

WESTERN-PACIFIC REGIONAL POLICY GUIDANCE NO. 5
PASSENGER FACILITY CHARGE (PFC) PROCESSING

1. PURPOSE: This policy guidance is to clarify the Airports Division's responsibilities regarding processing PFC documents. This includes: receipt of applications, notification of receipt, 30-day review, advising Public Agencies of Substantially/Not Substantially Complete applications, follow-up on Not Substantially Complete, Preparation/Submission of Federal Register Notices (FRN), review of FRN comments received, preparation of Briefing Sheets, recommendations regarding preparing Record of Decisions (RODS), preparing the ROD, as required, including use of "boilerplate" materials, issuing the ROD, and an initial outline of follow-up actions to be considered.

2. DISTRIBUTION: Policy Guidance No. 5 is distributed to all Western-Pacific Division Airports Division employees.

3. CANCELLATION: The numerous letters with PFC guidance information which have been issued by the region are not canceled by this guidance, nor are the Washington letters and PFC Handbook. These data should be used to supplement Policy Guidance No. 5. If any significant conflicts are discovered, they should be reported to the region, AWP-612.

4. APPLICABILITY: This guidance is applicable to all Airports Division employees when processing PFC applications received in the Western-Pacific Region. It is not a substitute for the use of good judgment by the employees.

5. INITIAL PROCESSING: In most cases, the Field Offices (hereinafter the "Field offices" reference includes SFO-600, HNL-600 and AWP-621) have held informal discussions with a potential PFC Public Agency (PA) applicant and have explained the format, content, timing and other matters to them. This is encouraged since it will normally save time in the preparation and cut down on having to mail documents back and forth. An application as referenced herein also includes an application for amendment.

When the application is received, it should be in triplicate with a computer disc back-up. It should be logged in, a PA acknowledgment letter prepared and copies of the letter and application forwarded to Washington, APP-530, and the Regional Office, AWP-612. The letter, signed by the Field Office Manager, should be sent to the PA, noting the date of receipt and assigning a number to the application in accordance with standard procedures outlined in the PFC Handbook.

A. 30-day Review Period. The 30-day review period begins on the date of receipt. During this period, the Field office should ascertain whether or not the document is Substantially Complete or Not Substantially Complete. The regional office personnel will offer support and assistance in making this determination. Certain minor items may be clarified directly by the Field Office with the PA. Informal resolution is a favored approach because most PAs are willing to cooperate in making their documentation complete or in clarifying their intent.

B. Completeness Determination. If the application is found Substantially Complete, a draft letter should be prepared by the Field Office for signature by the Manager, Airports Division, directed to the appropriate PA official. This letter must be sent out within the first 30 calendar days. The overall 120-day approval period begins with the original receipt date.

If the application is found Not Substantially Complete, a draft letter should be prepared by the Field Office as above which specifies the deficiencies of the documentation provided by the PA. This letter should also advise the PA that they have 15 days to inform the FAA that they intend to supplement their application or the application will be processed as submitted.

Examples of the two letters cited above are contained in the PFC Handbook, and, of course, previous examples are available in each of the Field Offices.

When an application is Not Substantially Complete, and the PA indicates a supplement is to be submitted, this should be

acknowledged by the Field Office. There is no deadline on when the supplement is submitted, but the Field office should issue appropriate reminders to the PA. When submitted, the 120-day calendar begins again, including the 30-day review to determine if the resubmittal is, in fact, Substantially Complete. After determining the status, which should normally be in the affirmative, a second letter is issued, signed by the Manager, Airports Division. In the event the PA decides not to supplement the application, the original material is processed as shown below in paragraph 6. Note that there may be unusual situations where supplemented material could be resubmitted additional times and the review times, notifications and explanations may have to be repeated.

If the original submittal is found to be Substantially Complete, the application is processed as in paragraph 6.

6. DETAILED PROCESSING: Immediately after the 30-day period has passed, the Federal Register Notice (FRN) should be drafted and submitted to AWP-612 for processing. It should be kept in mind that the 30 days is a maximum and an earlier submittal is acceptable for any "Complete" location. AWP-612 will review the FRN for completeness, obtain the signature of the Manager, Airports Division and submit it to AWP-7 for further handling.

During the next 40 to 45 days after the initial processing and the issuance of the FRN, the Field Offices should conduct a detailed review of the application, keeping in mind that the application may be substantially complete, but not have listed items that are all eligible, have incorrect references, have overstated costs or have inadequate justification. In other words, there may be portions of the projects that we would not recommend for inclusion in the approved PFC. These should be noted for later consideration in the analysis.

A. Briefing Paper. Also, following the completeness review, and no later than day 43, a Briefing Paper should be drafted by the Field Office and submitted by the Field Office Manager for review by the region and signature by the Manager, Airports Division. The Memorandum of Understanding

(MOU) previously provided to the Field Offices on November 18, 199, should be followed in preparing the Briefing Paper and in making recommendations regarding which office of the FAA, APP-530 or AWP-600, should prepare the Record of Decision (ROD). All of the contents of the MOU will not be restated here, but the five (5) items listed as responsibilities of the Airports Division offices should be taken into account when reviewing the documents sent in' by the PA. These will weigh heavily in determining which office, APP-530 or AWP-600, prepares the ROD.

No later than day 75 a decision recommendation on the proper office to prepare the ROD will be made to ARP-1 through APP-530. Consideration of adverse comments to the FRN will be taken into account in making this recommendation. AWP-612 will confer with APP-530 to confirm the office of responsibility.

B. ROD Decision. For delegated applications, the Field offices will determine whether PFC projects are eligible, adequately justified and if the PA is in compliance with the requirements of the PFC regulation. The Field Offices will prepare the draft ROD and submit it to the region for coordination with the Assistant Chief Counsel, if required.

If coordination is required, the draft ROD, the application and the attachment B checklist, as provided by the Field office, will be made available by AWP-612 to the Assistant Chief Counsel for review at least 30 days before the 120 day decision date. The Assistant Chief Counsel's goal will be to return review comments within 5 days. Note that in the case of a needed federal Environmental Impact Statement for either the PFC projects proposed or on related, non-separable development items, coordination with Assistant Chief Counsel is required.

After any required coordination is completed with the Assistant Chief Counsel as requested by the Airports Division, the Field Offices will incorporate comments as appropriate and resubmit the Final draft of the ROD. The regional office is to submit the final ROD for Assistant Chief Counsel sign-off within 5 days prior to the 120 day decision due date.

Approximately the first six delegated draft RODs will be sent by AWP-612 for review by APP-530 to ensure consistency of material. Timing of the draft ROD and APP-530's review on these first six will be the same as described for the Assistant Chief Counsel's review of the draft.

The final ROD will be signed by the Manager, Airports Division. The regional office will issue final RODs to the appropriate PAs within the 120 days allowed by regulation, with courtesy copies to the Assistant Chief Counsel (if review was provided), APP-530 and other interested parties, as necessary.

C. Generic ROD with "Boilerplate" Information. Provided with PFC Guidance No. 5 is "boilerplate" data as prepared by APP-530. This is only for IMPOSE AND USE PROJECTS. The impose only and use only will be forthcoming.

The instructions and the generic ROD are color-coded for ease of use. Attachment one to this guidance is color coded; one for each office. Future copies in color will have to be done by each office so we are also transmitting these documents on CC Mail to the Field Offices.

It should be kept in mind that:

* PLEASE ENSURE THAT YOU EXECUTE A "SAVE AS" COMMAND BEFORE STARTING TO EDIT THE GENERIC ROD, NAMING THE FILE TO SOMETHING RELATING TO THE SPECIFIC LOCATION FOR WHICH YOU ARE WRITING THE ROD (For example, say for Phoenix, AZ..... use PHXROD.DOC. For subsequent applications, the application number can be inserted after the three letter designator). OTHERWISE YOU CAN MAKE CHANGES TO THE BOILERPLATE THAT ARE NOT ACCURATE FOR OTHER LOCATIONS, THEREBY DILUTING THE EFFECTIVENESS OF THE BOILERPLATE.

* PLEASE FOLLOW ALL INSTRUCTIONS CAREFULLY. Remember the generic ROD is an aid in maintaining consistency between regions, which is of importance to the success of the delegation.

* THE BOILERPLATE IS NOT TO BE CONSIDERED A "COOKBOOK" TO FOLLOW IN ALL CASES. There will be instances where the boilerplates will need to be changed. Please do not make substantive changes without consulting AWP-612.

7. FOLLOW-UP ACTIONS: As has been pointed out in earlier correspondence on PFC handling, a "Certification" should be obtained from each PFC PA, preferably at the time the ROD is issued. We have such certifications for most locations, but there are still a few PAs that have not signed off on them. The PFC certification is patterned after the certifications provided for various items in the Airport Improvement Program (AIP) and is therefore a familiar format. Without the certification, it is recommended that at least one visit per year be made to the PFC location, in connection with another trip, to review the PFC status directly with the responsible Public Agency representative.

It is necessary to keep "on top" of the applications in terms of implementing the use application items within two years of approval and converting the impose items to use within three years of the charge effective date. In this connection, the time for the advance planning needed to take action should be kept in mind. The advance planning is particularly important when a location's collection period is going to expire and they want to avoid a "stop/start" situation. Approximately nine months is needed for virtually any significant PFC change.

Additional guidance will be provided **as** requirements dictate.