs.....	\$0.30
Reciprocating engine or turbopropeller powered aircraft, for each 1,000 lbs.....	.12
Minimum landing charge:	
All aircraft except helicopters.....	4.00
DULLES INTERNATIONAL AIRPORT	
Basic landing charge:	
Turbojet powered aircraft, for each 1,000 lbs.....	\$0.25
Reciprocating engine or turbopropeller powered aircraft, for each 1,000 lbs.....	.25
Minimum landing charge:	
All aircraft.....	.75

(b) There is no landing charge under this subpart for the following:

(1) Aircraft of 3,500 pounds or less weight that are not engaged in commercial operations, and that land at Dulles International Airport.

(2) Public aircraft.

(3) Aircraft compelled to return after takeoff.

(c) Except for the minimum landing charges, the landing charges in paragraph (a) of this section do not apply to the holder of a domestic or flag air carrier operating certificate, issued under Part 121 of this chapter, or to the holder of operations specifications, issued under Part 129 of this chapter, if that certificate holder has a contract with the United States for the use of the particular airport by that aircraft, and the contract provides for the payment of named amounts, as landing charges, directly to the United States.

(Act of June 29, 1940, as amended (54 Stat. 686), and the Act of Sept. 7, 1950, as amended, 64 Stat. 770, as amended, and Title V of the Independent Offices Appropriations Act of 1952; 31 U.S.C. 483a)

Issued in Washington, D.C., on September 4, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-10944; Filed, Sept. 10, 1968; 8:46 a.m.]