AUTORIDAD DE LOS PUERTOS DE PUERTO RICO
JUNTA DE DIRECTORES
SAN JUAN, PUERTO RICO 00936-2829

RESOLUCION NUM. 97-54

Resolución Número 97-54 para adoptar la Tarifa Número A-3-3 que establece la estructura general de las tarifas, derechos, cánones de arrendamiento, y otros cargos por el uso de las facilidades de aviación pública y los terminales de pasajeros y carga en el Aeropuerto Internacional Luis Muñoz Marín para el periódo del 1ero. de enero de 1998 al 31 de diciembre de 1998.

CONTENIDO	PAGINA
POR CUANTO	1
POR CUANTO	1
POR CUANTO	1
POR CUANTO	1
POR CUANTO	2
RESUELVASE	2
APROBADA	3

No. 5734
Date: December 12, 1997. 3:33 p.m.
Approved: Norma Burgos
Secretary of State
By:
Assistant Secretary of State

BOARD OF DIRECTORS
PUERTO RICO PORTS AUTHORITY

RESOLUTION NO. 97-54

WHEREAS, Tariff No. A-3-2 adopted through Resolution 96-53 as amended by Resolution 97-12, establishes the rates, fees, rental and other charges for the use of public aircraft facilities and passenger freight terminal premises at the Luis Muñoz Marín International Airport for the period through December 31, 1997.

WHEREAS, the Puerto Rico Ports Authority has reviewed all the rates, fees, and rentals at the Luis Muñoz Marín International Airport to determine if they comply with the requirements of Act No. 125 of May 7, 1942, as amended and to determine the need to amend or extend the same.

WHEREAS, pursuant to the review, the Puerto Rico Ports Authority proposes changes to the rates, fees and rental at the Luis Muñoz Marín Airport.

WHEREAS, the Puerto Rico Ports Authority published public notices of the Authority's intent to amend Resolution No. 96-53, as amended and Tariff A-3-2, and the tariffs and rates established therein for the period January 1, 1998 through December 31, 1998. The revised Tariff was made available for public review, and invited any written comments or requests for oral hearings on the proposed changes;

WHEREAS, the time for filing written comments or requests for oral hearings has expired, and pursuant to the comments received, revisions were made to the proposed changes;

THEREFORE BE IT RESOLVED

1. The Board determines that the proposed changes to Tariff A-3-2, are in the best interests of the Ports Authority and the Commonwealth of Puerto Rico.

2. The Board therefore hereby approves the attached Tariff No. A-3-3 establishing the general structure of rates, fees, and other charges for the period from January 1, 1998 to December 31, 1998.

3. On the effective date of this Resolution, all previous resolutions establishing similar rates, fees, rentals and other charges for the use of the facilities and services at the Luis Muñoz Marín International Airport will cease to be effective. Nothing in this resolution shall in any manner affect the effectiveness for periods prior to January 1, 1998 of such similar rates, fees, rentals and other charges.

4. The Authority reserves the right to amend the rates, fees, rental and other charges established hereunder, if during the period of effectiveness of this resolution there occur significant changes that warrant necessary amendments to such rates, fees, rentals and other charges.

In San Juan, Puerto Rico, this 5 day of December, 1997.

APPROVED BY:

Dr. Carlos I. Pesquera
President
Board of Directors

CERTIFIED BY:

Roberto Biaggi
Secretary
Board of Directors

Rules and Regulations

Item

1.0 DEFINITIONS

1.1 Aircraft shall mean any contrivance invented, used, or designed to navigate, or fly in the air (including, without limitation, airplanes, helicopters, ultralight aircraft, and lighter-than-air craft) whether owned by an individual, corporation, partnership, company, or otherwise, and whether operated commercially, for hire, for revenue or non-revenue purposes, in furtherance of a business, for pleasure, or otherwise.

1.2 Landing area shall mean the runways or taxiways which are made available by the Authority for public and common use by aircraft operators for the landing, taking-off of aircraft and for the ground movement of aircraft. The landing area also includes the ramp and apron areas made available by the Authority for the purpose of unloading and loading passengers, baggage, freight, mail, supplies, and other cargo from and to aircraft: for the purpose of performing ramp services to aircraft; and for the purpose of parking mobile equipment actively used in connection with such permitted uses.

1.3 Maximum Allowable Gross Take-Off Weight - The maximum gross weight at which an aircraft may take off from an airport as authorized by the Federal Aviation Administration.

1.4 Ramp Services to Aircraft - Services incidental to the immediate preparation of aircraft for scheduled departure, such services to include, among others, fueling, inspection and interior cleaning. Minor and emergency maintenance, exterior cleaning, and similar items will be deemed to be ramp service only when they can be performed within the time permitted by the rules and regulations of the Authority relating to the use of loading and unloading positions.

2.0 Landing Fees for the use of the Landing Area will be assessed to the operator of an aircraft for each departure of that aircraft from LMM. Landing fees are calculated by multiplying the figure shown in item 12.1 by the quotient of the aircraft's MAGTOW divided by 1,000 pounds.

Item

2.1 (cont.) otherwise said flight will be subject to payment of charges as they apply to revenue flights.

2.2 Landing Fees include the right to use aircraft loading positions as provided in agreements between airport users and the Authority or, in the absence of such agreements, as provided in Airport Rules and Regulations as amended, to provide for penalties and exemptions from penalties for unauthorized parking.

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3.0 Aircraft Parking:
An aircraft parked at the Luis Muñoz Marín International Airport on paved or unpaved ground not under lease, designated by the Authority for such use (on available basis), will be charged on the basis of per thousand pounds of maximum allowable gross weight of the aircraft at take-off, per each calendar day or fraction thereof.

3.1 The parking rate at the Luis Muñoz Marín International Airport shall commence four (4) hours after the arrival of the aircraft at the Airport for pure jet aircraft and two (2) hours for propeller aircraft (including turbo prop engines).

3.2 An aircraft owner may elect to enter into monthly parking arrangements with the Authority at the rates prescribed in this tariff.

3.3 No parking fee will be assessed in respect to an aircraft parked within an area leased by fixed base operators, aircraft owners, or operators and is receiving an authorized service of those included in the contract with the Ports Authority.

3.4 In order to get the benefit of the monthly reduced aircraft parking rate, the corresponding payment has to be made in advance at the Airport Manager's office before the first calendar day of the month for which the parking arrangement is made.

3.5 Aircraft operators who elect to enter into the monthly rates agreement, are entitled, with no additional charges, to use aircraft parking facilities at any Ports Authority Airport; but they have to provide evidence of the monthly agreement to other airports where not usually parked.

Item

4.0 Exemptions From Landing and Parking Fees. No fees or charges described in items 2.0, 2.1, 3.0 above shall be imposed on operations of the following aircraft:

4.1 U.S. "Government aircraft" as that term is used in 49 U.S.C. sec. 47107(a) (11), to the extent required by that provision. Aircraft eligible for this exemption include, without limitation, military and naval aircraft of the United States, aircraft operated by the U.S. Coast Guard, and aircraft owned or on lease by the Federal Government, and carrying as a passenger or landing to embark as a passenger the President of the United States, the Vice-President of the United States, a member of the Congress of the United States, or any civilian officer of an executive department of the United States with the rank of, or equivalent to, Secretary, Under-Secretary, or Assistant Secretary of such executive department.

4.2 Aircraft owned or operated under lease or contract by the Commonwealth of Puerto Rico and its municipalities except its public corporations.

4.3 Foreign military aircraft.

5.0 Rental For Terminal Space
Rental for space other than space referred to in Item 6.0, will be charged at the passenger and freight terminals at the rates prescribed in this tariff.

6.0 Common Use Space is space used in common by air carriers using the Luis Muñoz Marín International Airport. It includes gate lobbies, loading bridges, sterile areas, baggage claim areas used mainly by passengers. Air Carriers are assessed a fee per passenger, according to flight origin and destination, as set forth in Items 16.0, 16.1, 16.2, 16.3, and 16.4.

6.1 Exclusive Use Gate Lobbies-Luis Muñoz Marín International Airport
Airlines may enter into exclusive use arrangements for gate lobbies provided that the Authority is able to assign a gate lobby under the conditions established by experience or through special contracts.

7.0. Baggage Makeup Common Use
The Authority due to lack of space may assign designated baggage makeup areas for common use by several carriers upon a determined charge to recover the space rental and investment of equipment installed in the area if not included in a specific per passenger charge.

Item

8.0 Ground Rental

Rental rates and other terms of lease agreements covering land on or adjacent to the airport properties or other land owned by the Ports Authority will be determined by the Authority from time to time in conformance with the Authority's actual regulation on Land Rental Policy as that Land Rental Policy, including amendments or revisions thereto, may exist from time to time.

9.0 Certified Statements

Certified statements providing all necessary information required by the Ports Authority for statistical purposes or for the application of rates, fees, rentals and other charges set forth herein shall be filed by each airport user, concessionaire or airline within ten (10) business days after the close of each calendar month. Said information shall include, but will not be limited to: advanced copy of monthly flight schedules, or other documents for billing purposes, and a certified statement during the first five days of every month of the changes occurred to the previous month's published flight schedule. A penalty of an annual ten (10%) percent computed daily of the total billing will be assessed to those carriers submitting the information after the ten (10) business days indicated herein.

10.0 Penalty for Withholding Payment of Fees

The Puerto Rico Ports Authority shall assess a penalty of 15% annual interest to any person liable for any tariff established herein, withholding any amount of such payment.

11.0 Illegality of Charging Rates

The collection by any operator or person of any different tariff to that herein established for the service rendered by the Ports Authority and/or the use of its facilities in the Luis Muñoz Marín International Airport is illegal, unless a specific contract has been signed with the Ports Authority and/or prior written consent has been obtained from the Ports Authority.

1998 RATES AND FEES

Item		
12.0	Landing Fees Effective January 1, 1998 through December 31, 1998	
12.1	Commercial or non-commercial aircraft per departure, per 1,000 pounds MAGTOW:	$ 1.75
12.1.1	Minimum for take-off	$10.95
13.0	Parking Fees Effective January 1, 1998 through December 31, 1998	
13.1	Per calendar day or fraction thereof per 1,000 pounds MAGTOW:	
13.2	Daily	$ 0.86
13.3	Daily Minimum	$ 5.64
13.4	Monthly Minimum	$75.43
14.0	Rental for Space in Passenger Terminal Effective January 1, 1998 through December 31, 1998	Annual Rent Per Square Foot
14.1	Enclosed space - air conditioned	$38.40
14.2	Enclosed space - non-air conditioned	$34.39
14.3	Open ramp space	$23.70
14.4	Terrace space	$19.69
15.0	Rental for Space in Freight Terminals Effective January 1, 1998 through December 31, 1998	
15.1	Annual rent per square foot	$15.53
16.0	Passenger Terminal Fees Effective January 1, 1998 through December 31, 1998	Per Passenger
16.1	Passengers on airlines other than American Airlines arriving from and departing to points in the United States other than the U.S. Virgin Islands and Puerto Rico.	$1.50
16.2	Passengers on airlines other than American Airlines arriving from and departing to points in the U.S. Virgin Islands and Puerto Rico.	$0.26
16.3	Passengers on airlines other than American Airlines arriving from and departing to points outside the United States.	$2.78*
16.4	At American Airlines Terminal	$0.01
17.0	Fees for Space Made Available to Federal Inspections Agencies in the Foreign Facilities Effective January 1, 1998 through December 31, 1998	Per 1,000 Pounds. $0.91

* Plus an additional fee of $ 5.66 charged by American Airlines for arriving passengers from foreign countries for use of federal inspection facilities.