

St. Louis City Ordinance 64221

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 257

INTRODUCED BY ALDERMAN ROBERT RUGGERI

An Ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment finding that it is in the best interests of the City of St. Louis (the "City") and in the interests of airline passengers that the City adopt a Passenger Facility Charge ("PFC") program (the "PFC Program") as provided in the Aviation Safety and Capacity Expansion Act of 1990 (the "Act") in order to preserve and enhance the safety, capacity and security of the transportation facilities and mitigate noise impacts at Lambert-St. Louis International Airport (the "Airport"); adopting a PFC at the Airport (the "Airport PFC") in an amount not to exceed Three Dollars (\$3.00) upon approval by the Federal Aviation Administration, Department of Transportation, United States of America (the "FAA") of the Airport PFC and the PFC Program and providing for the expiration of the Airport PFC; designating the projects under consideration on which revenues collected by the Airport PFC are to be expended if approved by the FAA; authorizing the Director of Airports (the "Director") to file such applications with the FAA and perform any other acts as necessary for the purpose of receiving authority from the FAA for the adoption and implementation of the Airport PFC and the PFC Program in accordance with the Act and subject to such rules, regulations and assurances as required by the United States Secretary of Transportation under authority of the Act (the "Regulations"); authorizing and designating the Director to be the Official Representative of the City to provide any information and perform other acts for the City pertaining to or required for the adoption and implementation of PFCs at the Airport for the City as provided under the ACT and Regulations; providing for the deposit and expenditure of funds received from the PFCs to be deposited in the PFC Fund Account established in Ordinance 62501 approved February 10, 1992; and containing an emergency clause.

WHEREAS, the City of St. Louis (the "City") owns, operates and maintains an international airport known as Lambert- St. Louis International Airport (the Airport), located in the County of St. Louis, Missouri; and

WHEREAS, it is in the best interest of the City and airline passengers that the City adopt a Passenger Facility Charge ("PFC") program as provided by law in

order to preserve and enhance the safety, capacity and security of the transportation facilities at the airport and mitigate airport noise impacts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. It is in the best interests of the City of St. Louis (the "City") and in the best interests of airplane passengers that the City adopt a Passenger Facility Charge ("PFC") program ("PFC Program") as provided in the Aviation Safety and Capacity Expansion Act of 1990 (the "Act") enacted by the United States Congress and subject to such rules, regulations and assurances as required by the United States Secretary of Transportation under authority of the Act (the "Regulations") in order to preserve and enhance the safety, capacity and security of the transportation facilities and mitigate noise impacts at Lambert-St. Louis International Airport (the "Airport").

SECTION TWO. Commencing no earlier than after the approval by the Federal Aviation Administration, Department of Transportation, United States of America (the "FAA") and appropriate notification to the airlines of the City's application for authority to impose a PFC at the Airport (the "Airport PFC") and to expend revenues according to the PFC Program authorized by this Ordinance, or on such date thereafter as the Airport PFC can be collected as determined by the Director of Airports (the "Director"), there shall be imposed upon each Enplaned Passenger, as that term is defined in the Regulations, at the Airport a PFC in an amount not to exceed Three Dollars (\$3.00), provided, if permitted by the Regulations and approved by the FAA, that On Demand Air Taxi/Commercial Operators, operating exclusively under CFR Part 135 Certification shall not be required to collect the PFC from their passengers. The Airport PFC authorized by this Ordinance shall expire on the date determined pursuant to the Regulations.

SECTION THREE. The PFC revenues collected pursuant to the Airport PFC and PFC Program shall be expended for the following projects which are under consideration for application to the FAA or for such alternate projects as may be designated pursuant to this Ordinance in accordance with the Regulations:

1. Property and Business Acquisition for Natural Bridge Road Relocation - Phase One;
2. Land Acquisition for Natural Bridge Road Relocation - Phase Two;
3. Land Acquisition for New Runway 12R/30L Site Preparation Work;

4. Early Road Work (Cut and Fill, Construction Staging Areas, etc); and
5. Design Fees and Program Management Cost.

SECTION FOUR. The Director is authorized to file such applications with the FAA and perform any other acts as are necessary for the purpose of receiving authority from the FAA for the adoption and implementation of the Airport PFC and PFC Program in accordance with the Act and Regulations. The Director is further authorized to certify that the City will comply with all assurances and understandings required by the Act and Regulations and to submit amendments to PFC applications, as appropriate, and to designate alternative projects approved by the Airport Commission as necessary to assure full use of the City's authority to impose PFCs and expend revenues the City receives from PFCs.

SECTION FIVE. The Director is hereby designated to be the Official Representative of the City to provide any information and perform other acts for the City pertaining to or required for the adoption and implementation of PFCs at the Airport for the City as provided under the Act and Regulations.

SECTION SIX. The deposit and expenditure funds received from the PFCs and interest therein shall be deposited in the PFC Fund Account (the "PFC Fund") established in Ordinance 62501 approved February 10, 1992 and shall be expended, upon appropriations by subsequent ordinance, for projects approved by the Director and determined to be eligible and approved by the FAA under the Act and the Regulations.

Transfers from the PFC Fund may be made to reimburse any other Airport Fund Accounts for monies previously appropriated and expended or to be expended for projects that are eligible and approved by the FAA for payment from revenues received from PFCs and/or to reimburse any Airport Fund Accounts for the eligible debt service relating to such projects.

SECTION SEVEN. This being an Ordinance necessary for the immediate preservation of the public peace, health, or safety or providing funds for the implementation of public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Section 19 and 20, of the City Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
11/21/97	11/21/97	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/05/97			12/12/97	12/12/97
ORDINANCE	VETOED		VETO OVR	
64221				