



U.S. Department of  
Transportation

Federal Aviation  
Administration

DIRECTOR'S OFFICE  
DEPT. OF  
TRANSPORTATION

2015 SEP 14 P 12:57

Western-Pacific Region  
Airports Division

P.O. Box 92007  
Los Angeles, CA 90009

DIR 1260

ER 16.0017

AUG 30 2016

Ford N. Fuchigami  
Director, Department of Transportation  
State of Hawaii  
869 Punchbowl Street  
Honolulu, HI 96813-5097

Dear Mr. Fuchigami:

In accordance with Section 158.29 of the Federal Aviation Regulations (Title 14, Code of Federal Regulations, Part 158), the Federal Aviation Administration (FAA) approved your application numbers: 16-06-U-00-HNL, 16-06-U-00-OGG, 16-06-U-00-KOA, 16-06-U-00-LIH, and 16-04-U-00-ITO to use passenger facility charge (PFC) revenue collected at Honolulu International (HNL), Kahului (OGG), Kona International at Keahole (KOA), Lihue (LIH), and Hilo International (ITO) airports at OGG. The authority to use PFC revenue is contingent on your continued compliance with the terms of the regulation and any conditions included in this letter.


Enclosed is a Final Agency Decision (FAD) which provides specific information about this approval including the total amount of approved, net PFC revenue to be used, information on the approved project, as well as the FAA's reasons for its decision. The FAA's findings and determinations required by statute and Part 158 are also included in the FAD.

The FAA approved authority to use PFC revenue on one project at OGG. The total approved net PFC revenue to be used for this project is \$14,725,000, which is the amount requested by the State of Hawaii.

Reporting, recordkeeping, and auditing requirements are described in Part 158, Subpart D. Please issue your required quarterly reports in accordance with the previously issued guidance. You are responsible for coordinating any construction with the appropriate Federal offices as you would with any non-federally funded construction.

Section 158.33(a)(1) requires the public agency to begin the implementation of a project, no later than 2 years after receiving approval to use PFC revenue on that project. We acknowledge your verification that the land acquisition project in this application was completed on August 1, 2012. Therefore, this requirement has been met.

Sincerely,

  
for Mark A. McClardy  
Director, Office of Airports

**FINAL AGENCY DECISION  
STATE OF HAWAII  
HONOLULU, HAWAII**

Application numbers 16-06-U-00-HNL, 16-06-U-00-OGG, 16-06-U-00-KOA, 16-06-U-00-LIH, and 16-04-U-00-ITO are to use Passenger Facility Charge (PFC) revenue collected at Honolulu International (HNL), Kahului (OGG), Kona International at Keahole (KOA), Lihue (LIH), and Hilo International (ITO) airports at OGG.

In accordance with Section 158.29 of Title 14, Code of Federal Regulations (CFR), Part 158,<sup>1</sup> this Final Agency Decision (FAD) includes the appropriate determinations to approve or disapprove, in whole or in part, use of PFC revenue on one project at OGG.<sup>2</sup>

**Procedural History (Dates)**

Date impose authority approved:	November 22, 2013
Written notice to air carriers:	February 8, 2016
Public notice:	February 12, 2016
Federal Aviation Administration (FAA) receipt of application:	May 13, 2016
FAA finding that application is substantially complete:	June 8, 2016

**SUMMARY OF APPROVED COLLECTION FOR THE STATE OF HAWAII**

<u>Application Number</u>	<u>Approved for Collection</u>	<u>Approved for Use</u>
04-**-C-00-***	\$42,632,466	\$42,632,466
04-**-C-01-***	2,505,760	2,505,760
04-**-C-02-***	799,243	799,243
06-**-C-00-***	104,458,000	104,458,000
06-**-C-01-***	(41,958,000)	(41,958,000)
06-**-C-02-***	(12,940,000)	(12,940,000)
06-**-C-03-***	(49,560,000)	(49,560,000)
08-**-C-00-***	76,138,331	49,560,000
08-**-C-01-***	0	0
08-**-C-02-***	(26,578,331)	0
09-**-C-00-***	145,081,000	145,081,000
09-**-C-01-***	29,045,249	29,045,249
13-**-C-00-***	449,370,230	434,645,230
16-**-U-00-***	0	14,725,000
<b>Total</b>	<b>\$718,993,948</b>	<b>\$718,993,948</b>

The state of Hawaii has opted to collect PFCs at five of its commercial service airports and to use the pooled PFC revenue collected at these five airports to pay for the same set of projects. Therefore, when referring to the collective applications of the State of Hawaii, the FAA uses two asterisks “\*\*” in place of the sequential application number and three asterisks “\*\*\*” in place of a

<sup>1</sup> Elsewhere in this document 14 CFR Part 158 may be referred to in abbreviated form as “Section 158.xx” or “§ 158.xx”.

<sup>2</sup> The project included in this decision is: Land Acquisition at OGG.

particular airport's location identifier code.

This application (16-\*\*-U-00-\*\*) applies to each of the five airports using PFCs. The State's intent is to use a pro-rata share of the total approved amount at each imposing airport, HNL, OGG, KOA, LIH, and ITO. Based on the State's estimate of collections at each airport, the FAA estimates that HNL will collect approximately 67 percent of the total approved amount, OGG will collect approximately 19 percent, KOA will collect approximately 6 percent, LIH will collect approximately 4 percent, and ITO will collect approximately 4 percent.

### **INFORMATION REGARDING EACH AIRPORT**

#### **1. Application to Use PFC Revenue Collected at HNL for Project at OGG**

##### **PFC Level, Amount, and Charge Effective Date**

Level of PFC:	\$4.50
Amount approved for use in this decision:	\$9,865,750
Earliest charge effective date:	February 1, 2014

##### **Duration of Authority:**

This decision approves the use of PFC revenue that was previously authorized for collection in the 13-05-C-00-HNL FAD, issued by the FAA on November 22, 2013. The FAA authorized the State to begin collecting PFC revenue for application 13-05-C-00-HNL on February 1, 2014. Based on information submitted by the State and the current rate of collections, the duration of collection is reduced by 7 months. Therefore, the new estimated charge expiration date is December 1, 2025.<sup>3</sup>

#### **Cumulative PFC Authority Including Current Decision**

<b><u>Application Number</u></b>	<b><u>Approved for Collection</u></b>	<b><u>Approved for Use</u></b>
04-01-C-00-HNL	\$32,296,466	\$32,296,466
04-01-C-01-HNL	2,505,760	2,505,760
06-02-C-00-HNL	78,050,000	78,050,000
06-02-C-01-HNL	(31,350,608)	(31,350,608)
06-02-C-02-HNL	(9,672,687)	(9,672,687)
06-02-C-03-HNL	(37,026,705)	(37,026,705)
08-03-C-00-HNL	55,344,953	36,025,164
08-03-C-01-HNL	0	0
08-03-C-02-HNL	(19,319,789)	0
09-04-C-00-HNL	105,909,130	105,909,130
09-04-C-01-HNL	21,203,031	21,203,031
13-05-C-00-HNL	301,094,938	291,229,188
16-06-U-00-HNL	<u>0</u>	<u>9,865,750</u>
<b>Total</b>	<b>\$499,034,489</b>	<b>\$499,034,489</b>

<sup>3</sup> Pursuant to Title 14 CFR §158.3: "charge effective date" means the date on which air carriers are obliged to begin collection of a PFC; "charge expiration date" means the date on which air carriers are to cease collecting a PFC.

## **2. Application to Use PFC Revenue Collected at OGG for Project at OGG**

### **PFC Level, Amount, and Charge Effective Date**

Level of PFC:	\$4.50
Amount approved for use in this decision:	\$2,797,750
Earliest charge effective date:	February 1, 2014

### **Duration of Authority:**

This decision approves the use of PFC revenue that was previously authorized for collection in the 13-05-C-00-OGG FAD, issued by the FAA on November 22, 2013. The FAA authorized the State to begin collecting PFC revenue for application 13-05-C-00-OGG on February 1, 2014. Based on information submitted by the State and the current rate of collections, the duration of collection is reduced by 7 months. Therefore, the new estimated charge expiration date is December 1, 2025.<sup>4</sup>

### **Cumulative PFC Authority Including Current Decision**

<b><u>Application Number</u></b>	<b><u>Approved for Collection</u></b>	<b><u>Approved for Use</u></b>
04-01-C-00-OGG	\$8,950,000	\$8,950,000
04-01-C-01-OGG	(2,320,651)	(2,320,651)
04-01-C-02-OGG	513,926	513,926
06-02-C-00-OGG	16,000,000	16,000,000
06-02-C-01-OGG	(6,426,774)	(6,426,774)
06-02-C-02-OGG	(1,985,689)	(1,985,689)
06-02-C-03-OGG	(7,587,537)	(7,587,537)
08-03-C-00-OGG	13,034,882	8,484,672
08-03-C-01-OGG	0	0
08-03-C-02-OGG	(4,550,210)	0
09-04-C-00-OGG	24,663,770	24,663,770
09-04-C-01-OGG	4,937,692	4,937,692
13-05-C-00-OGG	85,385,132	82,587,382
16-06-U-00-OGG	<u>0</u>	<u>2,797,750</u>
<b>Total</b>	<b>\$130,614,541</b>	<b>\$130,614,541</b>

<sup>4</sup> Pursuant to Title 14 CFR §158.3: "charge effective date" means the date on which air carriers are obliged to begin collection of a PFC; "charge expiration date" means the date on which air carriers are to cease collecting a PFC.

### **3. Application to Use PFC Revenue Collected at KOA for Project at OGG**

#### **PFC Level, Amount, and Charge Effective Date**

Level of PFC:	\$4.50
Amount approved for use in this decision:	\$883,500
Earliest charge effective date:	February 1, 2014

#### **Duration of Authority:**

This decision approves the use of PFC revenue that was previously authorized for collection in the 13-05-C-00-KOA FAD, issued by the FAA on November 22, 2013. The FAA authorized the State to begin collecting PFC revenue for application 13-05-C-00-KOA on February 1, 2014. Based on information submitted by the State and the current rate of collections, the duration of collection is reduced by 7 months. Therefore, the new estimated charge expiration date is December 1, 2025.<sup>5</sup>

#### **Cumulative PFC Authority Including Current Decision**

<b><u>Application Number</u></b>	<b><u>Approved for Collection</u></b>	<b><u>Approved for Use</u></b>
04-01-C-00-KOA	\$1,065,000	\$1,065,000
04-01-C-01-KOA	1,151,888	1,151,888
04-01-C-02-KOA	171,861	171,861
06-02-C-00-KOA	6,281,000	6,281,000
06-02-C-01-KOA	(2,522,912)	(2,522,912)
06-02-C-02-KOA	(780,827)	(780,827)
06-02-C-03-KOA	(2,977,261)	(2,977,261)
08-03-C-00-KOA	4,712,963	3,067,764
08-03-C-01-KOA	0	0
08-03-C-02-KOA	(1,645,199)	0
09-04-C-00-KOA	7,254,050	7,254,050
09-04-C-01-KOA	1,452,263	1,452,263
13-05-C-00-KOA	26,963,726	26,080,226
16-06-U-00-KOA	<u>0</u>	<u>883,500</u>
<b>Total</b>	<b>\$41,126,552</b>	<b>\$41,126,552</b>

<sup>5</sup> Pursuant to Title 14 CFR §158.3: "charge effective date" means the date on which air carriers are obliged to begin collection of a PFC; "charge expiration date" means the date on which air carriers are to cease collecting a PFC.

#### **4. Application to Use PFC Revenue Collected at LIH for Project at OGG**

##### **PFC Level, Amount, and Charge Effective Date**

Level of PFC:	\$4.50
Amount approved for use in this decision:	\$589,000
Earliest charge effective date:	February 1, 2014

##### **Duration of Authority:**

This decision approves the use of PFC revenue that was previously authorized for collection in the 13-05-C-00-LIH FAD, issued by the FAA on November 22, 2013. The FAA authorized the State to begin collecting PFC revenue for application 13-05-C-00-LIH on February 1, 2014. Based on information submitted by the State and the current rate of collections, the duration of collection is reduced by 7 months. Therefore, the new estimated charge expiration date is December 1, 2025.<sup>6</sup>

##### **Cumulative PFC Authority Including Current Decision**

<b><u>Application Number</u></b>	<b><u>Approved for Collection</u></b>	<b><u>Approved for Use</u></b>
04-01-C-00-LIH	\$321,000	\$321,000
04-01-C-01-LIH	1,168,763	1,168,763
04-01-C-02-LIH	113,456	113,456
06-02-C-00-LIH	3,346,000	3,346,000
06-02-C-01-LIH	(1,343,999)	(1,343,999)
06-02-C-02-LIH	(415,175)	(415,175)
06-02-C-03-LIH	(1,586,826)	(1,586,826)
08-03-C-00-LIH	2,497,337	1,625,568
08-03-C-01-LIH	0	0
08-03-C-02-LIH	-871,769	0
09-04-C-00-LIH	7,254,050	7,254,050
09-04-C-01-LIH	1,452,263	1,452,263
13-05-C-00-LIH	17,950,617	17,361,617
16-06-U-00-LIH	<u>0</u>	<u>589,000</u>
<b>Total</b>	<b>\$29,885,717</b>	<b>\$29,885,717</b>

<sup>6</sup> Pursuant to Title 14 CFR §158.3: "charge effective date" means the date on which air carriers are obliged to begin collection of a PFC; "charge expiration date" means the date on which air carriers are to cease collecting a PFC.

## **5. Application to Use PFC Revenue Collected at ITO for Project at OGG**

### **PFC Level, Amount, and Charge Effective Date**

Level of PFC:	\$4.50
Amount approved for use in this decision:	\$589,000
Earliest charge effective date:	February 1, 2014

### **Duration of Authority:**

This decision approves the use of PFC revenue that was previously authorized for collection in the 13-05-C-00-ITO FAD, issued by the FAA on November 22, 2013. The FAA authorized the State to begin collecting PFC revenue for application 13-05-C-00-ITO on February 1, 2014. Based on information submitted by the State and the current rate of collections, the duration of collection is reduced by 7 months. Therefore, the new estimated charge expiration date is December 1, 2025.<sup>7</sup>

### **Cumulative PFC Authority Including Current Decision**

<b><u>Application Number</u></b>	<b><u>Approved for Collection</u></b>	<b><u>Approved for Use</u></b>
06-01-C-00-ITO	\$781,000	\$781,000
06-01-C-01-ITO	(313,707)	(313,707)
06-01-C-02-ITO	(85,622)	(85,622)
06-01-C-03-ITO	(381,671)	(381,671)
08-02-C-00-ITO	548,196	356,832
08-02-C-01-ITO	0	0
08-02-C-02-ITO	(191,364)	0
13-03-C-00-ITO	17,975,817	17,386,817
16-04-U-00-ITO	<u>0</u>	<u>589,000</u>
<b>Total</b>	<b>\$18,332,649</b>	<b>\$18,332,649</b>

### **Project Approval Determinations**

For the project approved in this FAD and for the application as a whole, the FAA, based on its expertise with the PFC program and airport development, exercises its judgment, and based upon its expertise finds that the application and record thereof, contain substantial documentation to support its determinations. Based on its review and pursuant to 49 United States Code (USC) §40117, the FAA finds that:

- The amount and duration of the PFC will not result in revenue that exceeds the amount necessary to finance the specific project.
- The project approved at a \$3.00 or lower level meets at least one of the objectives set forth in §158.15(a) (as set forth in the project determination); is eligible in accordance with §158.15(b) (as set forth in the project determination); and is adequately justified in accordance with §158.15(c) and paragraph 4-8 of FAA Order 5500.1, *Passenger Facility Charge* (August 9, 2001).

<sup>7</sup> Pursuant to Title 14 CFR §158.3: "charge effective date" means the date on which air carriers are obliged to begin collection of a PFC; "charge expiration date" means the date on which air carriers are to cease collecting a PFC.

- The project approved for collection at a PFC level above \$3.00 meets the requirements of §158.17(a)(2). The FAA has reviewed the State's funding proposal for the project. The FAA has determined that either AIP funds are not expected to be available to fund the project, in whole or in part, or the project does not qualify for additional Airport Improvement Program (AIP) funds (i.e., the proposed PFC funding is intended to be the local matching share to an AIP grant).
- The public agency has not been found to be in violation of § 9304(e) or § 9307 of the Airport Noise and Capacity Act (ANCA) of 1990 (since codified at 49 U.S.C. § 47524 and § 47526).
- All project-related requirements concerning approval of the airport layout plan (ALP) and completion of airspace studies have been met. Environmental requirements (§ 158.29(b)(1)(iv)) have been completed and are discussed under a separate heading below.

**Project Approved for Authority to Use the PFC Revenue at OGG at a \$3.00 PFC Level.**

**Description**

**Approved Amount**

**14. AM1021- Land Acquisition at OGG**

**\$14,725,000**

This project provides for the reimbursement of the cost associated with the acquisition of approximately 78.1 acres of land adjacent to OGG. The State purchased the land in 2012 in fee simple from private owners. The land covers agricultural-use area on the northeastern side of the airport in the Wailuka District of Maui. The property consists of 15 vacant lots identified as "East Paepae Ka Puko'a" subdivision with all easement rights. The airport five-year Capital Improvement Program (2013-2018) for the State identified the land for acquisition along with the plan of finance for future airport development. The parcels are just off the departure end of the existing Runway 05/23 (approximately 5,000 feet by 150 feet). A portion of the acquired property is within the runway protection zone (RPZ) and the runway obstacle free area (OFA) of Runway 05/23. The parcels are also within the approach area of the future parallel Runway 02R/20L, as shown on the current Airport Layout Plan, approved November 18, 2004. The State indicated that the remaining portion of the acquired property will be maintained to mitigate airport encroachment from incompatible land uses.

The land is needed to increase the safety of aircraft operations by allowing the airport to maintain the required RPZ area in conformance with the FAA current dimensional standards and also to control the establishment of any future obstructions in the runway approach area. The project is also required to support future airport development to meet forecast demand including the construction of a new parallel runway at the airport. The proposed parallel runway will also accommodate commercial aircraft operations during the planned reconstruction of existing parallel runway.

The current land use on the northeast side of the airport where these parcels are located, are zoned as agricultural land. Acquisition of this agricultural-use land will assist the airport in complying with their FAR Part 139 Wildlife Hazard Management Plan.

**Determination:**

Approved for use



**PFC objective:** This project provides for the acquisition of approximately 78.1 acres of land to provide the required area needed to meet the standard dimension for Runway 05/23 protection zone and to accommodate future development of a new parallel runway as shown on the approved Airport Layout Plan. Thus, this project meets the PFC objective to enhance safety and capacity of the national air transportation system.

**Basis for eligibility:** This development is eligible under Appendix Q; Paragraph Q-2; Tables Q-1, Q-2 a and b, and Q-4d of FAA Order 5100.38D, *AIP Handbook* (September 30, 2014).

**Estimated total project cost:** \$14,725,000 (the total project cost is based on the final sale documents including acquisition costs of \$81,565 and easements of \$110,400; appraisal report dated January 23, 2012, established the fair market value for the land at \$14,643,400).

**Proposed sources of financing:** PFC revenue (\$14,725,000 – the amount requested by the State in this application).

**PFC funds break-out:** HNL \$9,865,750; OGG \$2,797,750; KOA \$883,500; LIH \$589,000; ITO \$589,000.

### **Environmental Requirements**

The project approved in this decision for the authority to use PFC revenue was examined under the guidelines contained in FAA Order 1050.1F, *Environmental Impact: Policies and Procedures* (March 20, 2006) and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for the acquisition of Airport Actions* (April 28, 2006). An environmental assessment was completed for this project. The FAA's Finding of No Significant Impact (FONSI) with respect to this project was issued on January 7, 2016.

### **Compliance with the Airport Noise and Capacity Act of 1990 (ANCA)**

The FAA is not aware of any proposal at HNL, OGG, ITO, KOA, or LIH that would be found to be in violation of the ANCA. The FAA herein provides notice to the State that a restriction on the operation of aircraft at HNL, OGG, ITO, KOA, or LIH must comply with all applicable provisions of the ANCA and that failure to comply with the ANCA and Part 161 makes the State subject to provisions of Subpart F of that Part. Subpart F, "Failure to Comply With This Part," describes the procedures to terminate eligibility for AIP funds and authority to collect PFC revenues.

### **Compliance with Subsection 47107(b) Governing Use of Airport Revenue**

As of the date of this approval the State of Hawaii has not been found to be in violation of 49 U.S.C. §47107(b) or in violation of grant assurances made under 49 U.S.C. §47107(b).

### **Compliance with Requirement to Submit a Competition Plan**

As of the date of this approval, the State of Hawaii has complied with the requirement to submit a competition plan for HNL and OGG in accordance with §158.29(a)(1)(viii). By a letter dated July 9, 2015, the FAA has determined that HNL's competition plan is in accordance with §155 of AIR-21. In addition, on July 10, 2012, the FAA has determined that OGG's competition plan is in accordance with §155 of AIR-21. The remaining four airports: HNL, KOA, LIH, and ITO, approved for authority to collect a PFC in this FAD are not required to submit competition plans.

**Air Carrier Consultation and Public Notice Comments**

There were no disagreements received with respect to the proposed projects or application as a result of the air carrier consultation and public notice and comment processes.

**Legal Authority**

This decision is made under the authority of 49 U.S.C. §40117, as amended. This decision constitutes a final order to approve, in whole or in part, the State of Hawaii's application to use Passenger Facility Charge revenue collected at HNL, OGG, KOA, LIH, and ITO on one project at OGG. Any party to this proceeding having a substantial interest may appeal this decision to the courts of appeals for the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days after issuance of this decision in accordance with 49 U.S.C. §46110.

Concur      John Rattelle      8/30/16  
Acting Director, Office of Airports      Date  
Western-Pacific Region

Nonconcur      \_\_\_\_\_      \_\_\_\_\_  
Acting Director, Office of Airports      Date  
Western-Pacific Region

\_\_\_\_\_  
A copy of the signed document is in the files at FAA Regional Office, AWP-600, as well as in the Honolulu Airports District Office, HNL-600.

**PFC objective:** This project provides for the acquisition of approximately 78.1 acres of land to provide the required area needed to meet the standard dimension for Runway 05/23 protection zone and to accommodate future development of a new parallel runway as shown on the approved Airport Layout Plan. Thus, this project meets the PFC objective to enhance safety and capacity of the national air transportation system.

**Basis for eligibility:** This development is eligible under Appendix Q; Paragraph Q-2; Tables Q-1, Q-2 a and b, and Q-4d of FAA Order 5100.38D, *AIP Handbook* (September 30, 2014).

**Estimated total project cost:** \$14,725,000 (the total project cost is based on the final sale documents including acquisition costs of \$81,565 and easements of \$110,400; appraisal report dated January 23, 2012, established the fair market value for the land at \$14,643,400).

**Proposed sources of financing:** PFC revenue (\$14,725,000 – the amount requested by the State in this application).

**PFC funds break-out:** HNL \$9,865,750; OGG \$2,797,750; KOA \$883,500; LIH \$589,000; ITO \$589,000.

#### **Environmental Requirements**

The project approved in this decision for the authority to use PFC revenue was examined under the guidelines contained in FAA Order 1050.1F, *Environmental Impact: Policies and Procedures* (March 20, 2006) and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for the acquisition of Airport Actions* (April 28, 2006). An environmental assessment was completed for this project. The FAA's Finding of No Significant Impact (FONSI) with respect to this project was issued on January 7, 2016.

#### **Compliance with the Airport Noise and Capacity Act of 1990 (ANCA)**

The FAA is not aware of any proposal at HNL, OGG, ITO, KOA, or LIH that would be found to be in violation of the ANCA. The FAA herein provides notice to the State that a restriction on the operation of aircraft at HNL, OGG, ITO, KOA, or LIH must comply with all applicable provisions of the ANCA and that failure to comply with the ANCA and Part 161 makes the State subject to provisions of Subpart F of that Part. Subpart F, "Failure to Comply With This Part," describes the procedures to terminate eligibility for AIP funds and authority to collect PFC revenues.

#### **Compliance with Subsection 47107(b) Governing Use of Airport Revenue**

As of the date of this approval the State of Hawaii has not been found to be in violation of 49 U.S.C. §47107(b) or in violation of grant assurances made under 49 U.S.C. §47107(b).

#### **Compliance with Requirement to Submit a Competition Plan**

As of the date of this approval, the State of Hawaii has complied with the requirement to submit a competition plan for HNL and OGG in accordance with §158.29(a)(1)(viii). By a letter dated July 9, 2015, the FAA has determined that HNL's competition plan is in accordance with §155 of AIR-21. In addition, on July 10, 2012, the FAA has determined that OGG's competition plan is in accordance with §155 of AIR-21. The remaining four airports: HNL, KOA, LIH, and ITO, approved for authority to collect a PFC in this FAD are not required to submit competition plans.

**Air Carrier Consultation and Public Notice Comments**

There were no disagreements received with respect to the proposed projects or application as a result of the air carrier consultation and public notice and comment processes.

**Legal Authority**

This decision is made under the authority of 49 U.S.C. §40117, as amended. This decision constitutes a final order to approve, in whole or in part, the State of Hawaii's application to use Passenger Facility Charge revenue collected at HNL, OGG, KOA, LIH, and ITO on one project at OGG. Any party to this proceeding having a substantial interest may appeal this decision to the courts of appeals for the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days after issuance of this decision in accordance with 49 U.S.C. §46110.

Concur      Jim Rattelle      8/30/16  
Acting Director, Office of Airports      Date  
Western-Pacific Region

Nonconcur      \_\_\_\_\_      \_\_\_\_\_  
Acting Director, Office of Airports      Date  
Western-Pacific Region

\_\_\_\_\_  
A copy of the signed document is in the files at FAA Regional Office, AWP-600, as well as in the Honolulu Airports District Office, HNL-600.