

also establishes the procedure for the Administrator's review and approval of applications and amendments and establishes requirements for use of excess PFC revenue.

**§ 158.23 Consultation with air carriers and foreign air carriers.**

(a) *Notice by public agency.* A public agency must provide written notice to air carriers and foreign air carriers having a significant business interest at the airport where the PFC is proposed. A public agency must provide this notice before the public agency files an application with the FAA for authority to impose a PFC under § 158.25(b). In addition, public agencies must provide this notice before filing an application with the FAA for authority to use PFC revenue under § 158.25(c). Public agencies must also provide this notice before filing a notice of intent to impose and/or use a PFC under § 158.30. Finally, a public agency must provide this notice before filing a request to amend the FAA's decision with respect to an approved PFC as discussed in § 158.37(b)(1). The notice shall include:

- (1) Descriptions of projects being considered for funding by PFC's;
- (2) The PFC level for each project, the proposed charge effective date, the estimated charge expiration date, and the estimated total PFC revenue;
- (3) For a request by a public agency that any class or classes of carriers not be required to collect the PFC—
  - (i) The designation of each such class,
  - (ii) The names of the carriers belonging to each such class, to the extent the names are known,
  - (iii) The estimated number of passengers enplaned annually by each such class, and
  - (iv) The public agency's reasons for requesting that carriers in each such class not be required to collect the PFC; and

(4) Except as provided in § 158.25(c)(2), the date and location of a meeting at which the public agency will present such projects to air carriers and foreign air carriers operating at the airport.

(b) *Meeting.* The meeting required by paragraph (a)(4) of this section shall be

held no sooner than 30 days nor later than 45 days after issuance of the written notice required by paragraph (a) of this section. At or before the meeting, the public agency shall provide air carriers and foreign air carriers with—

- (1) A description of projects;
- (2) An explanation of the need for the projects; and
- (3) A detailed financial plan for the projects, including—
  - (i) The estimated allowable project costs allocated to major project elements;
  - (ii) The anticipated total amount of PFC revenue that will be used to finance the projects; and
  - (iii) The source and amount of other funds, if any, needed to finance the projects.

(c) *Requirements of air carriers and foreign air carriers.* (1) Within 30 days following issuance of the notice required by paragraph (a) of this section, each carrier must provide the public agency with a written acknowledgement that it received the notice.

(2) Within 30 days following the meeting, each carrier must provide the public agency with a written certification of its agreement or disagreement with the proposed project. A certification of disagreement shall contain the reasons for such disagreement. The absence of such reasons shall void a certification of disagreement.

(3) If a carrier fails to provide the public agency with timely acknowledgement of the notice or timely certification of agreement or disagreement with the proposed project, the carrier is considered to have certified its agreement.

[Doc. No. 26385, 56 FR 24278, May 29, 1991, as amended by Amdt. 158-2, 65 FR 34541, May 30, 2000; Amdt. 158-3, 70 FR 14934, Mar. 23, 2005]

**§ 158.24 Notice and opportunity for public comment.**

(a)(1) *Notice by public agency.* A public agency must provide written notice and an opportunity for public comment before:

- (i) Filing an application with the FAA for authority to impose a PFC under § 158.25(b);
- (ii) Filing an application with the FAA for authority to use PFC revenue under § 158.25(c);