U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

September 23, 2005

VIA FACSIMILE

Ms. Patricia A. Hahn
General Counsel
Airports Council International – North America
1775 K Street, N.W.
Suite 500
Washington, D.C. 20008

Dear Ms. Hahn:

We understand that before Hurricane Katrina hit landfall, a number of airports mobilized quickly to be in position to provide needed equipment, services and supplies to stricken airports in the Gulf Coast. In the aftermath of the hurricane, additional airports provided various forms of assistance to the airports that suffered the worst damage. I understand that at least one airport provided substantial aid at a nearby air force base to facilitate the arrivals process of approximately 200 evacuees at that base. The fact that Louis Armstrong Airport was among the first public facilities in New Orleans to re-open, and that it was able to shelter and render aid to thousands of travelers as well as evacuated local residents, is a tribute to airport personnel and all of those airports that provided assistance to it.

At the ACI-NA 14th Annual Conference, FAA Associate Administrator for Airports Woodie Woodward acknowledged all of the airport operators that provided humanitarian aid and technical support to the airports most affected by Katrina. In several meetings at the conference, however, individual airport operators expressed concern about whether this kind of aid to other airports would be found to be consistent with the airport revenue use requirements of 49 U.S.C. §§ 47107(b) and 47133.

Airport aid to sister airports when disasters strike furthers federal aviation purposes in helping to restore key facilities in the national air transportation system as quickly as possible. Moreover, the airport that is providing aid now could be a beneficiary of aid from other airports in a different disaster in the future. In that respect, the aid provided for relief Hurricane Katrina and Hurricane Rita is analogous to mutual aid agreements entered into by public airports with local government safety services. Services provided under a mutual aid agreement are not inconsistent with airport revenue use requirements.

Therefore, I am of the opinion that the public airports that provided assistance to other public airports in this case acted in conformity with the statutory requirements for use of airport revenue. We would intend to apply the same principles in the future where the aid is provided to other public airports and the aid is provided in connection with an event that, as here, has been determined by the President or the Secretary of Homeland Security to be an Incident of National Significance or that the governor of a state has declared an emergency. This determination applies only to airport revenues and does not apply to the use of federal grant funds or Passenger Facility Charge receipts.

Please call me at (202) 267-3222 if you have any questions on this matter.

Yours truly,

Andrew B. Steinberg
Chief Counsel

cc: Woodie Woodward