

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to: (i) file an application with the Federal Aviation Administration (FAA), authorizing the continuation of the Passenger Facility Charge (PFC) at the El Paso International Airport (the Airport); (ii) expend revenues from the PFC at the Airport, in accordance with the Airport's Capital Improvement Program; (iii) submit all required assurances, understandings, and related documentation contained in the application or requested by the FAA; and (iv) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the application.

ADOPTED THIS ____ DAY OF MARCH 2008.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

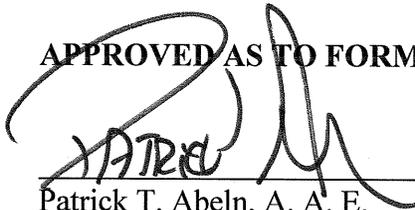
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:



Raymond L. Telles
Assistant City Attorney

APPROVED AS TO FORM:



Patrick T. Abeln, A. A. E.
Director of Aviation

CITY CLERK DEPT.
08 FEB 28 AM 11:51



EL PASO INTERNATIONAL AIRPORT

March 4, 2008

Ms. Kristi Warden
PFC/ACIP/Capacity Program Manager
FAA SW Regional Office
2601 Meacham Blvd.
Fort Worth, TX 76193-0600

RE: Application to Impose and Use a Passenger Facility Charge, No. 06-03-C-00-ELP, City of El Paso

Dear Ms. Warden:

The City of El Paso (the "Authority" or the "City") is pleased to submit, for review and approval by the Federal Aviation Administration (FAA), an application to impose and use a passenger facility charge (PFC) at El Paso International Airport (the "Airport" or ELP). This application was prepared in accordance with 14 CFR § 158 and includes the following sections:

- Application Form
- Attachment A: Airport Capital Improvement Plan
- Attachment B: Project Information
- Attachment C: Air Carrier Consultation & Public Notice Information
- Attachment D: Request to Exclude Class(es) of Carriers
- Attachment E: Alternative Uses/Projects (Not applicable)
- Attachment F: Competition Plan/Update (Not applicable)
- Attachment G: ALP/Airspace/Environmental
- Attachment H: Notice of Intent Projection Information (Not applicable)
- Attachment I: Assurances

As requested, we have enclosed for FAA review two copies of this document and a computer disk containing Attachment B and Attachment G in Word format for each project to be funded with PFC revenue.

In conducting your review, the following aspects of our application should be noted:

- We are applying to impose and use the \$3.00 PFC for the following 5 projects:
 1. Runway 8R-26L Reconstruction
 2. Pavement Management Study Update
 3. Bag Makeup Expansion
 4. Reconstruction of Portions of Taxiways H, J and K
 5. PFC Implementation and Administrative Costs



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The Authority estimates the charge effective date for these projects to be May 1, 2008 (or upon the expiration of the collection of the existing PFC authority) and the charge expiration date to be July 1, 2010. Total PFC revenue requested in this PFC application is \$10,098,221.

- As demonstrated in Attachment A: "*Airport Capital Improvement Plan*", these projects cannot be paid for from funds reasonably expected to be available from the federal Airport Improvement Program (AIP). In addition, the LRAA has made adequate provision for financing the airside needs of the Airport, including runways, taxiways, aprons, and aircraft gates.
- **Tables 1 through 3** following this letter provide, respectively: (1) the current and proposed status of the City's PFC authority, (2) PFC projects and funding sources, and (3) PFC revenue collection projections. Table 3 was revised subsequent to the airline notification letter dated November 28, 2007 and should be used in your review of this PFC application.
 - As discussed in greater detail in Attachment D: "*Request to Exclude Class(es) of Carriers*" and as approved by the FAA in previous PFC Records of Decision for the Airport, Air Taxi/Commercial Operators (ATCO) – Nonscheduled/On-Demand Carriers that exclusively file FAA Form 1800-31 and enplane less than 2,500 passengers at the Airport - are requested to be excluded from the collection of a PFC. The number of passengers enplaned by these carriers accounted for no more than one percent of the total number of passengers enplaned at the Airport in CY 2006. As a result, it would be administratively burdensome for the City to ensure remittance of the PFC from this class of carrier in compliance with federal requirements, and exempting this class will have virtually no effect on revenues.
 - In accordance with 14 CFR § 158.23, the Authority notified the air carriers on November 28, 2007, of a consultation meeting. This meeting was held on January 9, 2008, at 11:00 p.m. local time in the Board Room located in the administrative offices on the second floor of the Airport at 6701 Convair Road, El Paso, TX 79925. A representative of Continental Airlines attended the meeting. Representatives from Continental Airlines and US Airways participated via conference call. Relevant information regarding the air carrier consultation meeting is included in Attachment C: "*Air Carrier Consultation & Public Notice Information*".
 - Per a request from Continental Airlines during the airline consultation meeting, a letter was distributed to all air carriers on January 15, 2008, that provided additional information related to one of the projects as well as a revised existing PFC collection date. The City extended the comment period through February 14, 2008 to allow air carriers a full 30 days to comment on this additional information.
 - In accordance with 14 CFR § 158.24, the City posted a public notice of its intent to submit an application to impose and use a PFC at the Airport. This public notice was posted on the Airport's website on November 28, 2007 and provided for a 30-day public comment period.

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Relevant information regarding the public notice is included in Attachment C: "*Air Carrier Consultation & Public Notice Information*"

- The City is pleased to report that Continental Airlines, Inc. certified its agreement with this proposed PFC Application No. 06-03-C-00-ELP. All other air carriers certified their agreement in accordance with 14 CFR § 158.23 (c) (3): failure to provide the LRAA with a timely certification of its agreement or disagreement. The City is also pleased to report that no opposing public comments were received from the public notice posted on its website during the 30-day comment period.

We look forward to your favorable review and approval of our application to impose and use PFC revenue at the Airport. If you have any questions concerning this application or seek further clarification, please contact Monica Lombrafia, Assistant Director of Aviation Development, at (915) 780-4793, or our aviation consultant, Bonnie Deger of Ricondo & Associates. Ms. Deger may be reached at (513) 651-4700 or by e-mail at b_deger@ricondo.com.

Sincerely,

Patrick T. Abeln, A.A.E.
Director of Aviation

Attachments



Federal Aviation
Administration
U. S. Department of Transportation

PASSENGER FACILITY CHARGE (PFC) APPLICATION

1. Application Type (Check all that apply)

- a. Impose PFC Charges
- b. Use PFC Revenue
- c. Amend PFC No. _____

FAA USE ONLY

Date Received _____ PFC Number _____

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name El Paso International Airport
Address 6701 Convair Road
City, State, ZIP El Paso, TX 79925
Contact Person Patrick Abein - 915.780.4736

3. Airport(s) to Use

El Paso International Airport

4. Consultation Dates

- a. Date of Written Notice to Air Carriers:
November 28, 2007
- b. Date of Consultation Meeting with Air Carriers:
January 9, 2008
- c. Date of Public Notice
November 28, 2007

PART II

5. Charges

a. Airport to Impose	b. Level	c. Total Estimated PFC Revenue by Level	d. Proposed Effective Date:	e. Estimated Expiration Date:
El Paso International Airport	<input type="checkbox"/> \$1.00 <input type="checkbox"/> \$2.00 <input checked="" type="checkbox"/> \$3.00	Impose \$10,098,221	May 1, 2008	July 1, 2010
		Use \$10,098,221		
	<input type="checkbox"/> \$4.00 <input type="checkbox"/> \$4.50	Impose _____ Use _____		

PART III

6. Attachments (Check all that Apply)

Attached	Submitted with Application Number	Document
a. <input checked="" type="checkbox"/>	_____	Airport Capital Improvement Plan
b. <input checked="" type="checkbox"/>	_____	Project Information (Attachment B)
c. <input checked="" type="checkbox"/>	_____	Air Carrier Consultation and Public Notice Information
d. <input checked="" type="checkbox"/>	_____	Request to Exclude Class(es) of Carriers
e. <input type="checkbox"/>	<input checked="" type="checkbox"/> Not Applicable	Alternative Uses/Projects
f. <input type="checkbox"/>	<input checked="" type="checkbox"/> Not Applicable	Competition Plan/Update
g. <input checked="" type="checkbox"/>	_____	ALP/Airspace/Environmental
h. <input type="checkbox"/>	<input checked="" type="checkbox"/> Not Applicable	Notice of Intent Project Information
i. <input checked="" type="checkbox"/>	_____	Assurances

PART IV

7. With respect to this PFC application I hereby certify as follows:

To the best of my knowledge and belief, all data in this application are true and correct;
This application has been duly authorized by the governing body of the public agency;
The public agency will comply with the assurances (Appendix A to Part 158) if the application is approved;
For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.
If required, the public agency has submitted a competition plan in accordance with 49 U.S.C. 47106(f); and
If required by 49 U.S.C. 40117(d)(4), adequate provision for financing the airside needs, including runways, taxiways, aprons, and gates, has been made by the public agency.

a. Typed Name of Authorized Representative Patrick T. Abein, A.A.E.	b. Title Director of Aviation	c. Telephone Number 915.780.4736
	d. E-mail Address	e. Fax Number 915.779.5452
f. Signature of Authorized Representative		g. Date Signed

Paperwork Reduction Act Statement: This form is the FAA's primary source for collecting information for the authority to collect PFC revenue for airport development. This information is used to determine the eligibility and justification of airport development projects regarding safety, security, or capacity of the national air transportation system; or which reduce noise or mitigate noise impacts resulting from an airport; or furnish opportunities for enhanced competition between or among air carriers. It is estimated that it will take approximately 5-80 hours to fill out the application depending on the complexity. The use of the form is required to obtain FAA approval of authority to collect PFC revenue (49 U.S.C. 40117(c)). No assurance of confidentiality is necessary or provided. It should be noted that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with this collection of information is 2120-0557. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC, 20591, Attn: Information Collections Clearance Officer, AIO-20.