

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-36
Hawaii Administrative Rules
October 10, 2003

SUMMARY

Chapter 19-36, Hawaii Administrative Rules,
entitled "Passenger Facility Charges", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 36

PASSENGER FACILITY CHARGES

- \$19-36-1 Purpose
- \$19-36-2 Definitions
- \$19-36-3 Authority
- \$19-36-4 Passenger facility charges
- \$19-36-5 Incorporation by reference

\$19-36-1 Purpose. The purpose of this chapter is to establish and implement a passenger facility charge program in accordance with 14 CFR Part 158. [Eff ^{NOV 27 2003}] (Auth: HRS §261-12) (Imp: HRS §261-12)

\$19-36-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Department" means the state department of transportation.

"Director" means the director of the state department of transportation, or its duly authorized representative.

"FAA" means Federal Aviation Administration.

"14 CFR Part 158" means Title 14, Code of Federal Regulations, Part 158.

"PFC" means passenger facility charge.

"State" means State of Hawaii.

[Eff ^{NOV 27 2003}] (Auth: HRS §261-12)

(Imp: HRS §261-12)

§19-36-3 Authority. The director is authorized by section 261-12, Hawaii Revised Statutes, to adopt 14 CFR Part 158. [Eff ^{NOV 27 2003}] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-36-4 Passenger facility charges.

(a) The department is authorized to impose a PFC not to exceed \$4.50 per enplaned passenger at any commercial service airport under its control, consistent with 14 CFR Part 158.

(b) The proceeds from the PFC's shall be used to finance eligible airport-related projects that:

- (1) Preserve or enhance safety, security or capacity of the national air transportation system;
 - (2) Reduce airport noise; or
 - (3) Furnish opportunities for enhanced competition between or among air carriers.
- (c) 14 CFR Part 158 sets forth procedures for:
- (1) Applying for authority to impose PFC's by the department;
 - (2) Reviewing and approving such applications by the FAA;
 - (3) Collecting, handling and remitting PFC's by air carriers;
 - (4) Reporting, recordkeeping and auditing requirements applicable to the department and air carriers;
 - (5) Terminating PFC authority; and
 - (6) Reducing federal grant funds apportioned to large and medium hub airports imposing a PFC.

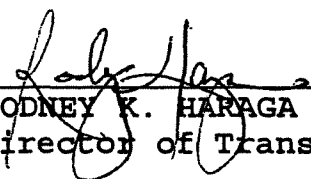
[Eff ^{NOV 27 2003}] (Auth: HRS §261-12)
(Imp: HRS §261-12)

§19-36-5 Incorporation by reference. 14 CFR Part 158, as it existed on October 10, 2003, is hereby adopted in its entirety and incorporated into this chapter. [Eff ^{NOV 27 2003}] (Auth: HRS §261-12)
(Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION


Chapter 19-36, Hawaii Administrative Rules, on the Summary Page dated October 10, 2003, was adopted on October 10, 2003, following public hearings held on August 26 and 27, 2003, after public notice was given in the Honolulu Star-Bulletin, Maui News, Hawaii Herald-Tribune, West Hawaii Today and Garden Island on July 16, 2003.

The adoption of Chapter 19-36, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.



RODNEY K. HARAGA
Director of Transportation

APPROVED:

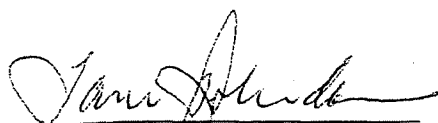


LINDA LINGLE
Governor
State of Hawaii

Date: NOV 17 2003

Filed

APPROVED AS TO FORM:



Deputy Attorney General

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