

105TH CONGRESS
2D SESSION

S. 2435

To permit the denial of airport access to certain air carriers.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 2 (legislative day, AUGUST 31), 1998

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To permit the denial of airport access to certain air carriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
4 **CARRIERS.**

5 (a) IN GENERAL.—

6 (1) EFFECT OF DENIAL.—If an owner or opera-
7 tor of an airport described in subsection (b) denies
8 access to an air carrier described in paragraph (2),
9 that denial shall not be considered to be unreason-
10 able or unjust discrimination or a violation of section
11 47107 of title 49, United States Code.

1 (2) AIR CARRIERS DESCRIBED.—An air carrier
2 described in this paragraph is an air carrier that
3 conducts operations as a public charter under part
4 380 of title 14, Code of Federal Regulations (or any
5 subsequent similar regulations) with aircraft that is
6 designed to carry more than 9 passengers per flight.

7 (b) COVERED AIRPORTS.—This Act shall apply only
8 to an airport that—

9 (1) is designated as a reliever airport by the
10 Administrator of the Federal Aviation Administra-
11 tion;

12 (2) does not have an operating certificate issued
13 under part 139 of title 14, Code of Federal Regula-
14 tions (or any subsequent similar regulations); and

15 (3) is located within a 35-mile radius of an air-
16 port that has—

17 (A) at least 0.05 percent of the total an-
18 nual boardings in the United States; and

19 (B) current gate capacity to handle the de-
20 mands of a public charter operation.

21 (c) DEFINITIONS.—In this Act:

22 (1) AIR CARRIER; AIR TRANSPORTATION; AIR-
23 CRAFT; AIRPORT.—The terms “air carrier”, “air
24 transportation”, “aircraft”, and “airport” have the

1 meanings given those terms in section 40102 of title
2 49, United States Code.

3 (2) PUBLIC CHARTER.—The term “public char-
4 ter” means charter air transportation for which the
5 general public is provided in advance a schedule con-
6 taining the departure location, departure time, and
7 arrival location of the flights.

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