

United Airlines v. The Port Authority of New York and New Jersey - Order Affirming in Part and Remanding in Part

PANYNJ Shall Disclose All Financial Data or Information to the Use and Accounting of Airport Revenue

USA, January 14, 2021 /EINPresswire.com/ -- The Associate Administrator examined the record in detail, including the Determination, the administrative record supporting the Determination, and the Appeal pleadings and confirms the following:



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The Director did not err in finding that PANYNJ expended airport revenues on non-owned facilities or projects, in violation of Grant Assurance 25, Airport Revenues, and FAA's Policy and Procedures Concerning Use of Airport Revenue and contrary to its 49 USC § 47107 and 47133

grandfathering authority

The Director did not err in finding that PANYNJ is not using an acceptable methodology to calculate the amount of grandfathered airport revenues and has not complied with the grandfathering exception provided by 49 USC § 47107(b)(2) and § 47133, Grant Assurance 25, Airport Revenues, and FAA's Revenue Use Policy

The Director did not err in finding that PANYNJ lacked transparency in setting its rates and charges in violation of Grant Assurance 22, Economic Nondiscrimination and contrary to the FAA's Policy Regarding Airport Rates and Charges, and engaged in deficient accounting practices and record-keeping in violation of Grant Assurance 22, Economic Nondiscrimination.

This matter is remanded to the Director to determine if PANYNJ has grandfather rights based on a pre-September 2, 1982 law controlling financing as provided for in 49 USC § § 47107 & 47133 and grant assurance 25. This decision affirms the Director's decision that to the extent grandfather rights exist, they do not allow for the expenditure of airport revenue to support facilities that PANYNJ does not own or operate.

It is hereby ORDERED that (1) the Director's Determination is affirmed, as so modified, and (2) this matter is remanded, in part, to the Director, to determine the basis for the PANYNJ' s grandfather rights, if any, and as to whether to issue a civil penalty.

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