

Appendix A

Photographic Documentation of Existing Airport
Facilities



181354

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Property Parcel 1: Business Jet Center



Source: Photographs taken by Ricondo & Associates, Inc., July 2012.
Prepared by: Ricondo & Associates, Inc., April 2013.

Property Parcel 2: Business Jet Center (Continued)



Source: Photographs taken by Ricondo & Associates, Inc., July 2012.
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Property Parcel 3: Gulfstream Corporation



Source: Photographs taken by Ricondo & Associates, Inc. July 2012.
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Property Parcel 4: Associated Air Center, Inc./Landmark Aviation



Source: Photographs taken by Ricondo & Associates, Inc., July 2012.
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Property Parcel 5: Associated Air Center, Inc.



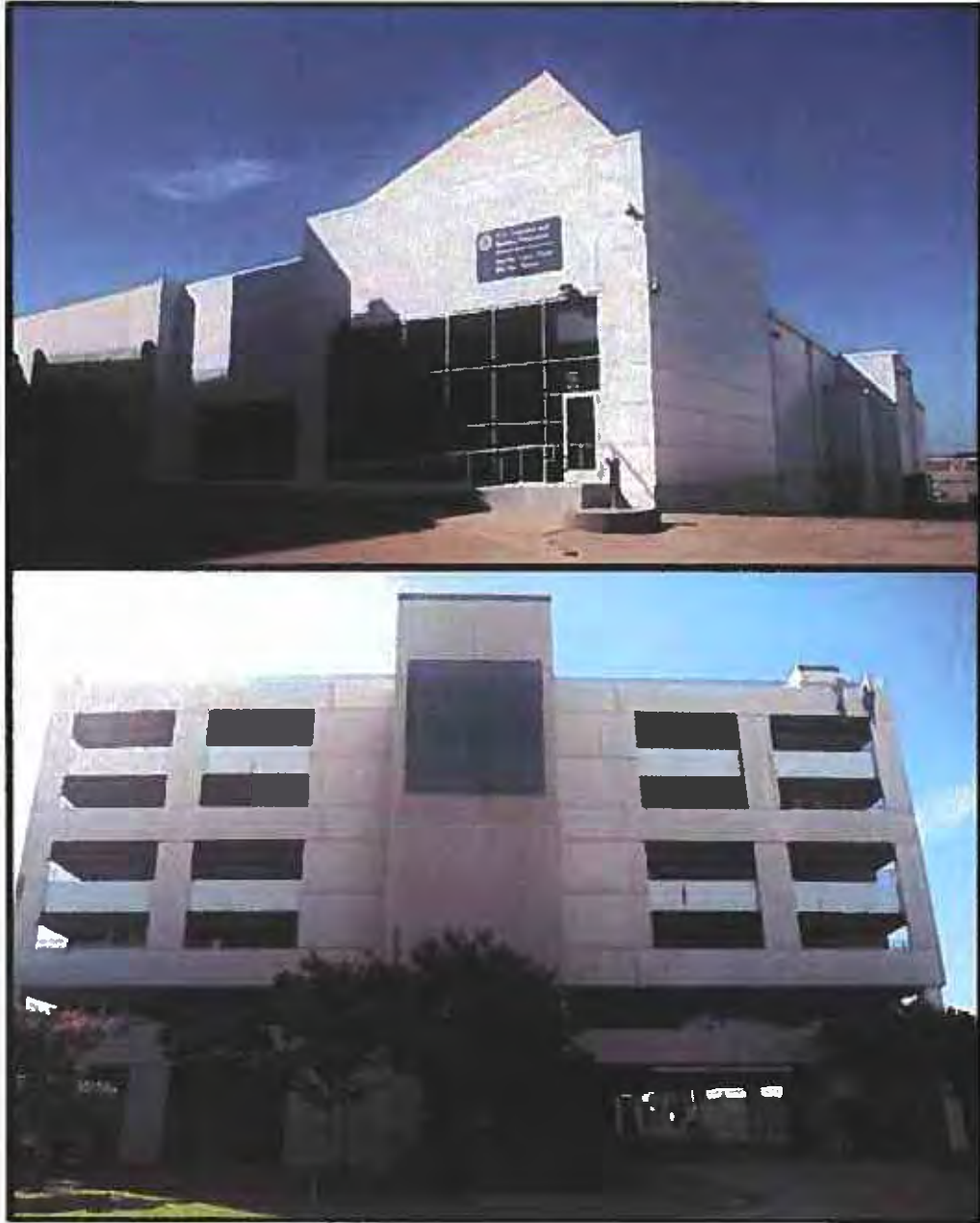
Source: Photographs taken by Ricondo & Associates, Inc., July 2012
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Property Parcel 6: Signature Flight Support Corporation



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Property Parcel 15: Other Airlines Gates

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Property Parcel 16: City of Dallas Terminal Space



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Property Parcel 17: Gulfstream Aerospace Services Corporation



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Property Parcel 47: Southwest Airlines Cargo Facility



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Appendix B

The Wright Amendment



PUBLIC LAW 96-192—FEB. 15, 1980

94 STAT. 35

Public Law 96-192
96th Congress**An Act**

To amend the Federal Aviation Act of 1958 in order to promote competition in international air transportation, provide greater opportunities for United States air carriers, establish goals for developing United States international aviation negotiating policy, and for other purposes.

Feb. 15, 1980
[S. 1300]

Be It enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Air Transportation Competition Act of 1979".

Sec. 2. Section 102(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(a)) is amended to read as follows:

International
Air
Transportation
Competition Act
of 1979
49 USC 1301
note.**"DECLARATION OF POLICY: THE BOARD****"FACTORS FOR INTERSTATE, OVERSEAS, AND FOREIGN AIR
TRANSPORTATION**

"SEC. 102. (a) In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

"(1) The assignment and maintenance of safety as the highest priority in air commerce, and prior to the authorization of new air transportation services, full evaluation of the recommendations of the Secretary of Transportation on the safety implications of such new services and full evaluation of any report or recommendation submitted under section 107 of this Act.

49 USC 1307

"(2) The prevention of any deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public.

"(3) The availability of a variety of adequate, economic, efficient, and low-price services by air carriers and foreign air carriers without unjust discriminations, undue preferences or advantages, or unfair or deceptive practices; the need to improve relations among, and coordinate transportation by, air carriers, and the need to encourage fair wages and equitable working conditions for air carriers.

"(4) The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital, taking account, nevertheless, of material differences, if any, which may exist between interstate and overseas air transportation, on the one hand, and foreign air transportation, on the other.

"(5) The development and maintenance of a sound regulatory environment which is responsive to the needs of the public and in which decisions are reached promptly in order to facilitate adaption of the air transportation system to the present and future needs of the domestic and foreign commerce of the United States, the Postal Service, and the national defense.

"(6) The encouragement of air service at major urban areas in the United States through secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such encouragement is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably enables such carriers to establish themselves and to develop their secondary or satellite airport services.

"(7) The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of—

"(A) unreasonable industry concentration, excessive market domination, and monopoly power; and

"(B) other conditions;

that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

"(8) The maintenance of a comprehensive and convenient system of continuous scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

"(9) The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services.

"(10) The encouragement of entry into air transportation markets by new air carriers, the encouragement of entry into additional air transportation markets by existing air carriers, and the continued strengthening of small air carriers so as to assure a more effective, competitive airline industry.

"(11) The promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

"(12) The strengthening of the competitive position of United States air carriers to at least assure equality with foreign air carriers, including the attainment of opportunities for United States air carriers to maintain and increase their profitability, in foreign air transportation."

Repeal

Sec. 3. (a) Section 102(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(c)) is repealed.

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 102. Declaration of policy: The Board."

is amended by striking out

"(a) Factors for interstate and overseas air transportation.

"(b) Factors for all-cargo service.

"(c) Factors for foreign air transportation."

and inserting in lieu thereof

PUBLIC LAW 96-192—FEB. 15, 1980

94 STAT. 37

"(a) Factors for interstate, overseas, and foreign air transportation.
 "(b) Factors for all-cargo service."

Sec. 4. Sections 401(d)(1) through 401(d)(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1371 (d)(1) through (d)(3)) are amended to read as follows:

"ISSUANCE OF CERTIFICATE

"(d)(1) The Board shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation is consistent with the public convenience and necessity; otherwise such application shall be denied.

"(2) In the case of an application for a certificate to engage in temporary air transportation, the Board may issue a certificate authorizing the whole or any part thereof for such limited periods as is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

Temporary air
transportation.

"(3) In the case of an application for a certificate to engage in charter air transportation, the Board may issue a certificate to any applicant, not holding a certificate under paragraph (1) or (2) of this subsection on January 1, 1977, authorizing interstate air transportation of persons, which authorizes the whole or any part thereof for such periods, as is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder."

Charter air
transportation.

Sec. 5. The first sentence of section 401(e)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)(2)) is amended by striking out the words "insofar as the operation is to take place without the United States."

Sec. 6. Section 401(g) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(g)) is amended to read as follows:

"AUTHORITY TO MODIFY, SUSPEND, OR REVOKE

"(g)(1) The Board upon petition or complaint or upon its own initiative, after notice and hearings, or pursuant to the simplified procedures under subsection (p) of this section, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate. No such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Board, with an order of the Board commanding obedience to the provision, or to the order (other than an order issued in accordance with this sentence), rule, regulation, term, condition, or limitation found by the Board to have been violated. No certificate to engage in foreign air transportation may be altered, amended, modified, suspended, or revoked pursuant to the simplified procedures of subsection (p) of this section if the holder of such certificate requests an oral evidentiary hearing

Foreign air
transportation,
oral hearing.

or the Board finds that, under all the facts and circumstances, an oral evidentiary hearing is required in the public interest.

Protest or memorandum.

"(2) Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a certificate pursuant to paragraph (1) of this subsection.

Foreign air transportation.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, the Board may suspend or revoke authority of an air carrier to serve any point in foreign air transportation authorized in a certificate issued under this section, upon notice and with a reasonable opportunity for the affected carrier to present its views, but without hearing, if the carrier has notified the Board in accordance with subsection (j) of this section or any regulation of the Board that it proposes to suspend all service provided by that carrier to such point, or, except at a point which is provided seasonal service comparable to that provided during the previous year, if the carrier has failed to provide any regularly scheduled service to the point for 90 days preceding the date of the Board's notice to the carrier of its proposed action."

Sec. 7. Section 402(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(b)) is amended to read as follows:

"ISSUANCE OF PERMIT

"(b) The Board is empowered to issue such a permit if it finds (1) that the applicant is fit, willing, and able properly to perform such foreign air transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder and (2) either that the applicant is qualified, and has been designated by its government, to perform such foreign air transportation under the terms of an agreement with the United States, or that such transportation will be in the public interest."

Sec. 8. The third sentence of section 402(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(d)) is amended by striking out "Such application shall be set for public hearing and the" and inserting in lieu thereof "The".

Sec. 9. Section 402(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(f)) is amended by inserting "(1)" immediately after "(f)" and by adding at the end thereof the following new paragraph:

Foreign air carriers.

"(2) Whenever the Board finds that the government, aeronautical authorities, or foreign air carriers of any foreign country have, over the objections of the Government of the United States, impaired, limited, or denied the operating rights of United States air carriers, or engaged in unfair, discriminatory, or restrictive practices with a substantial adverse competitive impact upon United States carriers, with respect to air transportation services to, from, through, or over the territory of such country, the Board may, without hearing but subject to the approval of the President of the United States, summarily suspend the permits of the foreign air carriers of such country, or alter, modify, amend, condition, or limit operations under such permits, if it finds such action to be in the public interest. The Board may also, without hearing but subject to Presidential approval, to the extent necessary to make the operation of this paragraph effective, restrict operations between such foreign country and the United States by any foreign air carrier of a third country."

Sec. 10. Section 407(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1377(a)) is amended by inserting the phrase "or foreign air carrier"

immediately after the words "air carrier" each time those words appear therein.

Sec. 11. Section 412 of the Federal Aviation Act of 1958 (49 U.S.C. 1882) is amended by—

- (1) striking subsections (a) and (b) thereof;
- (2) redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively;
- (3) striking the words "affecting interstate or overseas air transportation and" in subsection (a)(1), as so redesignated by this section;
- (4) inserting the words "including international comity or foreign policy considerations," immediately after "public benefits," in paragraph (a)(2)(A)(i), as so redesignated by this section;
- (5) inserting the words "affecting interstate or overseas air transportation" immediately after the word "agreement," in paragraph (a)(2)(A)(ii), as so redesignated by this section;
- (6) inserting the words "or foreign air carrier" immediately after the words "air carrier" the first two times those words appear in subsection (a)(1), as so redesignated by this section; and
- (7) striking out "or (c)", inserting "the Secretary of State," after "shall provide to the Attorney General", and striking out "such Secretary" and inserting in lieu thereof "either Secretary", in subsection (b), as redesignated by this section.

Sec. 12. (a) The center heading for section 412(a) of the Federal Aviation Act of 1958, as redesignated by section 11 of this Act, is amended by striking out

"AFFECTING INTERSTATE OR OVERSEAS AIR TRANSPORTATION".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 412. Pooling and other agreements."
is amended to read as follows:

- "(a) Filing and approval of agreements.
- "(b) Proceedings upon filing.
- "(c) Mutual aid agreement."

Sec. 13. Section 416(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1886) is amended by adding at the end thereof the following new paragraph:

"(7) The Board may by order, to the extent it finds that such action is required in the public interest, exempt any foreign air carrier for a period not to exceed 30 days from the requirements or limitations of this Act, to the extent necessary to authorize the foreign air carrier to carry passengers, cargo, or mail in interstate or overseas air transportation in certain markets if the Board, after consultation with the Secretary of Transportation, finds that—

"(A) because of an emergency created by unusual circumstances not arising in the normal course of business, traffic in such markets cannot be accommodated by air carriers holding certificates under section 401 of this Act;

"(B) all possible efforts have been made to accommodate such traffic by utilizing the resources of such air carriers (including, for example, the use of foreign aircraft, or sections of foreign aircraft, that are under lease or charter to such air carriers, and the use of such air carriers' reservation systems to the extent practicable);

Foreign air
carrier
exemption.

Ante p. 37.

Acta, p. 87.

"(C) such authorization is necessary to avoid undue hardship for the traffic in such market that cannot be accommodated by air carriers holding certificates under section 401 of this Act; and

"(D) in any case where the inability to accommodate traffic in a market results from a labor dispute, the granting of such an exemption will not result in an undue advantage to any party to such dispute.

Whenever the Board grants such authority to a foreign air carrier under this paragraph, the Board shall—

"(i) assure that any air transportation provided by the foreign carrier under such authority is made available on fair and reasonable terms;

"(ii) continuously monitor the passenger load factor of air carriers in such market that hold certificates under section 401 of this Act; and

"(iii) review such authority no less frequently than once every 30 days to assure that the unusual circumstances that created the need for such authority still exist.

The Board may renew any exemption under this paragraph (including any renewal thereof) for a period not to exceed 30 days. In no event shall any authorization to a foreign air carrier under this paragraph remain in effect for more than 5 days after the unusual circumstances that created the need for such authorization have ceased."

Sec. 14. Section 1002(j)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(1)) is amended to read as follows:

**"SUSPENSION AND REJECTION OF RATES IN FOREIGN AIR
TRANSPORTATION**

"(j)(1) Whenever any air carrier or foreign air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers) rate, fare, or charge for foreign air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, or in the case of a tariff filed by a foreign air carrier if such action is in the public interest, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding 365 days in the aggregate beyond the time when such tariff would otherwise go into effect. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes with or without hearing that such action is in the public interest, the Board may take action to reject or cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the

suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded and an order made within the period of suspension or suspensions, or if the Board shall otherwise so direct, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect subject, however, to being canceled when the proceeding is concluded. During the period of any suspension or suspensions, or following rejection or cancellation of a tariff, including tariffs which have gone into effect provisionally, the affected air carrier or foreign air carrier shall maintain in effect and use the rate, fare, or charge, or the classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder which was in effect immediately prior to the filing of the new tariff or such other rate, fare or charge as may be provided for under an applicable intergovernmental agreement or understanding. If the suspension, rejection, or cancellation is of an initial tariff, the affected air carrier or foreign air carrier may file for purposes of operations pending effectiveness of a new tariff, a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation."

Sec. 15. Section 1002(j)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(2)) is amended to read as follows:

"(2) With respect to any existing tariff of an air carrier or foreign air carrier stating rates, fares, or charges for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter into a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice, and pending such hearing and the decision thereon, or in the case of a tariff filed by a foreign air carrier if such action is in the public interest, the Board upon reasonable notice, and by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, and the effective date thereof, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, following the effective date of such suspension, for a period or periods not exceeding 365 days in the aggregate from the effective date of such suspension. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes with or without hearing that such action is in the public interest, the Board may take action to cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded within the period of suspension or suspensions, the tariff shall again go into effect subject, however, to being canceled when the proceeding is concluded. For the purposes of operation during the period of such suspension, or the period following cancellation of an existing tariff pending effectiveness of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, fare, or charge, or any

Suspension of
tariff.

classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation."

Sec. 16. Section 1002(j)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(5)) is amended by (1) striking the word "and" at the end of subparagraph (E) thereof, (2) striking the period at the end of subparagraph (F) and inserting in lieu thereof "; and", and (3) adding at the end thereof the following new subparagraph:

"(G) reasonably estimated or foreseeable future costs and revenues for such air carrier or foreign air carrier for a reasonably limited future period during which the rate at issue would be in effect."

Sec. 17. Section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502) is amended by inserting "(a)" immediately after "Sec. 1102." and by adding at the end thereof the following new subsections:

"GOALS FOR INTERNATIONAL AVIATION POLICY

"(b) In formulating United States international air transportation policy, the Congress intends that the Secretary of State, the Secretary of Transportation, and the Civil Aeronautics Board shall develop a negotiating policy which emphasizes the greatest degree of competition that is compatible with a well-functioning international air transportation system. This includes, among other things:

"(1) the strengthening of the competitive position of United States air carriers to at least assure equality with foreign air carriers, including the attainment of opportunities for United States air carriers to maintain and increase their profitability, in foreign air transportation;

"(2) freedom of air carriers and foreign air carriers to offer fares and rates which correspond with consumer demand;

"(3) the fewest possible restrictions on charter air transportation;

"(4) the maximum degree of multiple and permissive international authority for United States air carriers so that they will be able to respond quickly to shifts in market demand;

"(5) the elimination of operational and marketing restrictions to the greatest extent possible;

"(6) the integration of domestic and international air transportation;

"(7) an increase in the number of nonstop United States gateway cities;

"(8) opportunities for carriers of foreign countries to increase their access to United States points if exchanged for benefits of similar magnitude for United States carriers or the traveling public with permanent linkage between rights granted and rights given away;

"(9) the elimination of discrimination and unfair competitive practices faced by United States airlines in foreign air transportation, including excessive landing and user fees, unreasonable ground handling requirements, undue restrictions on operations, prohibitions against change of gauge, and similar restrictive practices; and

"(10) the promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

"CONSULTATION WITH AFFECTED GROUPS

"(c) To assist in developing and implementing such an international aviation negotiating policy, the Secretaries of State and Transportation and the Civil Aeronautics Board shall consult, to the maximum extent practicable, with the Secretary of Commerce, the Secretary of Defense, airport operators, scheduled air carriers, charter air carriers, airline labor, consumer interest groups, travel agents and tour organizers, and other groups, institutions, and government agencies affected by international aviation policy concerning both broad policy goals and individual negotiations.

"OBSERVER STATUS FOR CONGRESSIONAL REPRESENTATIVES

"(d) The President shall grant to at least one representative of each House of Congress the privilege to attend international aviation negotiations as an observer if such privilege is requested in advance in writing."

Sec. 18. (a) The center heading for section 1102 of the Federal Aviation Act of 1958 is amended to read as follows:

49 USC 1502.

"INTERNATIONAL AGREEMENTS

"ACTIONS OF THE BOARD AND SECRETARY OF TRANSPORTATION"

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1102. International agreements."
and inserting in lieu thereof

"Sec. 1102. International agreements.

- "(a) Actions of the Board and Secretary of Transportation.
- "(b) Goals for international aviation policy.
- "(c) Consultation with affected groups.
- "(d) Observer status for Congressional representatives."

Sec. 19. Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) is amended by striking the words "international negotiations and" and inserting in lieu thereof "international negotiations or".

Sec. 20. The third sentence of section 1108(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1508(b)) is amended by inserting immediately before the period at the end thereof the following: "unless specifically authorized under section 416(b)(7) of this Act or under regulations prescribed by the Secretary authorizing United States air carriers to engage in otherwise authorized common carriage and carriage of mail with foreign registered aircraft under lease or charter to them without crew".

Ante. p. 39.

Sec. 21. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517) is amended to read as follows:

**"TRANSPORTATION OF GOVERNMENT-FINANCED PASSENGERS AND
PROPERTY**

**"TRANSPORTATION BETWEEN THE UNITED STATES AND A PLACE OUTSIDE
THEREOF**

"Sec. 1117. (a) Except as provided in subsection (c) of this section, whenever any executive department or other agency or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted or utilized by or otherwise established for the account of the United States, or shall furnish to or for the account of any foreign nation, or any international agency, or other organization, of whatever nationality, without provisions for reimbursement, any transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is available.

49 USC 1871.

"TRANSPORTATION BETWEEN TWO PLACES OUTSIDE THE UNITED STATES

"(b) Except as provided in subsection (c) of this section, whenever persons (and their personal effects) or property described in subsection (a) of this section are transported by air between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is reasonably available.

"TRANSPORTATION PURSUANT TO BILATERAL AGREEMENT

"(c) Nothing in this section shall preclude the transportation of persons (and their personal effects) or property by foreign air carriers if such transportation is provided for under the terms of a bilateral or multilateral air transport agreement between the United States and a foreign government or governments and if such agreement (1) is consistent with the goals for international aviation policy set forth in section 1102(b) of this Act and (2) provides for the exchange of rights or benefits of similar magnitude.

And p. 42.

**"DISALLOWANCE OF IMPROPER EXPENDITURE BY COMPTROLLER
GENERAL**

"(d) The Comptroller General of the United States shall disallow any expenditure from appropriated funds for payment for personnel or cargo transportation in violation of this section in the absence of satisfactory proof of the necessity therefor. Nothing in this section shall prevent the application to such traffic of the antidiscrimination provisions of this Act."

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Sec. 22. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1117 Transportation of Government-financed passengers and property." and inserting in lieu thereof

- "Sec. 1117. Transportation of Government-financed passengers and property.
 - "(a) Transportation between the United States and a place outside thereof.
 - "(b) Transportation between two places outside the United States.
 - "(c) Transportation pursuant to bilateral agreement.
 - "(d) Disallowance of improper expenditure by Comptroller General."

Sec. 23. Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and adding a new subsection (b) as follows:

"(b)(1) Whenever the Civil Aeronautics Board, upon complaint or upon its own initiative, determines that a foreign government or instrumentality, including a foreign air carrier (A) engages in unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practices against a United States air carrier or (B) imposes unjustifiable or unreasonable restrictions on access of a United States air carrier to foreign markets, the Board may take such action as it deems to be in the public interest to eliminate such practices or restrictions. Such actions may include, but are not limited to, the denial, transfer, alteration, modification, amendment, cancellation, suspension, limitation, or revocation of any foreign air carrier permit or tariff pursuant to the powers of the Board under the Federal Aviation Act of 1958.

Discriminatory, predatory, or anticompetitive practices.

"(2) Any United States air carrier or any agency of the Government of the United States may file a complaint under this section with the Civil Aeronautics Board. The Board shall approve, deny, dismiss, set such complaint for hearing or investigation, or institute other proceedings proposing remedial action within 60 days after receipt of the complaint. The Board may extend the period for taking such action for an additional period or periods of up to 30 days each if the Board concludes that it is likely that the complaint can be satisfactorily resolved through negotiations with the foreign government or instrumentality during such additional period, but in no event may the aggregate period for taking action under this subsection exceed 180 days from receipt of the complaint. In considering any complaint, or in any proceedings under its own initiative, under this subsection the Board shall (A) solicit the views of the Department of State and the Department of Transportation and (B) provide any affected air carrier or foreign air carrier with reasonable notice and such opportunity to file written evidence and argument as is consistent with acting on the complaint within the time limits set forth in this subsection.

49 USC 1501 note. Complaint, filing.

Solicitation of views.

"(3) Any action proposed by the Board pursuant to this section shall be transmitted to the President pursuant to section 801 of the Federal Aviation Act of 1958 (49 U.S.C. 1461)."

Transmittal to President.

Sec. 24. (a) Section 1002(j) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)) is amended by adding at the end thereof the following new paragraphs:

Foreign air fares

"(6) The Board shall not have authority to find any fare for foreign air transportation of persons to be unjust or unreasonable on the basis that such fare is too low or too high if—

"(A) with respect to any proposed increase filed with the Board on or after the date of enactment of this paragraph, and before the 180th day after such date of enactment, such proposed fare would not be more than the standard foreign fare level for the same or essentially similar class of service. No such fare shall be suspended, unless the Board determines that it may be unduly preferential, unduly prejudicial, or unjustly discriminatory or that suspension is in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals of an air carrier; or

"(B) with respect to any proposed increase filed with the Board after the 180th day after the date of enactment of this paragraph such proposed fare would not be more than 5 percent higher than the standard foreign fare level for the same or essentially similar class of service. No such fare shall be suspended, unless the Board determines that it may be unduly preferential, unduly prejudicial, or unjustly discriminatory or that suspension is in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals of an air carrier; or

"(C) with respect to any proposed decrease filed after the date of enactment of this paragraph, the fare would not be more than 50 percent lower than the standard foreign fare level for the same or essentially similar class of service, except that this provision shall not apply to any proposed decrease in any fare if the Board determines that such proposed fare may be predatory or discriminatory or that suspension of any such fare is required because of unreasonable regulatory actions by a foreign government with respect to fare proposals by an air carrier.

"Standard foreign fare level."

"(7) For purposes of this subsection, 'standard foreign fare level' means that fare level (as adjusted only in accordance with paragraph (9) of this subsection) filed for and permitted by the Civil Aeronautics Board to go into effect on or after October 1, 1979 and before the 180th day after the date of enactment of this paragraph (with seasonal fares adjusted by the percentage difference that prevailed between seasons in 1978), or the fare level established under paragraph (8), for each pair of points, for each class of fare existing on that date, and in effect on the effective date of the establishment of each additional class of fare established after October 1, 1979.

Unjust or unreasonable fares, determination.

"(8)(A) The Board is authorized, on the basis of oral evidentiary hearings before an administrative law judge, to determine that a fare between two points on October 1, 1979 is unjust or unreasonable. Such oral evidentiary hearing shall be completed within 180 days of enactment of this section, and the Board may establish such deadlines including the deadline for the judge's decision as the Board may deem necessary to meet such requirement. If the Board determines that such a fare is unjust or unreasonable, the Board shall, on the basis of such hearing record, establish the standard foreign fare level between such points.

"(B) Standard foreign fare levels shall not be established under this paragraph for points between which the passengers carried by United States carriers in foreign air transportation are, in the aggregate, more than 25 percent of the total passengers carried by United States air carriers in foreign air transportation during the most recent 12-month period for which data is available.

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"(C) The establishment of a standard foreign fare level under this paragraph does not permit a reduction in fares.

"(D) No standard foreign fare level established under this paragraph shall take effect on or before the 180th day after the date of enactment of this paragraph.

"(E) The authority given the Board by subparagraph (A) of this paragraph shall expire on the 180th day after the date of enactment of this paragraph.

"(9) The Board shall, within 30 days after the date of enactment of this paragraph, and not less often than every 60 days thereafter with respect to fuel costs and not less often than every 180 days with respect to all other costs, adjust each standard foreign fare level for the particular foreign air transportation to which such standard foreign fare level applies by increasing or decreasing such standard foreign fare level, as the case may be, by the percentage change from the last previous period in the actual operating cost per available seatmile. In determining the standard foreign fare level, the Board shall make no adjustment to costs actually incurred. In establishing standard foreign fare levels and making the adjustments called for in this paragraph, the Board may use all relevant or appropriate information reasonably available to it.

Fare
adjustment.

"(10) The Board may by rule increase the percentage specified in paragraph (9)(C) of this subsection."

(b) Section 403(c)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(c)(1)) is amended by (1) inserting the words "or foreign air carrier" after the words "air carrier" each time those words appear therein and (2) inserting the words "or foreign air carrier's" after the words "air carrier's".

(c) Section 403(c)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(c)(2)) is amended to read as follows:

"(2) If the effect of any proposed tariff change would be to institute a fare that is outside of the applicable range of fares specified in subparagraphs (A) and (B) of section 1002(d)(4) or subparagraphs (A), (B), and (C) of section 1002(j)(6) of this Act, or specified by the Board under section 1002(d)(7) or section 1002(j)(9) of this Act, or would be to institute a fare to which such range of fares does not apply, then such proposed change shall not be implemented except after 60 days' notice filed in accordance with regulations prescribed by the Board."

49 USC 1482

Sec. 25. Section 1002(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(c)) is amended by inserting the words ", subject to section 1102(a) of this Act," immediately before the words "issue an appropriate order".

49 USC 1502

Sec. 26. (a) Paragraph (1) of section 401(n) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(n)(1)) is amended to read as follows:

"(1) Notwithstanding any other provision of this title, no air carrier providing air transportation under a certificate issued under this section shall commingle, on the same flight, passengers being transported in interstate, overseas, or foreign charter air transportation with passengers being transported in scheduled interstate, overseas, or foreign air transportation, except that this subsection shall not apply to the carriage of passengers in air transportation under group fare tariffs."

Commingle of
passengers.

(b) Paragraph (1) of section 401(n) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(n)(1)) and the authority of the Civil Aeronautics Board with respect to such paragraph shall cease to be in effect on December 31, 1981.

Sec. 27. Section 414 of the Federal Aviation Act of 1958 (49 U.S.C. 1384) is amended by adding at the end thereof the following new

"Anti-trust laws." sentence: "Notwithstanding the preceding sentence, on the basis of the findings required by subsection (a)(2)(A)(i) of section 412, the Board shall, as part of any order under such section which approves any contract, agreement, or request or any modification or cancellation thereof, exempt any person affected by such order from the operations of the 'anti-trust laws' set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12) to the extent necessary to enable such person to proceed with the transaction specifically approved by the Board in such order and with those transactions necessarily contemplated by such order."

Fee collection. **Sec. 28.** Section 45 of the Airline Deregulation Act of 1978 (49 U.S.C. 1341 note) is amended by inserting "(a)" after "Sec. 45." and by adding at the end thereof the following new subsections:

"(b) Nothing in this section shall prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from collecting a fee, charge, or price for any test, authorization, certificate, permit, or rating, administered or issued outside the United States, relating to any airman or repair station.

"United States." "(c) For purposes of this section, the term 'United States' shall have the meaning given such term in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)."

Love Field, Tex. **Sec. 29.** (a) Except as provided in subsection (c), notwithstanding any other provision of law, neither the Secretary of Transportation, the Civil Aeronautics Board, nor any other officer or employee of the United States shall issue, reissue, amend, revise, or otherwise modify (either by action or inaction) any certificate or other authority to permit or otherwise authorize any person to provide the transportation of individuals, by air, as a common carrier for compensation or hire between Love Field, Texas, and one or more points outside the State of Texas, except (1) charter air transportation not to exceed ten flights per month, and (2) air transportation provided by commuter airlines operating aircraft with a passenger capacity of 56 passengers or less.

(b) Except as provided in subsections (a) and (c), notwithstanding any other provision of law, or any certificate or other authority heretofore or hereafter issued thereunder, no person shall provide or offer to provide the transportation of individuals, by air, for compensation or hire as a common carrier between Love Field, Texas, and one or more points outside the State of Texas, except that a person providing service to a point outside of Texas from Love Field on November 1, 1979, may continue to provide service to such point.

(c) Subsections (a) and (b) shall not apply with respect to, and it is found consistent with the public convenience and necessity to authorize, transportation of individuals, by air, on a flight between Love Field, Texas, and one or more points within the States of Louisiana, Arkansas, Oklahoma, New Mexico, and Texas by an air carrier, if (1) such air carrier does not offer or provide any through service or ticketing with another air carrier or foreign air carrier, and (2) such air carrier does not offer for sale transportation to or from, and the flight or aircraft does not serve, any point which is outside any such State. Nothing in this subsection shall be construed to give authority not otherwise provided by law to the Secretary of Transportation, the Civil Aeronautics Board, any other officer or employee of the United States, or any other person.

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(d) This section shall not take effect if enacted after the enactment of the Aviation Safety and Noise Abatement Act of 1979.

Effective date.
Part, p. 50.

Approved February 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-602 accompanying H.R. 5481 (Comm. on Public Works and Transportation) and No. 96-716 (Comm. of Conference).

SENATE REPORTS: No. 96-329 (Comm. on Commerce, Science, and Transportation) and No. 96-531 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Sept. 29, considered and passed Senate.

Nov. 13, H.R. 5481 considered and passed Senate; passage vacated and S. 1300, amended, passed in lieu.

Vol. 128 (1980): Jan. 31, Senate agreed to conference report.

Feb. 4, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 16, No. 7 (1980): Feb. 15, Presidential statement.

181354

Appendix C

The Five Party Agreement and the LFMP Term Sheet



181354



CONTRACT

AMONG THE CITY OF DALLAS, THE CITY OF FORT WORTH, SOUTHWEST AIRLINES CO., AMERICAN AIRLINES, INC., AND DFW INTERNATIONAL AIRPORT BOARD INCORPORATING THE SUBSTANCE OF THE TERMS OF THE JUNE 15, 2006 JOINT STATEMENT BETWEEN THE PARTIES TO RESOLVE THE "WRIGHT AMENDMENT" ISSUES

WHEREAS, certain Members of the United States Congress have introduced legislation to either repeal or further modify the restrictions of the Wright Amendment, as amended by the 1997 Shelby Amendment and the 2005 Amendment (herein referred to as the "Wright Amendment"), or prohibit commercial air passenger service at Dallas Love Field Airport ("Love Field"); and

WHEREAS, certain Congressional leaders informed the Cities of Dallas and Fort Worth (collectively, the "Cities") that it would be preferable for the Cities to present a local solution for addressing airport issues in the North Central Texas region and particularly, in the Dallas/ Fort Worth metropolitan area, prior to any further action being taken by Congress that would directly impact aviation services in the region; and

WHEREAS, in response to various pending and proposed Congressional actions that would further affect, modify, or repeal the Wright Amendment, the City Councils of Dallas and Fort Worth, on March 8, 2006 and March 7, 2006, respectively, passed a Concurrent Resolution (identified as Dallas Resolution No. 06-0870 and Fort Worth Resolution No. 3319-03-2006), requesting members of the United States Congress to refrain from taking any action regarding, or making any further amendments to, the Wright Amendment in order to allow the Cities an opportunity to work towards a local solution for addressing airport issues in the North Central Texas region, and to present a mutually agreed upon plan to the Congress for its consideration; and

WHEREAS, the City of Dallas, pursuant to Resolution No. 06-0997, adopted April 6, 2006, commissioned an Impact Analysis/Master Plan Update for Love Field by DMJM Aviation, Inc. to provide updated information and analysis as to aircraft noise, air quality, traffic impact, and economic impact at Love Field if the Wright Amendment were repealed or substantially modified; and

WHEREAS, the Love Field Impact Analysis Update prepared by DMJM Aviation, Inc. and GRA, Inc. found that, in the absence of the Wright Amendment, the overall impacts of operating 20 gates at Love Field under a "No Wright Amendment scenario" are the most comparable to the environmental thresholds agreed to and established in the 2001 Master Plan/Impact Analysis 32 gate scenario with the Wright Amendment in place; and

WHEREAS, earlier this year, the Honorable Laura Miller, Mayor of Dallas, and the Honorable Mike Moncrief, Mayor of Fort Worth, held a series of meetings with interested parties in an effort to reach a local agreement regarding Love Field that would end the prolonged and divisive controversies between the two Cities and that would serve and protect the interests of all citizens of the Dallas-Fort Worth area, including

residents living in the vicinity of Love Field, as well as business, consumer, and other constituencies affected by the Love Field controversies; and

WHEREAS, after investigation and analysis of the available facts and giving due consideration to the economic, environmental, and personal welfare and interests of their respective residents, the general public, and the holders of DFW Airport Joint Revenue Bonds, the Cities of Dallas and Fort Worth conferred, deliberated, and agreed to a local solution regarding the Wright Amendment and related matters that best serves such interests given the likelihood that Congress could take action to repeal or substantially modify the Wright Amendment; and

WHEREAS, the Mayors, in consultation with other leaders in the two cities, first were able to reach a basic agreement between themselves and with representatives of the Dallas/Fort Worth International Airport Board ("DFW Board"); and

WHEREAS, the Mayors, representatives of the DFW Board, and other governmental officials then met separately with Southwest Airlines and American Airlines to advise those airlines that the local governments would announce a local solution and recommend it to Congress and that they wanted the airlines to consent to, and endorse, the local solution; and

WHEREAS, the Mayors and representatives of the DFW Board thereafter conducted certain limited negotiations separately with Southwest Airlines and American Airlines; and

WHEREAS, Southwest Airlines and American Airlines concluded, separately, that the local solution reached among, and urged upon them by, the local governments would be favorably received by the Congress, and that under the circumstances presented, the airlines should support the effort of the Cities and the DFW Board and acquiesce in, and agree to support, the local solution; and

WHEREAS, the City Councils of Dallas and Fort Worth, on June 28, 2006 and July 11, 2006, respectively, passed a Concurrent Resolution (identified as Dallas Resolution No. 06-1838 and Fort Worth Resolution No. 3386-07-2006) and the DFW Board on June 29, 2006 passed Resolution No. 2006-06-210, approving the Joint Statement signed by the City of Dallas, City of Fort Worth, Southwest Airlines, American Airlines, and the DFW Board on June 15, 2006, authorizing the execution of this Contract between the Parties incorporating the substance of the Joint Statement, and requesting the United States Congress to enact legislation consistent therewith;

Therefore, the Parties agree as follows:

ARTICLE I.

1. The City of Dallas, the City of Fort Worth, Southwest Airlines, American Airlines, and DFW Board, (herein, the "Parties.") agree to seek the enactment of legislation to allow for the full implementation of this Contract including, but not limited to, amending section 29 of the International Air Transportation Competition Act of 1979, more commonly known as the "Wright Amendment" and ultimately effect its repeal as follows:
 - a. To immediately allow airlines serving Love Field to offer through ticketing between Love Field and any destinations (including international destinations) through any point in Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama, and to market such services;

- b. Except as provided herein, to eliminate all the remaining restrictions on air service from Love Field after eight years from the enactment of legislation; and
 - c. To limit charter flights as set forth in Article II, Section 16 of this Contract.
2. The Parties agree that non-stop international commercial passenger service to and from the Dallas-Fort Worth area shall be limited exclusively to DFW International Airport ("DFW Airport"). The Cities shall work jointly to encourage all such flights into DFW Airport.
 3. The Parties agree that consistent with a revised Love Field Master Plan, based upon the 2006 Love Field Impact Analysis Update prepared by DMJM Aviation, Inc., the number of gates available for passenger air service at Love Field will be, as soon as practicable, reduced from the 32 gates envisioned in the 2001 Love Field Master Plan to 20 gates and that Love Field will thereafter be limited permanently to a maximum of 20 gates.
 - a. Airlines may not subdivide a "gate." A gate shall consist of one passenger hold room and one passenger loading jet bridge supporting one aircraft parking space, and no hardstand operations, except as allowed herein, shall be permitted. Nothing shall preclude any airline from utilizing hardstands for RON parking, maintenance, training, or for irregular operations (i.e. flights that were scheduled originally for one of the twenty available gates and cannot be accommodated thereon due to weather, maintenance or unforeseen emergencies), or other uses that do not involve passenger air service.
 - b. American Airlines and Southwest Airlines agree to voluntarily surrender gate rights under existing leases in order to reduce the number of gates as necessary to implement this agreement. During the four year period from the date the legislation as provided herein is signed into law: Southwest Airlines shall have the preferential use of 15 gates under its existing lease to be used for passenger operations; American Airlines shall have the preferential use of 3 gates under its existing lease to be used for passenger operations; and ExpressJet Airlines, Inc., shall have the preferential use of 2 gates under its existing lease to be used for passenger operations. Thereafter, Southwest Airlines shall have the preferential use of 16 gates under its existing lease to be used for passenger operations; American Airlines shall have the preferential use of 2 gates under its existing lease to be used for passenger operations; and ExpressJet Airlines, Inc., shall have the preferential use of 2 gates under its existing lease to be used for passenger operations. In consideration of Southwest Airlines' substantial divestment of gates at Love Field and the need to renovate or reconstruct significant portions of the concourses, Southwest Airlines shall have the sole discretion (after consultation with the City) to determine which of its gates it uses within its existing leasehold at Love Field during all phases of reconstruction. Upon the earlier of (i) the completion of the concourse renovation, or (ii) 4 years from the date the legislation as provided herein is signed into law, all Parties agree that facilities will be modified as necessary, up to and including demolition, to ensure that Love Field can accommodate only 20 gates for passenger service. To the extent a new entrant carrier seeks to enter Love Field, the City of Dallas will seek voluntary accommodation from its existing carriers to accommodate the new entrant service. If the existing carriers are not able or are not willing to accommodate the new entrant service, then the City of Dallas agrees to require the sharing of preferential lease gates, pursuant to Dallas' existing lease agreements. To the extent that any existing airline gates leased at Love Field revert to the City of Dallas, these gates shall be converted to common use during the existing term of the lease.

4. The City of Dallas agrees that it will negotiate a voluntary noise curfew at Love Field precluding scheduling passenger airline flights between 11 p.m. and 6 a.m. Southwest Airlines and American Airlines shall enter into agreements with respect thereto with the City of Dallas.
5. The City of Dallas agrees that it will significantly redevelop portions of Love Field, including the modernization of the main terminal, consistent with a revised Love Field Master Plan based upon the Love Field Impact Analysis Update prepared by DMJM Aviation, Inc. (the "Love Field Modernization Program" or "LFMP"). In addition, the City agrees that it will acquire all or a portion of the lease on the Lemmon Avenue facility, up to and including condemnation, necessary to fulfill its obligations under this Contract. The City of Dallas further agrees to the demolition of the gates at the Lemmon Avenue facility immediately upon acquisition of the current lease to ensure that that facility can never again be used for passenger service.

The Parties agree that a minimum investment of \$150 million and up to a maximum of \$200 million in 2006 dollars (the "Spending Cap"), as adjusted for inflation, will be made by the City of Dallas for the LFMP, and that the capital and operating costs for the LFMP may be recovered through increased landing fees, space rental charges, or Passenger Facility Charges ("PFCs"). The Parties contemplate that financing the LFMP will include both the retirement of existing debt and the issuance of new debt for the LFMP.

The Spending Cap shall be exclusive of the costs connected with the acquisition and demolition of the Lemmon Avenue gates and of the capital costs associated with the development and construction of a "people mover" connector to the DART mass transit system ("the Connector"). The costs for the acquisition and demolition of the Lemmon Avenue gates will be recovered from airport users, but the capital costs for the Connector may not be included in airline terminal rents or landing fees, except as expressly provided for herein below. The City of Dallas may seek approval to use PFC revenues for the Connector, and Southwest Airlines agrees to support such application. The City of Dallas shall, in addition, seek state, federal, DART, and any other available public funds to supplement such PFC funds; provided, however, that nothing herein shall obligate the City of Dallas to undertake the Connector project. Notwithstanding the preceding, in the event PFC funds are not approved for the Connector, the City of Dallas may use airport funds for the Connector; provided, however, if airport funds are used for the Connector, the City of Dallas shall be obligated to apply for, and use, PFCs to pay for PFC eligible portions of the LFMP. In any event, the combined total spending for both the LFMP and the Connector, exclusive of PFCs, shall not exceed the Spending Cap, except as provided immediately below.

In the event that PFCs are not approved for either the Connector or the LFMP, as provided herein, terminal rents and landing fees may be used for such improvements, thus exceeding the Spending Cap; provided, however, that the City shall use its best efforts to seek and use PFCs, state, federal, DART, and any other available public funds (other than City of Dallas general funds) as the only sources of funding for the Connector and to avoid impacting terminal rents and landing fees.

Except as otherwise provided herein, capital costs in excess of the aforementioned Spending Cap that impact terminal rents and landing fees shall be subject to agreement between Southwest Airlines and the City of Dallas, except that, following consultation with Southwest Airlines, the City of Dallas may proceed with necessary projects required for reasons of safety, security, normal maintenance and repair, or federal mandate, and such costs may be included in terminal rents and

landing fees. The operating reserve of Love Field shall never exceed one year's operating costs (operating and maintenance plus debt service) during the term of Southwest Airlines' lease.

To recover the costs of the LFMP, the City of Dallas shall negotiate amendments of the Leases of Terminal Building Premises previously entered into with Southwest Airlines, American Airlines, and ExpressJet Airlines, Inc., and will also adopt City ordinances modifying the terminal rents and landing fees to be paid by airline users of Love Field.

Southwest Airlines and the City of Dallas shall agree on a phase-in of the LFMP and will decide which party will fund and manage the construction of the LFMP. Southwest Airlines' expenditures for its share of the LFMP's capital costs shall be credited toward the minimum and maximum requirements. To the extent possible, the LFMP shall be completed by the expiration of the 8-year period.

6. The Cities agree that they will both oppose efforts to initiate commercial passenger air service at any area airport other than DFW Airport (and Love Field, subject to the provisions contained herein) during the eight-year period. "Commercial passenger air service" does not include a spaceport or air taxi service as defined by Part 135 of the Federal Aviation Regulations. The Cities agree to jointly oppose any attempts to repeal or further modify the Wright Amendment earlier than the eight-year period. To the extent any other airport within an eighty-mile radius of Love Field seeks to initiate scheduled commercial passenger service within this eight-year period, both the Cities agree to work diligently to bring that service to DFW Airport, or if that effort fails, then to airports owned by the Cities of Dallas and/or Fort Worth.
7. The continuation of this Contract beyond December 31, 2006, is conditioned on Congress having enacted legislation prior thereto, allowing the Parties to implement the terms and spirit of this Contract. It is the position of the Parties that Congress should not exempt additional states from the Wright Amendment during the eight-year period before it is eliminated.
8. This Contract shall not be modified except upon mutual agreement of all of the Parties.
9. The Cities acknowledge their outstanding DFW Airport bond covenants, to the extent such covenants are legally enforceable, and nothing in this Contract is intended to nor shall contravene such covenants. By the execution of this Contract, Southwest Airlines does not surrender any of its rights to operate at Love Field except as explicitly outlined in this Contract.
10. If Southwest Airlines or its affiliate or code share partner (except for published/scheduled code share service from DFW Airport to Midway Airport as of June 14, 2006) chooses to operate passenger service from another airport within an 80-mile radius of Love Field in addition to its operations at Love Field, then for every such gate which Southwest Airlines, its affiliate or code share partner, operates or uses at another airport within this radius, Southwest Airlines will voluntarily relinquish control of an equivalent number of gates at Love Field, up to 8 gates and such gates shall be made available to other carriers. If other carriers are not interested in these gates, then they can be made available to Southwest Airlines for its use on a common use basis. This requirement to relinquish gates shall expire in 2025. This provision shall not apply to a code share partner not operating under Southwest Airlines' or its affiliates' code at an airport within this 80-mile radius.

11. If American Airlines or its affiliate or code share partner chooses to operate passenger service from another airport within an 80-mile radius of Love Field in addition to its operations at DFW Airport and Love Field, then for every such gate which American Airlines, its affiliate or code share partner, operates or uses at another airport within this radius except for DFW Airport and Love Field, American Airlines will voluntarily relinquish control of an equivalent number of gates at Love Field, up to one and one-half gates and such gates shall be made available to other carriers. If other carriers are not interested in these gates, then they can be made available to American Airlines for its use on a common use basis. This requirement to relinquish gates shall expire in 2025. This provision shall not apply to a code share partner not operating under American Airlines' or its affiliates' code at an airport within this 80-mile radius.
12. Each carrier shall enter into separate agreements and take such actions, as necessary or appropriate, to implement its obligations under this Contract. Similarly, the Cities shall enter into such agreements and take such actions, as necessary or appropriate, to implement the Contract. All such agreements and actions are subject to the requirements of law. Such agreements shall include amendments to: (i) American Airlines' Love Field terminal lease; and (ii) Southwest Airlines' Love Field terminal lease. The City of Dallas shall develop a revised Love Field Master Plan consistent with this Contract.
13. In the event that Congress at any time, enacts legislation that repeals the Wright Amendment sooner than the eight years identified in paragraph 1.b. of Article I. herein, or authorizes service (except for through ticketing service as contemplated by paragraph 1.a. of Article I. herein) between Love Field and one or more domestic or international destinations other than those currently allowed under the Wright Amendment during the eight year period, and if Southwest Airlines or its affiliate or code share partner commences non-stop service to or from Love Field to a destination not currently allowed under the Wright Amendment, then Southwest Airlines will voluntarily relinquish control of 8 gates and such gates will be made available to other carriers. If other carriers are not interested in these gates, then they can be made available to Southwest Airlines for their use on a common use basis. This provision shall not apply to a code share partner not operating under Southwest Airlines' or its affiliates' code. Likewise, in the event that Congress, at any time, enacts legislation that repeals the Wright Amendment sooner than the eight years identified in paragraph 1.b. of Article I. herein, or authorizes service (except for through ticketing service as contemplated by paragraph 1.a. of Article I. herein) between Love Field and one or more domestic or international destinations other than those currently allowed under the Wright Amendment during the eight year period, and if American Airlines or its affiliate or code share partner commences non-stop service to or from Love Field to a destination not currently allowed under the Wright Amendment, then American Airlines will voluntarily relinquish control of half of its gates and such gates will be made available to other carriers. If other carriers are not interested in these gates, then they can be made available to American Airlines for its use on a common use basis. This provision shall not apply to a code share partner not operating under American Airlines' or its affiliates' code.
14. The Parties hereby represent to the Congress of the United States, and to the Citizens of the Dallas-Fort Worth area that they approve of and support the local solution as set forth in this Contract. The Parties each separately covenant that they will support, encourage and seek the passage of legislation necessary and appropriate to implement the terms and spirit of this Contract. The Parties each separately covenant that they will oppose any legislative effort that is inconsistent with the terms of this Contract.

15. The Parties agree that the final documentation to implement this local solution shall be consistent with all federal rules, regulations and laws. The Parties agree that for this Contract to be binding, it must be executed by all parties no later than July 15th, 2006.
16. If the U.S. Congress does not enact legislation by December 31, 2006, that would allow the Parties to implement the terms and spirit of this Contract, including, but not limited to, the 20 gate restriction at Love Field, then this Contract is null and void unless all parties agree to extend this Contract.
17. As part of this Contract, the City of Dallas agrees to grant American Airlines and Southwest Airlines options to extend their existing terminal leases until 2028.

ARTICLE II. ADDITIONAL PROVISIONS

1. SUBJECT TO FEDERAL GRANT ASSURANCES, ETC. Nothing in this Contract shall require the City of Dallas, the City of Fort Worth or the DFW Airport Board to take any action that would result in (i) the loss of eligibility for future Federal airport grants for either city or the DFW Airport Board or (ii) FAA disapproval of any Passenger Facility Charge (PFC) application for either city or the DFW Airport Board, or (iii) either city or the DFW Airport Board being found to be in non-compliance with its existing obligations under Federal aviation law.
2. FUNDING. Any capital spending obligations of the City of Dallas under this Contract for airport projects that require the expenditure of public funds or the creation of any monetary obligation shall be limited obligations, payable solely from airport revenues or the proceeds of airport revenue bonds issued by or on behalf of the City of Dallas, such revenue bonds being payable and secured by the revenues derived from the ownership and operation of Love Field. In order to satisfy its obligations hereunder, the City of Dallas agrees to use best efforts to issue and sell revenue bonds in such amounts and on terms that are commercially reasonable in the credit markets. Southwest Airlines and American Airlines hereby each agree to enter into such additional agreements that are necessary to facilitate the issuance of such revenue bonds, provided, however, nothing herein shall obligate either airline to be an obligor or guarantor of such bonds. Neither the obligations under this Contract nor the obligations with respect to such revenue bonds shall constitute a debt of the City of Dallas payable from, or require the payment or expenditure of funds of the City of Dallas from, ad valorem or other taxes imposed by the City of Dallas.
3. VENUE. The Parties agree that in the event of any litigation in connection with this Contract, or should any legal action be necessary to enforce the terms of this Contract, exclusive venue shall lie in either Dallas County, Texas or Tarrant County, Texas.
4. NON-LIABILITY FOR OTHER PARTIES' OBLIGATIONS, COSTS, AND ATTORNEYS FEES. Each Party hereunder shall only be responsible and liable for its own obligations, costs, and attorneys fees in connection with the performance of this Contract, or any dispute or litigation that may arise in connection with this Contract.
5. APPLICABLE LAWS AND REPRESENTATIONS. This Contract is made subject to the provisions of the Charter and ordinances of the cities of Dallas and Fort Worth, in existence as of the date hereof, and all applicable State and federal laws. Each City, as to itself only, represents and warrants that its existing Charter and ordinances do not preclude such City from executing this

Contract or performing its obligations under this Contract in accordance with its terms. American Airlines, Southwest Airlines and the DFW Board, each as to itself only, represent and warrant that it has the full power and authority to enter into this Contract and perform its obligations under this Contract in accordance with its terms.

6. EFFECTIVE DATE. Notwithstanding anything to the contrary herein, the Parties agree that (i) Sections 1, 7, 8, 9, 14, 15, and 16 of Article I. and all Sections of Article II. shall take effect as of the last date of execution of this Contract by any of the Parties and (ii) the remaining Sections of Article I. shall take effect on the date that legislation that would allow the Parties to implement the terms and spirit of this Contract is signed into law.

7. NON-SEVERABILITY.

(a) The terms of this Contract are not severable. Therefore, in the event any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then this Contract shall be considered null and void and unenforceable, except as otherwise may be agreed to by all Parties.

(b) Notwithstanding paragraph (a) hereof, each Party shall use its best efforts to restore or replace the affected provisions so as to effectuate the original intent of the Parties.

8. COUNTERPARTS. This Contract may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

9. CAPTIONS. The captions to the various clauses of this Contract are for informational purposes only and shall not alter the substance of the terms and conditions of this Contract.

10. SUCCESSORS AND ASSIGNS; SUBLESSEES. This Contract shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. Further, the Parties agree that any sublessee or other entity who subleases or uses either American Airlines' or Southwest Airlines' gates at Love Field is subject to and bound by the terms of this Contract, including, but not limited to, paragraph 13 of Article I.

11. NO THIRD PARTY BENEFICIARIES. The provisions of this Contract are solely for the benefit of the Parties hereto; and nothing in this Contract, express or implied, shall create or grant any benefit, or any legal or equitable right, remedy, or claim hereunder, contractual or otherwise, to any other person or entity.

12. NOTICES. All notices required or permitted under this Contract shall be personally delivered or mailed to the respective Parties by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until the Parties are otherwise notified in writing of a new address by any Party. Mailed notices shall be deemed communicated as of five days after mailing.

If intended for the City of Dallas:

With a copy to:

City Manager, City of Dallas
City Hall, Room 4EN
1500 Marilla Street
Dallas, Texas 75201

City Attorney, City of Dallas
Dallas City Hall, Rm. 7CN
1500 Marilla Street
Dallas, Texas 75201

If intended for the City of Fort Worth:

With a copy to:

City Manager, City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

City Attorney, City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

If intended for the DFW International
Airport Board:

With copy to:

Chief Executive Officer
DFW International Airport Board
P.O. Drawer 619428
3200 E. Airfield Drive
DFW Airport, TX 75261-9428

Legal Counsel
DFW International Airport Board
P.O. Drawer 619428
3200 E. Airfield Drive
DFW Airport, TX 75261-9428

If intended for American Airlines, Inc.:

With copy to:

Chief Executive Officer
American Airlines, Inc.
4333 Amon Carter Blvd., MD 5621
Fort Worth, Texas 76155

General Counsel
American Airlines, Inc.
4333 Amon Carter Blvd., MD 5618
Fort Worth, Texas 76155

If intended for Southwest Airlines Co.:

With copy to:

Chief Executive Officer
Southwest Airlines Co.
2702 Love Field Drive
Dallas, Texas 75235

General Counsel
Southwest Airlines Co.
2702 Love Field Drive
Dallas, Texas 75235

13. PARTIAL WAIVER OF GOVERNMENTAL IMMUNITY. The Cities and the DFW Board, by signing this Contract and to the extent permitted by law, waive their respective immunity from suit by the Parties, but only with respect to a suit to enforce this Contract by a Party seeking a restraining order, preliminary or permanent injunctive relief, specific performance, mandamus, or declaratory relief. The Cities and the DFW Board do not waive any other defense or bar against suit available to the Cities or the DFW Board.

14. NO INDIVIDUAL LIABILITY. To the extent allowed by law, no officer, agent, employee, or representative of any of the Parties shall be liable in his or her individual capacity, nor shall such person be subject to personal liability arising under this Contract.

15. LIMITATION OF REMEDIES. UNDER NO CIRCUMSTANCES SHALL ANY PARTY BE LIABLE TO ANY OTHER PARTY HEREUNDER, IN CONTRACT OR IN TORT, FOR MONETARY DAMAGES RESULTING IN WHOLE OR IN PART FOR ANY BREACH BY SUCH PARTY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY

PROVISION OF THIS CONTRACT. PROVIDED, HOWEVER, (AND IN EXCHANGE FOR THE FOREGOING SENTENCE), IN THE EVENT OF ANY SUCH BREACH OR THREATENED BREACH BY ANY PARTY, ALL PARTIES AGREE THAT EACH NON-BREACHING PARTY WILL BE ENTITLED TO SEEK ALL EQUITABLE REMEDIES INCLUDING, WITHOUT LIMITATION, DECREES OF SPECIFIC PERFORMANCE, RESTRAINING ORDERS, WRITS OF PRELIMINARY AND PERMANENT INJUNCTION AND MANDAMUS, AS WELL AS DECLARATORY RELIEF, TO ENFORCE THIS CONTRACT. PROVIDED, FURTHER, AS A PREREQUISITE TO THE FILING OF ANY LAWSUIT BY ANY PARTY, ALL PARTIES SHALL IN GOOD FAITH SUBMIT ANY DISPUTE TO NON-BINDING MEDIATION, WHICH MUST BE COMPLETED WITHIN 60 DAYS FROM THE DATE NOTICE REQUESTING MEDIATION IS COMMUNICATED PURSUANT TO SECTION 12. OF ARTICLE II. OF THIS CONTRACT.


16. LOVE FIELD GENERAL AVIATION, U.S. GOVERNMENT FLIGHTS AND CHARTER FLIGHTS. Nothing in this Contract is intended to affect general aviation service at Love Field, including, but not limited to, flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, business flying, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the U.S. Government or by any airline under contract to any agency of the U.S. Government. Charter flights at Love Field shall be limited to destinations within the 50 United States and the District of Columbia and shall be limited to no more than ten per month per air carrier except as otherwise permitted by Section 29(c) of the Wright Amendment. All flights operated by air carriers that lease terminal gate space shall depart from and arrive at one of those leased gates. Charter flights operated by air carriers that do not lease terminal space may operate from non-terminal facilities or one of the 20 terminal gates. For the purposes of this Contract, "charter flight" shall have the meaning currently given in 14 C.F.R. 212.2 (2006). This limitation shall remain in effect permanently.


17. ENTIRE AGREEMENT. This Contract embodies the complete agreement of the Parties hereto relating to the matters in this Contract; and except as otherwise provided herein, cannot be modified without written agreement of all the Parties, to be attached to and made a part of this Contract.

EXECUTED as of this the 11th day of July, 2006.

CITY OF DALLAS, TEXAS


APPROVED AS TO FORM:



Mary K. Summ, City Manager


Thomas P. Perkins, Jr., City Attorney

CITY OF FORT WORTH, TEXAS

APPROVED AS TO FORM AND LEGALITY:


Charles R. Boswell, City Manager


David L. Yett, City Attorney

DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD

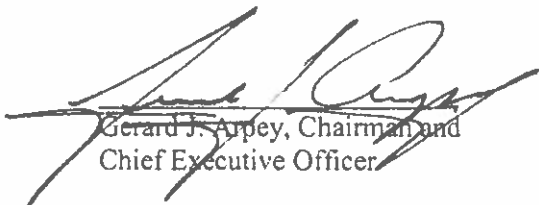
APPROVED AS TO FORM:


Jeffrey P. Fegan, Chief Executive Officer


Gary Keane, D/FW Legal Counsel

AMERICAN AIRLINES, INC.

SOUTHWEST AIRLINES CO.


Gerard J. Arpey, Chairman and Chief Executive Officer


Herbert D. Kelleher, Executive Chairman

TERM SHEET BETWEEN THE CITY OF DALLAS AND SOUTHWEST AIRLINES CO.
REGARDING THE LOVE FIELD MODERNIZATION PROGRAM

This term sheet ("Term Sheet") is entered into on this, the 25th day of June, 2008 ("Effective Date") by the City of Dallas, a Texas home rule municipal corporation, including its assigns (the "City") and Southwest Airlines Co., a Texas corporation, including its successors or assigns (in accordance with Section 12 of this Term Sheet) ("Southwest")(the City and Southwest are collectively referred to as the "Parties").

Recitals:

WHEREAS, this Term Sheet reflects the intent of the Parties to implement certain herein-described provisions of the Contract Among The City of Dallas, The City of Fort Worth, Southwest Airlines Co., American Airlines, Inc., and DFW International Airport Board Incorporating the Substance of the Terms of the June 15, 2006 Joint Statement Between the Parties to Resolve the "Wright Amendment" Issues (the "Contract"), to which the Parties are signatory, affecting Dallas Love Field (the "Airport"); and

WHEREAS, the Contract contemplates the City's implementation of the Love Field Modernization Program (the "LFMP"); and

WHEREAS, through the collaboration of Southwest's consultant, Corgan Associates, Inc. ("Corgan") and the City's consultant, Gresham Smith and Partners ("GS&P"), the Parties have developed several LFMP redevelopment options; and

WHEREAS, the Parties acknowledge and agree that, of the redevelopment options considered, Option C (herein so called), as proposed by Corgan and modified with the collaboration of GS&P, is the option that the Parties believe is best suited for the implementation of the LFMP; and

WHEREAS, Option C exceeds the Spending Cap (as defined in Section 6.c. of this Term Sheet); and

WHEREAS, this Term Sheet confirms the basis upon which the Parties shall continue to negotiate the implementation of portions of the Contract, including, but not limited to, certain conditions by which the Parties agree to exceed the Spending Cap in the manner provided for in the Contract, in order for the Parties to implement the LFMP utilizing Option C.

NOW, THEREFORE, the Parties to this Term Sheet, in consideration of the mutual covenants of the Parties hereto, hereby agree (in accordance with the provisions of Section 13 of this Term Sheet) as follows:

1. ***Scope of the LFMP.***

- a. **The LFMP Elements.** The LFMP includes the construction of all of the facilities, infrastructure systems and equipment for the operation of the future terminal complex at the Airport, including, but not limited to, the terminal building, aircraft parking apron, fueling system, roadways and terminal curbside, and other

supporting infrastructure as shown in Exhibit A attached to this Term Sheet. The Parties further agree that the LFMP consists of four elements, the "Southwest Projects", the "City Projects", the "Apron and Fuel System Projects," and the "Other Projects."

b. **The Southwest Projects.** The Southwest Projects consist of the following portions of the LFMP pertaining to the construction of the new terminal concourse and other Airport facilities, including, but not limited to:

- i. Relocations. The relocation of airlines, City departments (Department of Public Safety) and other tenants as required during the course of the Southwest Projects.
- ii. Terminal Building. The phased development of new and renovated terminal facilities including, but not limited to, a new ticketing wing, renovation of the existing main lobby, expansion and renovation of the existing baggage claim wing, the phased construction of a new concourse with 20 gates, and associated demolition of existing facilities and gates.
- iii. Airline Equipment and Finishes. Procurement and installation of baggage systems; jet bridges; and airline furniture, fixtures and equipment for the expanded terminal complex.
- iv. Early Construction and Relocation. Construction and relocation projects to be undertaken by Southwest early in the project schedule in conjunction with the LFMP, including those matters set forth on Exhibit A attached to this Term Sheet.

c. **Apron and Fuel System Projects.** Subject to the consent of the Federal Aviation Administration ("FAA"), all contracts relating to reconstruction and replacement of the existing aircraft apron at the Airport, including, but not limited to, those related to drainage and utilities, installation of a new hydrant fueling system (including, but not limited to, fuel lines, pits and valves), and the related relocation of all existing City water mains, will be entered into and managed by Southwest; provided, however, that the City shall have approval over selection of professional services related to design, construction bid process, and other services and contracts in order to ensure that all procurement procedures and design and construction contract specifications conform to the FAA's Airport Improvement Program grant requirements.

d. **The City Projects.** The City Projects include the remaining elements of the LFMP pertaining to the supporting infrastructure for the expanded terminal, including, but not limited to:

- i. Central Utility Plant Upgrades. Upgrade of the existing central utility plant to provide enhanced capacity and efficiency in delivering heating and air conditioning to the terminal complex.

- ii. Airfield Lighting Vault Relocations. Relocation of two existing airfield electrical vaults to accommodate terminal expansion.
- iii. Roadways. Expansion of the terminal area roadways, lower-level departure roadway, and upper-level arrivals roadway.
- iv. Central Receiving Facility. Construction of a new remote central receiving facility.
- e. Other Projects. The construction of any other necessary facility or improvement of the LFMP not addressed in b. and c. and d. of this Section shall be assigned by mutual agreement between the Parties.
- f. Exceptions. The Parties acknowledge and agree that the acquisition/demolition of the Lemmon Avenue terminal facility gates, the DART Connector as identified in the Contract, projects included in the City's Department of Aviation's rolling five-year capital improvement program and any necessary projects required for reasons of safety, security, normal maintenance and repair, or federal mandate are not part of the LFMP.

2. ***Creation of a Local Government Corporation ("LGC") Under Subchapter D, Ch. 431 of Texas Transportation Code.*** The City will create and may use an LGC, on behalf of the City, for the purpose of issuing bonds to finance the LFMP. The Parties have developed a proposed financing structure involving the use of the LGC to partially fund the LFMP. The narrative of the proposed financing structure is attached as Exhibit B to this Term Sheet and a flow chart showing the flow of project funds using the LGC is attached as Exhibit C to this Term Sheet. Once created and its use affirmatively determined by the City in furtherance of implementing the LFMP, the City and Southwest agree to negotiate and enter into necessary and appropriate contracts with the LGC that, among other things, allow and enable the LGC to:

- a. finance a portion of the LFMP by means of the issuance of bonds or other bond financing instruments acceptable to the Parties (the "LFMP Bond Financing");
- b. finance a portion of the LFMP from monies transferred from certain Airport revenues and other monies identified by the Parties (the "LFMP Other Financing");
- c. enter into one or more agreements with the City and Southwest or its assignee, as necessary, to: (i) make the proceeds of the LFMP Bond Financing and LFMP Other Financing available to Southwest for the purpose of design and construction of the Southwest Projects (pursuant to a special facilities lease or other agreement, as appropriate), and to the City for the purpose of the design and construction of the City Projects identified or to be identified in Section 1 above; (ii) reimburse Southwest for the Southwest LFMP Reimbursable Costs (identified in Section 3 of this Term Sheet) from the proceeds of a LFMP Bond Financing; and (iii) acknowledge and agree as to Southwest's responsibility and the City's responsibility for various major elements of the design and construction of the LFMP; and

- d. perform such other necessary functions in furtherance of the LFMP and capital development supporting the Airport generally.

3. **Reimbursement to Southwest for LFMP-Related Funds.** The Parties acknowledge and agree that Southwest will advance monies to fund certain design, program management, relocation, demolition and other costs as set forth on Exhibit A attached to this Term Sheet (the "Southwest LFMP Reimbursable Costs") prior to the issuance of the LFMP Bond Financing. The Parties agree that the Southwest LFMP Reimbursable Costs will be reimbursed from the proceeds of the initial series of bonds sold pursuant to the LFMP Bond Financing, consistent with the terms of an inducement resolution to be adopted by the City or the LGC, as further provided in Section 8 of this Term Sheet. In the event that the eligible Southwest LFMP Reimbursable Costs exceed the \$75 million cap established for such costs, the Parties will develop a procedure for reimbursing Southwest for such excess costs.

4. **Amended and Restated Lease of Terminal Building Premises.** Consistent with the Contract, the Parties will enter into an amendment and restatement of Southwest's existing "Lease of Terminal Building Premises" (the "Use and Lease Agreement") that will, among other things:

- a. express the intent of the Contract pertaining to the ongoing airline operations and use of the Airport both during and after the implementation of the LFMP;
- b. define and allocate the Airport's gates;
- c. incorporate a new rates and charges methodology set forth in Exhibit D attached to this Term Sheet;
- d. develop terms for the use of the Airport, including, but not limited to, the airfield and the terminal area aircraft parking area by Southwest consistent with the terms negotiated with other airlines using the Airport;
- e. develop guidelines for future capital improvements at the Airport; and
- f. provide such other provisions that are consistent with accomplishing the terms of the Contract.

5. **Project Development Agreement ("PDA").** Consistent with the Contract, the Parties will enter into a PDA that will, among other things:

- a. appropriately assign design, development and construction management responsibilities among the Parties;
- b. provide for the preparation of a Project Definition Manual (herein so called), a comprehensive manual developed by the Parties, which will, among other things: (i) provide for the Final Program Budget and the Final Program Schedule (both as defined in Section 6.b. of this Term Sheet); (ii) be developed with reference to the Terminal Area Redevelopment Program Study ("TARPS") but not otherwise be inconsistent with Exhibit A attached to this Term Sheet; (iii) detail the scope, the schematic layout, phasing, and general specifications of

- the LFMP; and (iv) establish the interrelationships of each of the elements of the LFMP;
- c. implement the LFMP, including, but not limited to, detailed project descriptions, construction phasing, temporary relocations and gate allocation during the LFMP's construction;
 - d. contain a process to accomplish LEED silver certification for the terminal;
 - e. provide for the implementation and coordination of the LFMP Bond Financing and the LFMP Other Financing, including, but not limited to identifying and agreeing to sources of funds, funding schedules and financing obligations, as well as procedures for the deposit of funds, release of funds, periodic project status reporting, project auditing, and change-order review and approvals;
 - f. establish a program management team consisting of representatives of the Parties and assigning roles and responsibilities to perform various LFMP tasks consistent with all agreements contemplated herein;
 - g. provide for goals and establish procedures for identifying disadvantaged business enterprise participation and compliance with the City's Minority and Women's Business Enterprise program in the design and construction of the LFMP;
 - h. conform to all applicable regulatory requirements and programs, including but not limited to FAA, Transportation Security Administration, and the Department of Transportation regulations;
 - i. provide for a process to exceed the Spending Cap in accordance with the terms of the Contract;
 - j. if bond financing is used to fund a portion of the LFMP, provide such other provisions that shall be necessary in order to accomplish such bond financing; and
 - k. contain such other provisions that are consistent with accomplishing the implementation of the LFMP, including, but not limited to, consultation with other Airport tenants.

6. *The LFMP Budget/Schedule/Spending Cap*

- a. The LFMP Preliminary Budget and the Preliminary Program Schedule. The preliminary budget and schedule for the design and construction of the LFMP are attached hereto respectively as **Exhibit A** attached to this Term Sheet (the "LFMP Preliminary Budget") and **Exhibit E** attached to this Term Sheet (the "Preliminary Program Schedule"). The LFMP Preliminary Budget reflects a composite of independent cost estimates for the LFMP provided by planning consultants retained by both Southwest and the City.
- b. The Final Budget and the Final Program Schedule. The Final Program Budget and the Final Program Schedule will be established in the Project Definition Manual,

and, when complete, shall supersede Exhibit A and Exhibit E attached to this Term Sheet (the "Final Program Budget" and the "Final Program Schedule"). The Final Program Budget and Final Program Schedule will be prepared based upon building elevations, aircraft parking configurations, geometric layout to accommodate airfield drainage requirements and other design elements set forth in the Project Definition Manual.

c. The Spending Cap. The Parties acknowledge that the Contract references a minimum investment of \$150 million and a maximum of \$200 million ("the Spending Cap") for the LFMP, both expressed in 2006 dollars and to be adjusted for inflation, and, that the LFMP Preliminary Budget for the LFMP now substantially exceeds the Spending Cap. The Parties further acknowledge and agree that the Option C concept and the LFMP Preliminary Budget for the LFMP are mutually desired and that an agreement to exceed the Spending Cap will be established in the PDA in the dollar amount of the Final Program Budget.

7. ***Ground Lease for Cargo Facilities.*** The Parties will negotiate and prepare a ground lease for the cargo/provisioning/ground service equipment building ("Ground Lease") on terms and conditions mutually acceptable to the Parties on or before July 31, 2008 and executed on or before August 31, 2008. If the Parties have not executed the Ground Lease on or before August 31, 2008 the City Manager of the City and an authorized signatory of Southwest may extend the execution date of the Ground Lease for up to three consecutive periods of thirty days.

8. ***Official Intent.*** The City will take steps as soon as possible to constitute "official intent" by the City for the purposes of Section 1.103-8 (a) and Section 1.150-2 of the Federal Income Tax Regulations in order to qualify expenditures made by Southwest and the City on the Southwest Projects and the City Projects, respectively, for the tax-exempt obligations as provided herein. The proposed form of the inducement resolution, to evidence such official intent, is set forth in Exhibit F attached to this Term Sheet.

9. ***Date of Completion of Documentation.*** Except for the Ground Lease, the Parties will negotiate and prepare the PDA and Use and Lease Agreement described in this Term Sheet on or before October 1, 2008 and approve and execute these documents on or before October 31, 2008. If the Parties have not executed the PDA and Use and Lease Agreement on or before October 31, 2008, the City Manager of the City and an authorized signatory of Southwest may extend the execution date of the PDA and Use and Lease Agreement for up to three consecutive periods of thirty days each.

10. ***The Contract Controls.*** This Term Sheet is not intended to modify or supersede any provision of the Contract. In the event of any discrepancy between the provisions of this Term Sheet and the provisions of the Contract, the provisions of the Contract shall control.

11. ***Further Approvals.*** The Parties acknowledge and agree that the City's and Southwest's approval of further agreements described in this Term Sheet, as well as the issuance of bonds and the expenditure of funds herein is subject to applicable approval of the City Council of the City and all requisite corporate approvals of Southwest.

12. ***Assignment.*** The Parties acknowledge that Southwest may assign its obligations under this Term Sheet (including, but not limited to, assignment to a Southwest-formed special purpose entity) and that such assignee of Southwest could enter into some or all of the

agreements and documents related to the development, construction, and financing of the LFMP. Notwithstanding any assignment hereunder, Southwest shall continue to be directly responsible for the performance of its obligations hereunder, including but not limited to, its funding obligations to the City hereunder. Southwest acknowledges that the financial markets may require Southwest to directly guarantee payment of principal, premium, if any, and interest on bonds issued by an LGC to finance the LFMP, and in such event, Southwest will agree to execute a guarantee agreement acceptable to the LGC and any Trustee that serves in such capacity with respect to the issuance of the bonds. Southwest will promptly notify the City of any assignments contemplated under this section.

13. Enforceability. Sections 3, 4.c., 8, 10, 12, 13 and 14 of this Term Sheet have been fully negotiated by the Parties and are enforceable against the Parties from and after the Effective Date. The agreements, documents and provisions provided for in all other sections of this Term Sheet shall be negotiated in good faith by the Parties. The provisions of this Section 13 shall survive the termination of this Term Sheet.

14. Termination. In the event the agreements set forth in Sections 7 and 9 are not executed in full on the dates set forth in such Sections, either party to this Term Sheet may terminate all provisions hereof and upon termination neither of the Parties shall have any further obligations hereunder. In the event of termination of this Term Sheet, any monies expended by Southwest as of date of termination shall count as monies expended toward the Spending Cap as set forth in the Contract and the provisions of this sentence shall survive termination of this Term Sheet.

This Term Sheet is executed and effective as of the Effective Date, by the City, signing by and through its City Manager, duly authorized to execute same by Resolution No. ___ adopted by the City Council on June 25, 2008, and by Southwest, acting through its duly authorized officials.

CITY OF DALLAS, TEXAS

Mary K. Suhm, City Manager

By Assistant City Manager

APPROVED AS TO FORM:

Thomas P. Perkins, Jr., City Attorney

By Assistant City Attorney

181354

SOUTHWEST AIRLINES CO.

By: _____
Name: _____
Title: _____

Exhibit A - Scope of the LFMP and Potential Southwest Reimbursable Costs

Phase ID	Project Elements by Phase	LFMP Preliminary Budget	Potential Southwest LFMP Reimbursable Costs	
			Enabling & Relocation Projects	Design & Prog Mgmt - SWA Projects
	Program Conceptual Planning Services	S 265,000	265,000	
1.01	SWA Gate 1A Activation	S 700,260	700,260	
1.02	SWA North Concourse Relocations	S 4,000,000	4,000,000	
1.03	SWA New Cargo / Provo / CBS Building	S 11,560,000	11,560,000	
1.04	City Airport Operations Center / Relocations	S 6,470,000	6,470,000	
1.05	Relocate North Airfield Lighting Vault	C 1,564,961		
2.01	Demolish North Concourse	S 4,035,975	4,035,975	
2.02	Demolish Cargo / Provo/ CBS / GSE / Plant Mx	S 1,249,806	1,249,806	
2.03	Demolish Existing Cargo Building	S 771,452	771,452	
2.04	Demolish Existing Ticketing Wing & Connector Bridge	S 2,548,411	2,548,411	
2.05	Slurry Fill Existing Fuel Lines	S 2,117,440	2,117,440	
3.01	Build Initial Portion of New Concourse	S 148,736,427		13,280,038
3.02	Reconstruct Apron	S 33,718,573		3,010,587
3.03	Install First Phase of New Fuel System	S 16,476,534		1,471,119
3.04	Upgrade CUP (Cooling Tower / Boiler)	C 15,134,474		0
3.05	Build New Ticketing Wing	S 40,954,397		3,656,643
3.06	Renovate Portion of Main Terminal	S 11,928,935		1,065,084
3.07	Expand Upper Level Departures Roadway	C 2,624,591		0
3.08	Build Portion of new 36" Water Main	S 779,046		69,558
4.01	Relocate Airlines to New Ticketing Wing	S 38,846		3,451
4.02	Relocate WN (5) and CO (2) gates to New North Concourse	S 32,482		2,898
4.03	Deactivate AA (1) gate	S 50,205		4,483
4.04	Construct remainder of North Concourse	S 42,865,694		3,827,294
4.05	Reconstruct apron (2 areas)	S 13,845,822		1,236,234
4.06	Extend Hydrant Fuel System	S 7,061,805		630,518
4.07	Renovate Remaining Portion of Main Terminal	S 35,546,697		3,173,812
4.08	Reconstruct Lower Level Roadway	C 5,209,958		0
4.09	Demolish CO gate areas (Concourse Level)	S 330,472		29,508
4.10	Demolish Temporary Bag Make-up / T-point	S 227,851		20,344
4.11	Demolish West Garage Skybridge	S 592,235		52,878
4.12	Build Portion of New 36" Water Main	S 252,364		22,532
5.01	Relocate WN (8) gates to New North Concourse	S 28,655		2,559
5.02	Demolish West Concourse Extension	S 2,293,736		204,798
5.03	Reconstruct apron	S 22,592,605		2,017,197
5.04	Extend Hydrant Fuel System	S 7,692,645		686,843
5.05	Expand First Section of Bag Claim Hall	S 12,849,549		1,147,281
5.06	Reconstruct Arrivals Section of Upper Roadway	C 2,378,917		0
5.07	Relocate West Airfield Lighting Vault	C 1,435,632		0
5.08	Complete New 36" Water Main	S 976,548		87,192
5.09	Deactivate 1 AA Gate	S 53,896		4,812
6.01	Relocate WN (4) & AA (2) Gates to New North Concourse	S 30,524		2,726
6.02	Demolish remainder of West and East Concourse	S 5,224,017		466,430
6.03	Reconstruct apron (2 areas)	S 12,905,344		1,152,263
6.04	Demolish West Concourse Skybridge	S 502,398		44,857
6.05	Final Fuel System Expansion	S 9,199,061		821,345
6.06	Renovate Remaining Portion of Bag Claim Hall	S 14,696,000		1,312,143
7.01	Build Remote Central Receiving Facility	C 14,508,684		0
PROGRAM TOTAL		\$619,058,704	\$33,718,343	\$38,507,423
			Total:	\$73,226,767
			Use:	\$75,000,000

TERM SHEET BETWEEN THE CITY OF DALLAS AND SOUTHWEST AIRLINES CO. REGARDING THE LOVE FIELD MODERNIZATION PROGRAM

Exhibit B - LGC Bond Financing Narrative

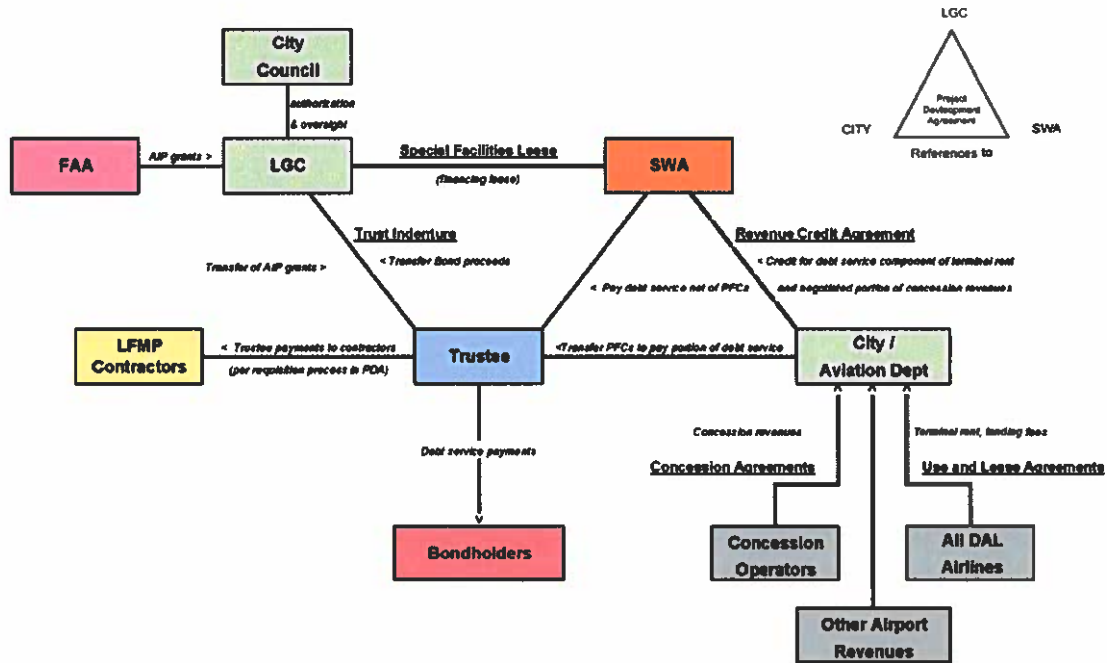
1. The Local Government Corporation ("LGC") at the request of Southwest Airlines Co. ("Southwest") issues bonds to finance the LFMP improvements, pursuant to an Indenture of Trust (the "Indenture") with a corporate trustee (the "Trustee").
2. LGC enters into Special Facilities Lease Agreement with Southwest or a special purpose entity created by Southwest (the "Facilities Agreement").
3. Under the terms of the Agreement, Southwest or a special purpose entity created by Southwest would pay all debt service on the bonds ("Facilities Payments"). If Southwest creates a special purpose entity, Southwest would enter into a guaranty agreement with the Trustee (the "Guaranty"), pursuant to which Southwest would guarantee the obligations of the special purpose entity created by Southwest under the Facilities Agreement, including specifically the obligation to pay the Facilities Payments.
4. Under the terms of the Facilities Agreement, LGC would agree to assign Southwest Facilities Payments to Trustee under the Indenture.
5. LGC will sell Bonds, and the proceeds of bonds sold by the LGC shall be deposited in a "Project Fund" held and administered by Trustee. Proceeds in Project Fund made available to Southwest or a special purpose entity created by Southwest to finance construction costs, etc., through a requisition process that will be set forth in the Facilities Agreement. Southwest or a special purpose entity created by Southwest submits requisitions to Trustee for disbursement.
6. The City would agree under the terms of a separate agreement (the "City Agreement") to transfer PFCs for eligible LFMP projects to Trustee.
7. Under terms of City Agreement, the City also would agree to transfer "City Revenues" to Southwest. City Revenues would include (a) lease rentals from Southwest gates attributable to debt service; (b) lease rentals from the other four gates attributable to debt service; and (c) other revenues, such as a portion of concession and parking revenues, SUBJECT to the refinancing or defeasance of the City's outstanding Airport System Revenue Bonds that have encumbered such revenues.

Exhibit C - LGC Structure Flowchart

OVERVIEW OF LGC STRUCTURE AND LFMP IMPLEMENTATION

Dallas Love Field Airport

June 18, 2008



PROPOSED CONCEPTUAL FRAMEWORK FOR NEW RATES AND CHARGES METHODOLOGY
Love Field Modernization Program
 Dallas Love Field Airport
 June 2008

Rates to be calculated based on "cost center residual" methodology

Exhibit D - Rates and Charges Methodology

Cost Centers:	Other Buildings and Areas		Airline Cost Centers		Parking and Ground Transportation	
	Revenues	Costs (1)	Costs (1)	Costs (1)	Costs (1)	Revenues
Net:	Revenues	- Costs (1)	- Other revenues (2)	- Other revenues (3)	- Other revenues (4)	- Costs (1)
Divisor:	Net Revenues	Net requirement	Net requirement	Net requirement	Net requirement	Net Revenues
Rate:	retain 100%	credit 0%	less: revenue sharing	less: revenue sharing	less: revenue sharing	credit 75%
			= landing fee requirement / airline landed weight	= apron fee requirement / number of gates	= terminal rental requirement / airline leased space	retain 25%
	transfer to: Aviation Capital Fund	Landing Fee Rate	Apron Fee rate	Terminal Rental Rate	Terminal Rental Rate	transfer to: Aviation Capital Fund
Airline Mill Purview of Future CIP Projects:	No	Yes, subject to exclusions in 5-Party Contract (5)			No	No

- (1) Recoverable costs include allocable operation and maintenance expenses, debt service, any required replenishment of reserve funds, and amortization of the City's net cost of any new capital projects placed in service after September 30, 2008.
- (2) Other revenues to be credited toward airfield costs include fuel flowage and other landing fees from charters and other airfield users.
- (3) Other revenues to be credited toward apron costs include other apron charges from charter and nonsignatory airlines.
- (4) Other revenues to be credited toward terminal costs include nonairline building space rent, allocable interest income, and 75% of terminal concession revenues.
- (5) Projects required for reasons of safety, security, normal maintenance and repair, or federal mandate are excluded from Mill purview.

Exhibit E - Preliminary Program Schedule

LOVE FIELD MODERNIZATION PROGRAM

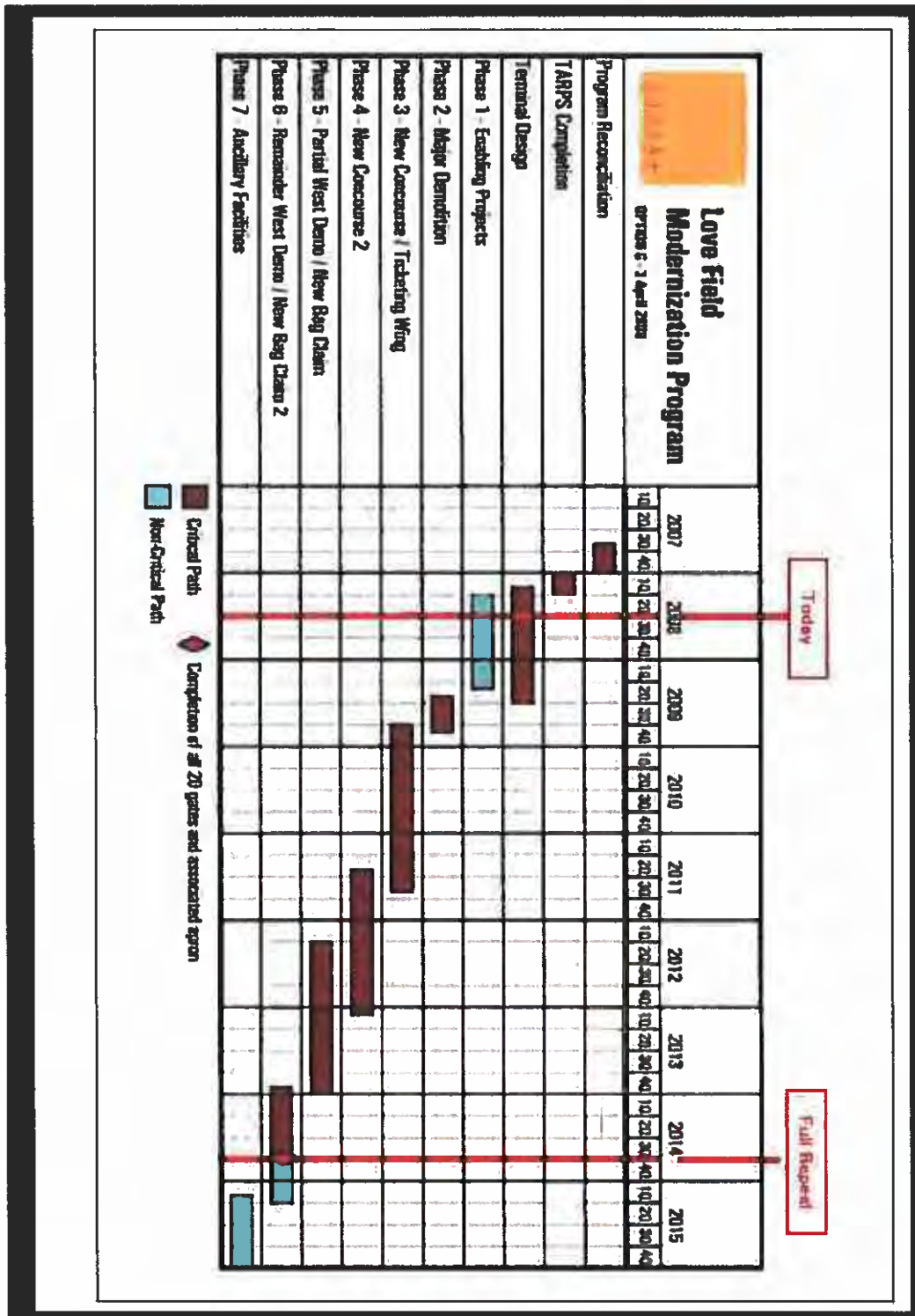


Exhibit F - Proposed Inducement Resolution**RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES
TO BE INCURRED FOR AIRPORT IMPROVEMENTS AT DALLAS LOVE FIELD**

WHEREAS, the City Council of the City of Dallas, Texas hereby adopts this resolution (the "Resolution") in connection with matters pertaining to the ownership and operation of Dallas Love Field (the "Airport") which is owned and operated by the City of Dallas, Texas (the "City") pursuant to the provisions of Chapter 22, Texas Transportation Code (the "Act"); and

WHEREAS, Southwest Airlines Co. (the "Company") has requested and proposed that the City, or a nonprofit corporation organized by and acting on behalf of the City (the "Corporation"), finance and pay pursuant to the laws of the State of Texas including, without limitation, the Act, for the acquisition, construction, reconstruction or renovation of certain airport improvements to be located at the Airport as more fully described on Exhibit A attached hereto (the "Facilities"), and has requested and proposed that the City make a commitment to issue its revenue bonds (the "Bonds") to finance and pay for the acquisition and construction of the Facilities; and

WHEREAS, the Company has advised the City that a contributing factor which would induce the Company to cooperate with the City in providing for the acquisition and construction of the Facilities would be a commitment and agreement by the City to issue, or approve the issuance by the Corporation of, Bonds pursuant to the laws of the State of Texas to finance and pay for the acquisition and construction of the Facilities; and

WHEREAS, the Company has proposed to the City that the Company will be further induced to cooperate with the City in providing for the acquisition and construction of the Facilities if the City will make such commitment and agreement and adopt this Resolution and in furtherance thereof the Company will make, or has made not more than 60 days prior to the date hereof, payments with respect to Facilities; and

WHEREAS, the City Council finds, intends and declares that this Resolution shall, in accordance with its provisions, constitute the commitment and agreement of the City to issue, or approved the issuance by the Corporation of, the Bonds in such aggregate principal amount (in an amount not to exceed \$75,000,000) as is actually required to finance and pay for the acquisition and construction of the Facilities; and

WHEREAS, the City finds, considers and declares that the issuance of the Bonds in such amount and for such purpose will be appropriate and consistent with the objectives of the Act, and that the adoption of this Resolution is and constitutes, and is intended as (i) an inducement to the Company to cooperate with the City in providing for the acquisition and construction of the Facilities and (ii) the taking of affirmative official action by the City, acting by and through its City Council, towards the issuance of the Bonds, and that such action is, and is intended to be, similar to the adoption of a bond resolution, within the meaning of Sections 1.150-2 and 1.142-4 of the Income Tax Regulations or such other applicable provisions of Income Tax Regulations promulgated pursuant to section 142 of the Internal Revenue Code of 1986.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS THAT:

TERM SHEET BETWEEN THE CITY OF DALLAS AND SOUTHWEST AIRLINES CO. REGARDING THE LOVE FIELD MODERNIZATION PROGRAM

Section 1. The City is committed and agrees as follows:

(a) To adopt or approve proceedings prepared by the City's bond counsel, when requested by the City, authorizing the issuance of the Bonds pursuant to the laws of the State of Texas and to issue the Bonds, subject to the requirements of the laws of the State of Texas, the execution of the appropriate agreements or contracts described in (b), below, and the sale of the Bonds under terms and conditions satisfactory to the City and the Company, to finance and pay for the acquisition and construction of the Facilities, including amounts sufficient to pay the fees, expenses and costs in connection with such issuance, including an amount adequate to reimburse the City for its administrative and overhead expenses and costs with respect to the Bonds and the Facilities and to the extent permitted by this Resolution and section 1.150-2 of the Treasury Regulations to reimburse the Company for costs paid prior to the date of delivery of the Bonds.

(b) Prior to the issuance of the Bonds, and when requested by the Company, to enter into such appropriate contracts or agreements between or among the City, the Corporation and the Company as are mutually agreeable to the parties in all respects.

(c) To take, or cause to be taken, such other action, and to execute such additional contracts and agreements mutually agreeable to the parties in all respects, when requested by the Company, which are required in accordance with the laws of the State of Texas and this Resolution to cause the issuance of the Bonds.

Section 2. The adoption of this Resolution shall be deemed to constitute the acceptance of the proposal of the Company that it be further induced to cooperate with the City in providing for the acquisition and construction of the Facilities, and said proposal and acceptance shall constitute an agreement between the City and the Company in accordance with and subject to the provisions of this Resolution.

Section 3. Immediately after the adoption of this Resolution the acquisition and construction of the Facilities may commence and continue to completion in accordance with methods and procedures determined by the Company, or by the Company and the City, pursuant to this Resolution and the agreement it constitutes.

ADOPTED THIS 25th day of June, 2008, by the City of Dallas, Texas.

By: _____
City Secretary

**Attachment A (to the resolution)
Description of Property/Amount**

S = Southwest Project element
C = City Project element

Phase ID	Project Elements by Phase		Potential Southwest LFMP Reimbursable Costs	
			Enabling & Relocation Projects	Design & Prog Mgmt - SWA Projects
	Program Conceptual Planning Services	S	265,000	
1.01	SWA Gate 1A Activation	S	700,260	
1.02	SWA North Concourse Relocations	S	4,000,000	
1.03	SWA New Cargo / Provo / CBS Building	S	11,560,000	
1.04	City Airport Operations Center / Relocations	S	6,470,000	
1.05	Relocate North Airfield Lighting Vault	C		
2.01	Demolish North Concourse	S	4,035,975	
2.02	Demolish Cargo / Provo/ CBS / GSE / Plant Mx	S	1,249,806	
2.03	Demolish Existing Cargo Building	S	771,452	
2.04	Demolish Existing Ticketing Wing & Connector Bridge	S	2,548,411	
2.05	Slurry Fill Existing Fuel Lines	S	2,117,440	
3.01	Buld Initial Portion of New Concourse	S		13,280,038
3.02	Reconstruct Apron	S		3,010,587
3.03	Install First Phase of New Fuel System	S		1,471,119
3.04	Upgrade CUP (Cooling Tower / Bolter)	C		0
3.05	Build New Ticketing Wing	S		3,856,643
3.06	Renovate Portion of Main Terminal	S		1,065,084
3.07	Expand Upper Level Departures Roadway	C		0
3.08	Build Portion of new 36" Water Main	S		69,558
4.01	Relocate Airlines to New Ticketing Wing	S		3,451
4.02	Relocate WN (5) and CO (2) gates to New North Concourse	S		2,898
4.03	Deactivate AA (1) gate	S		4,483
4.04	Construct remainder of North Concourse	S		3,827,294
4.05	Reconstruct apron (2 areas)	S		1,236,234
4.06	Extend Hydrant Fuel System	S		630,518
4.07	Renovate Remaining Portion of Main Terminal	S		3,173,812
4.08	Reconstruct Lower Level Roadway	C		0
4.09	Demolish CO gate areas (Concourse Level)	S		29,506
4.10	Demolish Temporary Bag Make-up / T-point	S		20,344
4.11	Demolish West Garage Skybridge	S		52,878
4.12	Build Portion of New 36" Water Main	S		22,532
5.01	Relocate WN (6) gates to New North Concourse	S		2,559
5.02	Demolish West Concourse Extension	S		204,798
5.03	Reconstruct apron	S		2,017,187
5.04	Extend Hydrant Fuel System	S		686,843
5.05	Expand First Section of Bag Claim Hall	S		1,147,281
5.06	Reconstruct Arrivals Section of Upper Roadway	C		0
5.07	Relocate West Airfield Lighting Vault	C		0
5.08	Complete New 36" Water Main	S		87,192
5.09	Deactivate 1 AA Gate	S		4,812
6.01	Relocate WN (4) & AA (2) Gates to New North Concourse	S		2,725
6.02	Demolish remainder of West and East Concourse	S		466,430
6.03	Reconstruct apron (2 areas)	S		1,152,263
6.04	Demolish West Concourse Skybridge	S		44,857
6.05	Final Fuel System Expansion	S		821,345
6.06	Renovate Remaining Portion of Bag Claim Hall	S		1,312,143
7.01	Build Remote Central Receiving Facility	C		0
PROGRAM TOTAL			\$33,718,343	\$39,507,423
			Total:	\$73,225,767
			Use:	\$75,000,000

Appendix D

Federal Aviation Administration/Texas Historical
Commission Requirements



181354

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE D. HISTORY, CULTURE, AND EDUCATION

CHAPTER 442. TEXAS HISTORICAL COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 442.001. DEFINITIONS. In this chapter:

(1) "Historic courthouse" means a county courthouse that is at least 50 years old. The term includes a structure that:

(A) previously functioned as the official county courthouse of the county in which it is located; and

(B) is owned by a municipality.

(2) "Historic courthouse project" means a project to preserve or restore a historic courthouse.

(3) "Historic structure" means a structure that:

(A) is included on the National Register of Historic Places;

(B) is designated as a Recorded Texas Historic Landmark;

(C) is designated as a State Archeological Landmark;

(D) is determined by the Texas Historical Commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archeological Landmark;

(E) is certified by the Texas Historical Commission to other state agencies as worthy of preservation; or

(F) is designated by an ordinance of a municipality with a population of more than 1.5 million as historic.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1056, Sec. 2, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 403, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 1, eff. September 1, 2013.

Sec. 442.002. COMMISSION; MEMBERS; SUNSET ACT. (a) The Texas Historical Commission is an agency of the state.

(b) The commission is composed of nine members appointed by the governor with the advice and consent of the senate. A person may not be a member of the commission if the person or the person's spouse:

(1) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving money other than grant money from the commission;

(2) uses or receives a substantial amount of tangible goods, services, or money from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(3) is employed by or participates in the management of a business entity or other organization regulated by or receiving money other than grant money from the commission.

(c) Members serve for staggered six-year terms, with the terms of one-third of the members expiring February 1 of each odd-numbered year.

(d) Any vacancy occurring on the commission shall be filled for the unexpired term.

(e) A member of the commission must be a citizen of this state who has demonstrated an interest in the preservation of the state's historical or archeological heritage. In making appointments to the commission, the governor shall seek to have each geographical section of the state represented as nearly as possible.

(f) A person may not serve as a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(g) The commission shall hold at least one regular meeting in each calendar quarter of each year. The commission may hold other meetings at times and places scheduled by it in formal session or called by the chairman of the commission.

(h) The governor shall designate a member of the commission as the presiding officer of the commission to serve in that capacity at the pleasure of the governor. At its first meeting in

each odd-numbered year, the commission shall select from its membership an assistant presiding officer and a secretary.

(i) A member of the commission serves without pay but shall be reimbursed for actual expenses incurred in attending a meeting of the commission.

(j) The commission is subject to the open meetings law, Chapter 551, and the administrative procedure law, Chapter 2001. The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

(k) The Texas Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2019.

(l) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 2.13, eff. Nov. 12, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(50), (83), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 109, Sec. 1, eff. Aug. 30, 1995; Acts 2003, 78th Leg., ch. 1170, Sec. 19.01, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 1, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 37 (S.B. 283), Sec. 1, eff. May 14, 2013.

Sec. 442.0021. COMMISSION MEMBERS: TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the legislation that created the commission;
- (2) the programs, functions, rules, and budget of the commission;
- (3) the results of the most recent formal audit of the commission;
- (4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 2, eff. September 1, 2007.

Sec. 442.0022. COMMISSION MEMBERS: CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

- (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation; or
- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation.

(c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1159, Sec. 46, eff. June 15, 2007.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 3, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 46, eff. June 15, 2007.

Sec. 442.0023. COMMISSION MEMBERS: GROUNDS FOR REMOVAL. (a) It is a ground for removal

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from the commission if a member:

- (1) does not have at the time of appointment the qualifications required by Sections 442.002(b) and (e);
- (2) does not maintain during service on the commission the qualifications required by Sections 442.002(b) and (e);
- (3) violates a prohibition established by Sections 442.002(f) or 442.0022;
- (4) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or
- (5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Sec. 442.003. PURPOSE OF COMMISSION. The commission shall provide leadership and coordinate services in the field of archeological and historic preservation.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 3, eff. Aug. 30, 1995.

Sec. 442.004. PERSONNEL. (a) The commission shall employ an executive director.

- (b) A person employed as executive director must:
 - (1) be a citizen of this state;
 - (2) have ability in organization, administration, and coordination of organizational work; and
 - (3) have particular qualities for carrying out the purposes of the commission.
- (b-1) The executive director may not serve as a voting director on the board of directors of an affiliated nonprofit organization formed under Section 442.005(p).
- (c) The executive director may employ professional and clerical personnel as considered necessary. The number of employees, their compensation, and other expenditures shall be in accordance with appropriations to the commission by the legislature.
- (d) The executive director or the executive director's designee shall provide to members of the commission and to agency employees, as often as necessary, information regarding their qualification for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.
- (e) The executive director or the executive director's designee shall develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees within the commission. The program shall require intra-agency posting of all positions concurrently with any public posting.
- (f) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on documented employee performance. All merit pay for commission employees must be based on the system established under this subsection.
- (g) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:
 - (1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;
 - (2) a comprehensive analysis of the commission workforce that meets federal and state guidelines;
 - (3) procedures by which a determination can be made about the extent of underuse in the commission workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and
 - (4) reasonable methods to appropriately address those areas of underuse.
- (h) A policy statement prepared under Subsection (g) must cover an annual period, be

updated annually, be reviewed by the Commission on Human Rights for compliance with Subsection (g), and be filed with the governor's office.

(i) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (h). The report may be made separately or as a part of other biennial reports made to the legislature.

(j) Before the expiration of 30 days after April 1 and November 1 of each year the commission shall submit a progress report to the governor. The report must include a statement of the steps that the commission has taken during the previous six months to comply with the requirement of Subsection (g).

(k) The governor shall designate the executive director as the state historic preservation officer, and the executive director shall act in that capacity for the conduct of relations with the representatives of the federal government and the respective states concerning matters of historic preservation.

(l) The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 4, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 4, eff. September 1, 2007.

Sec. 442.005. GENERAL POWERS AND DUTIES OF COMMISSION. (a) The commission shall furnish leadership, coordination, and services to county historical commissions, historical societies, and the organizations, agencies, institutions, museums, and individuals of this state interested in the preservation of archeological or historical heritage and shall act as a clearinghouse and information center for that work in this state.

(b) The commission is responsible for the administration of the Antiquities Code of Texas, Chapter 191, Natural Resources Code, and shall strive to establish effective working relationships among individuals primarily interested in history, architecture, and archeology.

(c) The commission shall furnish professional consultant services to museums and to agencies, individuals, and organizations interested in the preservation and restoration of archeological or historic structures, sites, or landmarks.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(41), eff. June 17, 2011.

(e) The commission shall administer the federal National Historic Preservation Act of 1966 and may prepare, maintain, and keep up to date a statewide comprehensive historic preservation plan.

(f) The commission by rule may establish a reasonable fee to recover its costs arising from review of a rehabilitation project on an income-producing property included in the National Register of Historic Places. Any fee established is payable by the applicant for the rehabilitation project.

(g) The commission may apply to any appropriate agency or officer of the United States for participation in any federal program pertaining to historic preservation.

(h) The commission may certify to another state agency the worthiness of preservation of any historic district, site, structure, or object significant in Texas or American history, architecture, archeology, or culture.

(i) The commission may provide matching grants to assist the preservation of a historic structure significant in Texas or American history, architecture, archeology, or culture.

(j) The commission shall use its facilities and leadership to stimulate the development and protection of archeological or historical resources in every locality of this state, emphasizing responsibility and privilege of local effort except in a case in which the project or problem clearly demands a broader approach.

(k) The commission may provide matching grants to preserve collections of small history museums in this state if the collections are significant in Texas or American history, architecture, archeology, or culture.

(l) The commission may conduct educational programs, seminars, and workshops throughout this state covering any phase of historic preservation.

(m) The commission shall continue cooperative studies and surveys of the various aspects of historical heritage.

(n) Not later than December 1 before each regular session of the legislature, the commission shall make a report of its activities to the governor and to the legislature.

(o) The commission may enter into contracts with other state agencies or institutions, qualified private institutions, and other persons, including for-profit corporations, to carry out the purposes of this chapter. A contract with a for-profit corporation under this chapter

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may not permit any property preserved, maintained, or administered by the commission under this chapter to display any corporate name, logo, or product other than a discreet plaque or similar acknowledgment that does not detract from the property's historic purpose.

(p) The commission may accept a gift, grant, devise, or bequest of money, securities, services, or property to carry out any purpose of this chapter, including funds raised or services provided by a volunteer or volunteer group to promote the work of the commission. The commission may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services or other benefits to the commission.

(q) The commission may adopt rules as it considers proper for the effective administration of this chapter.

(r) The commission may establish advisory committees to advise the commission on archeological and historical matters, including an advisory committee to consider matters relating to Chapter 191, Natural Resources Code.

(s) The commission may promote the appreciation of historic sites, structures, or objects in the state through a program designed to develop tourism in the state.

(t) The commission shall promote heritage tourism by assisting persons, including local governments, organizations, and individuals, in the preservation, enhancement, and promotion of heritage and cultural attractions in this state. The program must include efforts to:

- (1) raise the standards of heritage and cultural attractions around this state;
- (2) foster heritage preservation and education;
- (3) encourage regional cooperation and promotion of heritage and cultural attractions;

and

- (4) foster effective local tourism leadership and organizational skills.

(u) The commission may:

- (1) maintain the historic character of the sites and structures entrusted to its care;
- (2) use its resources to develop the historic sites through promotional and educational activities, including the purchase of items for resale or donation and the purchase of plants and landscaping services; and

(3) accept advertisements in selected agency publications, including print and electronic publications, at a rate that offsets development and production costs.

(v) The commission may accept a gift of real property, whether of historical value or not. When the gift is received, the commission may:

- (1) arrange for the preservation, maintenance, and public exhibition of the property;
- or
- (2) at the commission's discretion, sell the property at fair market value and use the proceeds to carry out any purpose of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 5, eff. Aug. 30, 1995; Acts 1997, 75th Leg., ch. 428, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 461, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 377, Sec. 2, eff. Sept. 1, 2001.

Amended by:

- Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(41), eff. June 17, 2011.
 Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 1, eff. September 1, 2013.

Sec. 442.0051. FEES. The commission by rule may establish reasonable fees for commission purposes under this chapter, including an admission fee appropriate to a historic site under its jurisdiction.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Sec. 442.0052. VOLUNTEER SERVICES. (a) Except as provided by Subsection (b), the commission may use the services of volunteers to help carry out the duties and responsibilities of the commission.

(b) A volunteer may not enforce this code.

(c) The executive director may waive entrance fees and facility use fees for historic sites under the commission's jurisdiction for a volunteer to assist in the accomplishment of the volunteer's service to the commission.

(d) The executive director may expend funds appropriated to the commission from dedicated funding sources for:

- (1) the establishment of an insurance program to protect volunteers in the performance of volunteer service; and
- (2) recognition of the services of a volunteer or volunteer groups.

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Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 2, eff. June 17, 2011.

Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by rule shall adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic sites system.

(b) The commission may accept a donation of real property that satisfies the criteria adopted under Subsection (a).

(c) The commission may renovate or restore donated real property, including improvements to the property, or construct new improvements on the donated real property as necessary and prudent.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Sec. 442.0054. DISCLOSURE OF PERSONAL CUSTOMER INFORMATION. (a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the commission may not be disclosed except as authorized under this section.

(b) Chapter 552 does not apply to customer information described by Subsection (a).

(c) The commission by rule shall adopt policies relating to:

(1) the release of the customer information;

(2) the use of the customer information by the commission; and

(3) the sale of a mailing list consisting of the names and addresses of persons who purchase customer products, licenses, or services.

(d) The commission shall include in its policies a method for a person by request to exclude information about the person from a mailing list sold by the commission.

(e) The commission may disclose customer information to a federal or state law enforcement agency if the agency provides a lawfully issued subpoena.

(f) The commission and its officers and employees are immune from civil liability for an unintentional violation of this section.

(g) In this section, a reference to the commission includes a reference to an agent of the commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 3, eff. June 17, 2011.

Sec. 442.0055. AFFILIATED NONPROFIT ORGANIZATION; RULES; GUIDELINES. (a) The commission shall adopt rules governing the relationship between the commission and an affiliated nonprofit organization formed under Section 442.005(p), including rules that, at a minimum:

(1) define the extent to which commission employees with regulatory responsibilities, including the executive director, may participate in activities that raise funds for an affiliated nonprofit organization, which may not include the direct solicitation of funds; and

(2) define the relationship between commission employees and an affiliated nonprofit organization.

(b) The commission shall establish guidelines for identifying and defining the administrative and financial support the commission may provide for an affiliated nonprofit organization formed under Section 442.005(p).

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 6, eff. September 1, 2007.

Sec. 442.0056. ACQUISITION OF HISTORIC SITES. (a) The commission may acquire by purchase, gift, or other manner historic sites:

(1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;

(2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;

(3) embodying the distinguishing characteristics of an architectural type that is inherently valuable for study of a period, style, or method of construction;

(4) that contribute significantly to the understanding of aboriginal humans in the nation or state; or

(5) that are of significant geologic interest relating to prehistoric animal or plant life.

(b) The commission shall restore and maintain each historic site acquired under this section for the benefit of the general public. The commission may enter into interagency

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contracts and contracts with other persons, including for-profit corporations, for this purpose.

(c) The commission shall formulate plans for the preservation and development of historic sites. Before formulating a plan for a specific site, the commission shall conduct an archeological survey of the site. In formulating plans, the commission shall:

- (1) consider the results from the archeological survey for the site if the plan is for a specific site; and
- (2) consider the resources necessary to manage a site.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 2, eff. September 1, 2013.

Sec. 442.0057. SOLICITATION, RECEIPT, AND TRANSFER OF LAND. (a) The commission may solicit and receive donations of land for public purposes and may refuse donations of land not acceptable for public purposes.

(b) If title to a site has vested in the commission and if ownership of the site is no longer in the best interest of the commission, the commission may transfer the title:

- (1) to another state commission, department, or institution requesting the site;
- (2) to the donor of the land if the donor requests the return of the site;
- (3) to the United States if it has undertaken the development of the site for public purposes;
- (4) to the grantor if the deed to the commission contains a reversion clause providing that title reverts to the grantor when the site is not used for the purposes for which it was acquired; or
- (5) to any legally authorized entity if the property is to be used for public purposes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.0058. SALE OR EXCHANGE OF LAND. (a) The executive director with the approval of the commission may execute a deed exchanging real property or an interest in real property either as all or partial consideration for other real property or interest in real property. The executive director with the approval of the commission may execute a deed selling real property or an interest in real property under the jurisdiction of the commission if ownership of the real property is no longer in the best interest of the commission.

(b) The commission shall receive a good and marketable title to all land exchanged under this section.

(c) All land to be received in the exchange must be appraised, and if the land to be received is of greater value, as determined by an independent and competent appraisal, than the state land exchanged, the commission may use funds available for land acquisitions as a partial consideration for the exchange.

(d) The receipts from the sale of land under this section shall be used for improving or acquiring other real property dedicated to the same purpose for which the land sold was dedicated.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.0059. EMPLOYEE FUND-RAISING. (a) This section applies only to the solicitation or receipt of a gift, including money, that has a value of \$500 or more.

(b) The commission by rule shall adopt policies to govern fund-raising activities by commission employees on behalf of the commission. The rules must:

- (1) designate the types of employees who may solicit donations;
- (2) restrict where and how fund-raising may occur; and
- (3) establish requirements for reports by employees to the director.

(c) The executive director shall approve and manage fund-raising activities by commission employees on behalf of the commission in accordance with commission rules.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.006. STATE HISTORICAL MARKER PROGRAM. (a) The commission shall give direction and coordination to the state historical marker program.

(b) The commission shall:

- (1) develop statewide themes for the program related to the commission's preservation goals for the state;
- (2) install markers recognizing districts, sites, individuals, events, structures, and objects significant in Texas or American history, architecture, archeology, or culture;

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(3) keep a register of those markers; and

(4) establish a limit for the number of markers the commission awards annually.

(c) To assure a degree of uniformity and quality of historical markers, monuments, and medallions in this state, the commission shall review and approve or reject the final form or dimensions of or text or illustrations on any marker, monument, or medallion before its fabrication by the state or by a county, county historical commission, incorporated city, individual, or organization in this state. The commission shall designate an approved marker as an Official Texas Historical Marker.

(d) The commission shall designate any structure receiving the Official Texas Historical Building Medallion as a Recorded Texas Historic Landmark that is considered worthy of preservation because of its history, culture, or architecture.

(d-1) The commission shall specially designate as a Texas Historical Use Building that is considered worthy of preservation because of its history, culture, or architecture a building that:

(1) is currently used regularly for a purpose that benefits the community in which the building is located, as determined by the commission; and

(2) has been used regularly for the purpose described by Subdivision (1) for at least 150 years.

(e) The commission by rule may establish a reasonable fee to recover its costs arising from review of a proposal for a historical marker, monument, or medallion. Any fee established is payable by the applicant for the marker, monument, or medallion.

(f) A person may not damage the historical or architectural integrity of a structure the commission has designated as a Recorded Texas Historic Landmark without notifying the commission at least 60 days before the date on which the action causing the damage is to begin. After receiving the notice, the commission may waive the waiting period or, if the commission determines that a longer period will enhance the chance for preservation, it may require an additional waiting period of not longer than 30 days. On the expiration of the time limits imposed by this section, the person may proceed, but must proceed not later than the 180th day after the date on which notice was given or the notice is considered to have expired.

(g) This chapter does not authorize the commission to review or determine the placement or location of an object in or on a Recorded Texas Historic Landmark if the placement or location does not result in substantial structural change or damage to the landmark.

(h) The commission by rule shall establish guidelines for an application for, and the commission's review of the application for, a historical marker, monument, or medallion. The guidelines must include criteria for ranking the applications. The commission shall give priority to the markers, monuments, and medallions that relate to the statewide themes developed by the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 7, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 390 (S.B. 111), Sec. 1, eff. September 1, 2013.

Sec. 442.0065. GUIDE TO HISTORICAL MARKERS. (a) In this section, "department" means the Texas Department of Transportation.

(b) The department, in consultation with the commission, shall publish a guide to historical markers along roadways in this state that includes:

(1) a listing of the historical markers along roadways with identifying numbers assigned to each marker by the department; and

(2) a summary of the information on each marker.

(c) For each historical marker, the department shall erect and maintain, if practicable, signs informing users of the roadway of the marker and indicating the identifying number of the marker. The department shall erect a sign under this subsection approximately one mile preceding the historical marker if that placement is practicable.

(d) The department shall use information from the commission's Texas historical roadside marker restoration program and the state historical marker program under Section 442.006 in creating the guide to historical markers under Subsection (b).

(e) The department shall make available to the public the guide published under Subsection (b) at a reasonable price determined by the department. Revenue from sales of the guide shall be deposited to the credit of the state highway fund and is exempt from the application of Section 403.095.

(f) The department shall work with the commission to ensure that there is no duplication between publications currently available through the commission or other sources.

Added by Acts 2001, 77th Leg., ch. 649, Sec. 1, eff. June 13, 2001.

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Sec. 442.007. STATE ARCHEOLOGICAL PROGRAM. (a) The commission, through the state archeologist, shall direct the state archeological program.

(b) The program must include:

- (1) a continuing inventory of nonrenewable archeological resources;
- (2) evaluation of known sites through testing and excavation;
- (3) maintenance of extensive field and laboratory data, including data on collections of antiquities;
- (4) consultation with state agencies and organizations and local groups concerning archeological and historical problems; and
- (5) publication of the results of the program through various sources, including a regular series of reports.

(c) The commission may enter into contracts or cooperative agreements with the federal government, other state agencies, state or private museums or educational institutions, or qualified persons, including for-profit corporations, for prehistoric or historic archeological investigations, surveys, excavations, or restorations in this state.

(d) The state archeologist has general jurisdiction and supervision over archeological work, reports, surveys, excavations, and archeological programs of the commission and of cooperating state agencies.

(e) The duties of the state archeologist include:

- (1) maintaining an inventory of significant historic or prehistoric sites of archeological or historic interest;
- (2) providing public information and education in the fields of archeology and history;
- (3) conducting surveys and excavations with respect to significant archeological or historic sites in this state;
- (4) preparing reports and publications concerning the work of the office of the state archeologist;
- (5) doing cooperative and contract work in prehistoric and historic archeology with other state agencies, the federal government, state or private institutions, or individuals;
- (6) maintaining and determining the repository of catalogued collections of artifacts and other materials of archeological or historic interest; and
- (7) preserving the archeological and historical heritage of this state.

(f) The state archeologist shall withhold from disclosure to the public information relating to the location or character of archeological or historic resources if the state archeologist determines that the disclosure of the information may create a substantial risk of harm, theft, or destruction to the resources or to the area or place where the resources are located.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.009, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 3, eff. September 1, 2013.

Sec. 442.0071. DUTIES REGARDING GOVERNOR'S MANSION. (a) The commission shall approve construction plans and monitor the work on the Governor's Mansion to ensure compliance with Chapter 191, Natural Resources Code, to ensure the historical and architectural integrity of the mansion's exterior, interior, contents, and grounds. A substantial addition, deletion, or other alteration may not be made to the mansion or its contents or grounds without the prior approval of the commission.

(b) The commission shall:

- (1) develop and maintain an inventory of the contents of the Governor's Mansion that includes all furnishings, fixtures, works of art, and decorative objects and states the owner of each of those items;
- (2) develop a plan for the acquisition, by purchase, donation, or loan, of furnishings, fixtures, works of art, and decorative objects for the mansion, especially early 19th-century American, museum-quality items and items having historical significance to the Governor's Mansion;
- (3) develop a plan for the disposition of furnishings, fixtures, works of art, and decorative objects that the commission determines are not needed or inappropriate; and
- (4) recommend and arrange for the conservation or restoration of furnishings, fixtures, works of art, and decorative objects in the mansion that are owned by the state.

(c) The commission may accept gifts, grants, or other donations on behalf of the Governor's Mansion. The commission shall contract with a nonprofit organization formed to assist in the

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preservation and maintenance of the Governor's Mansion to develop and implement a plan for the solicitation and acceptance of gifts, grants, devises, and bequests of money, other property, and services to be used in the acquisition of furnishings, fixtures, works of art, and decorative objects for the Governor's Mansion or for necessary landscaping, conservation, or restoration services. The commission also may contract with a nonprofit organization described by this subsection for the performance of any duty provided by Subsection (b). A contract under this subsection may not exceed a term of two years.

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 240, Sec. 3, eff. May 27, 2009.

(e) The State Preservation Board and the office of the governor may exercise the powers and shall perform the duties relating to the Governor's Mansion that are provided by applicable law, subject to the requirements of this section.

(f) Section 443.007 does not apply to this section.

Added by Acts 1989, 71st Leg., ch. 177, Sec. 1, eff. May 25, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 240 (S.B. 2307), Sec. 2, eff. May 27, 2009.

Acts 2009, 81st Leg., R.S., Ch. 240 (S.B. 2307), Sec. 3, eff. May 27, 2009.

Sec. 442.0072. PRESERVATION AND MAINTENANCE OF GETHSEMANE CHURCH AND CARRINGTON-COVERT HOUSE. (a) In this section:

(1) The Gethsemane Church includes the adjoining grounds of the church.

(2) The Carrington-Covert House includes the adjoining grounds of the house.

(b) The State of Texas owns the Gethsemane Church and the Carrington-Covert House.

(c) The church and the house are located at Congress Avenue and 16th Street on Lots 5, 6, 7, and 8, Outlot 46, Division "E" of the original City of Austin, Travis County, Texas.

(d) The commission shall preserve, maintain in a state of suitable repair, restore, and develop the church and the house, their contents, and their grounds, in the manner determined by the commission, for the beautification and cultural enhancement of the properties as a significant Texas historical site and in a manner consistent with development of the Capitol Complex.

(e) The commission shall spend the money the legislature appropriates for purposes of this section to accomplish those purposes.

(f) The commission may:

(1) accept gifts and donations for the church and the house; and

(2) use the gifts and donations in accordance with the donor's conditions and instructions that are consistent with this section.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 7.102, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 898 (H.B. 2621), Sec. 1, eff. September 1, 2007.

Sec. 442.0073. PRESERVATION AND MAINTENANCE OF CERTAIN STATE BUILDINGS. (a) The commission shall preserve, maintain, and restore Luther Hall, the Elrose Building, and the Christianson-Leberman Building, their contents, and their grounds.

(b) For purposes of this section, Luther Hall and the Elrose Building are located on 16th Street between Colorado Street and North Congress Avenue in Austin and the Christianson-Leberman Building is located at 1304 Colorado Street in Austin.

Added by Acts 2007, 80th Leg., R.S., Ch. 898 (H.B. 2621), Sec. 2, eff. September 1, 2007.

Sec. 442.008. COUNTY COURTHOUSES. (a) A county may not demolish, sell, lease, or damage the historical or architectural integrity of any building that serves or has served as a county courthouse without notifying the commission of the intended action at least six months before the date on which it acts.

(b) If the commission determines that a courthouse has historical significance worthy of preservation, the commission shall notify the commissioners court of the county of that fact not later than the 30th day after the date on which the commission received notice from the county. A county may not demolish, sell, lease, or damage the historical or architectural integrity of a courthouse before the 180th day after the date on which it received notice from the commission. The commission shall cooperate with any interested person during the 180-day period to preserve the historical integrity of the courthouse.

(c) A county may carry out ordinary maintenance of and repairs to a courthouse without notifying the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 403, Sec. 3, eff. Sept. 1, 1999.

Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION AND MAINTENANCE PROGRAMS; GRANTS AND LOANS. (a) The commission shall administer a historic courthouse preservation program.

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(b) A county or municipality that owns a historic courthouse may apply to the commission for a grant or loan for a historic courthouse project. The application must:

- (1) state the location of the courthouse;
- (2) state whether the courthouse is or is likely to become a historic structure;
- (3) state the amount of money or in-kind contributions that the county or municipality promises to contribute to the project;
- (4) state whether the courthouse is currently functioning as a courthouse;
- (5) include any plans, including a master preservation plan, that the county or municipality may have for the project; and
- (6) include any other information that the commission by rule may require.

(c) The commission may grant or loan money to a county or municipality that owns a historic courthouse, for the purpose of preserving or restoring the courthouse, if the county's or municipality's application meets the standards of the historic courthouse preservation program. In considering whether to grant an application, the commission shall consider the preferences and factors listed in this section as well as any other factors that it may provide by rule.

(d) In considering whether to grant an application, the commission shall give preference to:

- (1) a proposed project to preserve or restore a courthouse:
 - (A) that is or is likely to become a historic structure; and
 - (B) that:
 - (i) is still functioning as a courthouse;
 - (ii) was built before 1875; or
 - (iii) is subject to a conservation easement held by the commission; and
- (2) a county or municipality that will provide or has provided at least 15 percent of the project's costs, including:
 - (A) in-kind contributions; and
 - (B) previous expenditures for master planning and renovations on the courthouse that are the subject of the application.

(e) In considering whether to grant an application, the commission shall also consider the following factors:

- (1) the amount of money available for a grant or loan and the percentage of the costs that the county or municipality will contribute;
- (2) whether the county or municipality will contribute any in-kind contribution such as labor or materials;
- (3) the cost to preserve or restore the courthouse;
- (4) the architectural style of the courthouse;
- (5) the historic significance of the courthouse;
- (6) the county's or municipality's master preservation plan; and
- (7) any other factors that the commission by rule may provide.

(f) The commission shall adopt rules regarding the way in which it will consider the following factors in analyzing a county's or municipality's contribution to project costs under Subsection (d)(2):

- (1) the period during which past expenditures can be considered;
- (2) the amount of past expenditures that can be considered; and
- (3) the amount and type of in-kind contributions that can be considered.

(g) The commission shall appoint a Texas Courthouse Preservation Program Advisory Committee. The committee shall assist the commission on matters relating to the historic courthouse preservation program. The commission may reimburse a committee member's travel expenses and provide a per diem for other expenses from funds appropriated to the commission, but not from funds in the historic courthouse preservation fund account created by this chapter. Chapter 2110 applies to the committee, but the committee must include:

- (1) members from the different geographical areas of the state;
- (2) an equal number of members from counties with a population of:
 - (A) 24,999 or less;
 - (B) 25,000 to 75,000; and
 - (C) 75,001 or more; and
- (3) at least the following members:
 - (A) one or more elected county officials;
 - (B) one or more members of historical organizations or persons with knowledge of

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and experience in preservation who are not elected county officials; and

(C) one or more members of the general public who do not meet the requirements of Paragraph (A) or (B).

(g-1) To help protect courthouses that have benefited from the historic courthouse preservation program, the commission shall develop and implement a maintenance program to assist counties and municipalities receiving money under the preservation program in continuing to maintain, repair, and preserve the courthouses. The maintenance program may include offering to periodically inspect the courthouses and offering counties and municipalities technical assistance and information on best practices in maintaining the courthouses.

(h) The commission shall adopt rules necessary to implement the historic courthouse preservation and maintenance programs.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 2, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 2, eff. September 1, 2013.

Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS. (a) Before incurring any expenses payable from funds received from the commission under the historic courthouse preservation program, a county or municipality must have a master preservation plan for its historic courthouse project. The commission by rule shall prescribe the minimum standards for a master preservation plan.

(b) A county or municipality that receives money under the historic courthouse preservation program must use recognized preservation standards for work on a historic courthouse project. The commission by rule shall establish standards regarding the quality of the work performed on a historic courthouse project.

(c) A county or municipality that receives money under the historic courthouse preservation program for a historic courthouse project may use the money only for eligible preservation and restoration expenses that the commission by rule shall prescribe. Eligible expenses may include costs for:

(1) structural, mechanical, electrical, and plumbing systems and weather protection and emergency public safety issues not covered by insurance;

(2) code and environmental compliance, including complying with the federal Americans with Disabilities Act of 1990 and its subsequent amendments, Chapter 469, and other state laws relating to accessibility standards, hazardous materials mitigation rules, and other similar concerns;

(3) replication of a missing architectural feature;

(4) removal of an inappropriate addition or modification; and

(5) restoration of a courtroom or other significant public space in a functional and historically appropriate manner.

(d) A county's or municipality's expenditure of money received under this chapter for a historic courthouse project is subject to audit by the state auditor in accordance with Chapter 321.

(e) The commission by rule shall provide for oversight procedures on a project. These rules shall provide for reasonable inspections by the commission as well as periodic reports by a county or municipality on a project's progress.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 3, eff. September 1, 2013.

Sec. 442.0083. FUNDING FOR HISTORIC COURTHOUSE PRESERVATION PROGRAM; HISTORIC COURTHOUSE PRESERVATION FUND ACCOUNT. (a) The historic courthouse preservation fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, payments on loans made under the historic courthouse preservation program, grants and donations made for the purposes of the historic courthouse preservation program, and income earned on investments of money in the account. Appropriations to the commission for the historic courthouse preservation program shall be deposited to the credit of the account. Notwithstanding Section 404.071, income earned on money in the account shall be deposited to the credit of the account.

(b) Except as otherwise provided by Subsection (c), the commission may use money in the historic courthouse preservation fund account to provide a grant or loan to a county or municipality that owns a historic courthouse for a historic courthouse project. The grant or

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loan may be in the amount and according to the terms that the commission by rule shall determine.

(c) The commission may use money in the historic courthouse preservation fund account to provide a loan under the historic courthouse preservation program only to the extent that the legislature provides in the General Appropriations Act that money appropriated to the commission for the program may be used to make loans.

(d) As a condition for providing the money under this section, the commission may require creation of a conservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state and may require creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan or any other agreements made under this section and Sections 442.0081 and 442.0082.

(e) A grant for a historic courthouse project may not exceed the greater of \$6 million or two percent of the amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(f) Biennial appropriations to the commission for administering the historic courthouse preservation and maintenance programs during a state fiscal biennium, including providing oversight for historic courthouse projects, may not exceed 2-1/2 percent of the amount appropriated for implementing the historic courthouse preservation and maintenance programs during the state fiscal biennium.

(g) The commission by rule may set a limit on the loan amount for a historic courthouse project. This amount may be expressed as a dollar amount or as a percentage of the total amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(h) The commission may accept a gift, grant, or other donation for the historic courthouse preservation program or a specific historic courthouse project.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 3, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 4, eff. September 1, 2013.

Sec. 442.0084. **EQUITABLE REPRESENTATION IN MONUMENTS.** (a) In this section, "monument" has the meaning assigned by Section 443.015, as added by Chapter 1141, Acts of the 75th Legislature, Regular Session, 1997.

(b) To ensure that the diverse history of Texas is accurately represented on land owned by the state other than the Capitol Complex, the Texas Historical Commission shall:

(1) collect information relating to each monument on land owned by the state other than the Capitol Complex; and

(2) in cooperation with the chair of the history department at Prairie View A&M University, at The University of Texas at Austin, or at any other land grant university in the state, as determined by the commission, ensure the:

(A) historical accuracy of the monuments; and

(B) equitable representation of all Texans, including African slaves, African Americans, Hispanic Americans, Native Americans, women in Texas history, and Texans exemplifying military service and rural heritage in monuments on land owned by the state other than the Capitol Complex.

(c) The commission shall make the information collected under this section available to the public.

Added by Acts 2001, 77th Leg., ch. 1315, Sec. 1, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 442.0087 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(60), eff. Sept. 1, 2003.

Sec. 442.0085. **STATE REGISTER OF HISTORIC PLACES.** (a) The commission shall develop and maintain a state register of historic places using existing statutory classifications of those places, including Recorded Texas Historic Landmarks, National Register listings, subject markers, and state archeological landmarks.

(b) The commission shall adopt rules to implement this section.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 6, eff. Aug. 30, 1995.

Sec. 442.0086. **MILITARY SITES PROGRAM.** (a) The commission shall identify sites in and outside this state that are historically significant to this state because of:

(1) military action or service at the sites; or

(2) other significant events of a military nature at the sites that shaped the history of this state.

(b) In carrying out its duties under Subsection (a), the commission shall assist other governmental entities, including other states, institutions, organizations, and other entities in identifying military sites outside this state where Texans served with distinction.

(c) The commission may designate or encourage the designation of sites identified under Subsections (a) and (b) through existing history programs, including:

- (1) local community landmark programs;
- (2) the state historical marker program under Section 442.006;
- (3) the National Register of Historic Places;
- (4) the National Historic Landmarks program;
- (5) the World Heritage List; and
- (6) other appropriate programs.

(d) The commission may provide information regarding the significance of the sites designated under this section using:

- (1) historical markers and monuments;
- (2) publications and films; and
- (3) other appropriate media.

(e) The commission may seek assistance from other state and local governmental entities in carrying out the commission's duties under this section.

(f) The commission may seek and accept gifts, grants, and donations from public or private sources, including seeking available federal funds, to accomplish the purposes of this section.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 7, eff. Aug. 30, 1995.

Sec. 442.0087. FORT BLISS MUSEUM AND STUDY CENTER. (a) The commission may assist Fort Bliss Military Reservation in El Paso in the establishment and operation at Fort Bliss of a museum and study center devoted to the history of the United States air defense system.

(b) To accomplish the purposes of this section, the commission may:

- (1) seek and accept gifts, grants, and donations of funds or property from public and private sources, including seeking available federal funds; and
- (2) contribute funds appropriated to the commission for the purpose.

(c) The commission may provide assistance and contribute funds under this section only if the commission receives appropriate assurances that, subject to the security requirements of the military reservation, the museum and study center will be open for use by the general public.

Added by Acts 2001, 77th Leg., ch. 312, Sec. 1, eff. May 23, 2001.

Sec. 442.009. CONSUMER INFORMATION AND COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1159, Sec. 46, eff. June 15, 2007.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 8, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 8, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 46, eff. June 15, 2007.

Sec. 442.0095. PROGRAM AND FACILITY ACCESSIBILITY. The commission shall comply with federal and state laws related to program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 9, eff. Aug. 30, 1995.

Sec. 442.010. AUDITS. (a) The financial transactions of the commission are subject to audit by the state auditor in accordance with Chapter 321.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(42), eff. June 17, 2011.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch.

584, Sec. 92, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 109, Sec. 10, eff. Aug. 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 7, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(42), eff. June 17, 2011.

Sec. 442.011. PENALTY. A person who violates this chapter or Chapter 191, Natural Resources Code, is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 312 (H.B. 2056), Sec. 1, eff. September 1, 2007.

Sec. 442.012. LAWSUITS. (a) The attorney general or any resident of this state may file suit in district court to restrain and enjoin a violation or threatened violation of this chapter or Chapter 191, Natural Resources Code, to recover on behalf of the state a civil penalty provided by this chapter, including a civil penalty provided for a violation of Chapter 191, Natural Resources Code, or for both injunctive relief and a civil penalty.

(b) Venue of the suit filed is in Travis County or the county in which the activity sought to be restrained or penalized is alleged to have occurred, be occurring, or be about to occur.

(c) If the attorney general substantially prevails in an action to recover a civil penalty under this section, the court shall award the attorney general reasonable expenses incurred in recovering the penalty, including court costs, reasonable attorney's fees, expert witness fees, and deposition expenses.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 312 (H.B. 2056), Sec. 2, eff. September 1, 2007.

Sec. 442.013. NO EFFECT ON OTHER ORGANIZATIONS AND ACTIVITIES. It is not the purpose of this chapter to duplicate or replace existing historical heritage organizations and activities, but to give leadership, coordination, and service as needed and desired.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 442.014. MAIN STREET PROGRAM. (a) The commission shall administer a main street program to assist municipalities with the development, restoration, and preservation of their central business districts.

(b) Each year the commission shall designate certain municipalities to participate in the program as official main street cities.

(c) The commission by rule shall prescribe qualification standards for participation in the program as a main street city or as an urban main street city. Any municipality not designated under Subsection (b) may apply with the commission to participate in the program under this subsection.

(d) The commission by rule shall prescribe a fee schedule for participation in the program under Subsection (c). The commission shall collect fees from the participating municipalities to recover the costs of participation in the program.

Added by Acts 1989, 71st Leg., ch. 23, Sec. 1, eff. April 19, 1989.

Sec. 442.014~~5~~. TEXAS HISTORICAL ARTIFACTS PROGRAM; FUND. (a) The commission shall administer a program to assist municipalities, counties, museums, and county historical commissions with:

(1) the development or improvement of museum facilities used to display historical artifacts discovered in Texas that are significant in Texas or American history; and

(2) the acquisition of historical artifacts discovered in Texas that are significant in Texas or American history.

(b) The Texas Historical Artifacts Program fund is created as a separate account in the general revenue fund. The fund is composed of money appropriated to the fund, money deposited to the fund under Subsection (c), and interest received from investments of money in the fund that the comptroller shall allocate to the fund. Sections 403.095 and 404.071 do not apply to the fund or to interest received from investments of money in the fund. Money in the fund may be spent only as provided by the commission under this section.

(c) The commission may accept, for deposit in the Texas Historical Artifacts Program fund,

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grants or other donations from any source.

(d) The commission shall establish rules governing the use, administration, and distribution of the Texas Historical Artifacts Program fund. The rules must ensure that money in the fund is used only for the purposes prescribed by Subsection (a), including paying the expenses of administering the program.

Added by Acts 1999, 76th Leg., ch. 1370, Sec. 1, eff. June 19, 1999. Amended by Acts 2001, 77th Leg., ch. 377, Sec. 3, eff. Sept. 1, 2001.

Sec. 442.015. TEXAS PRESERVATION TRUST FUND ACCOUNT. (a) Notwithstanding Section 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, earnings on the account, and any other money received under this section. Distributions from the account may be used only for the purposes of this section and may not be used to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Earnings on the account shall be deposited to the credit of the account.

(b) The commission may use distributions from the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(c) As a condition of providing financial assistance under this section, the commission shall require the creation of a preservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state, the designation of the property as a State Archeological Landmark, as provided by Chapter 191, Natural Resources Code, or the creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan made under this section.

(d) The commission, after considering the recommendations of the governor, lieutenant governor, and speaker of the house of representatives, shall appoint an advisory board composed of:

- (1) one representative of a bank or savings and loan association;
- (2) one attorney with a recognized background in historic preservation;
- (3) two architects with substantial experience in historic preservation;
- (4) two archeologists with substantial experience in Texas archeology;
- (5) one real estate professional with experience in historic preservation;
- (6) two persons with demonstrated commitment to historic preservation; and
- (7) two directors of nonprofit historic preservation organizations.

(e) Members of the advisory board serve two-year terms expiring February 1 of each odd-numbered year. A member of the advisory board is not entitled to compensation for the member's service on the advisory board but is entitled to reimbursement for reasonable expenses incurred in attending advisory board meetings, subject to any limit provided by the General Appropriations Act.

(f) The advisory board shall recommend to the commission rules for administering Subsections (a)-(e).

(g) The commission may accept grants or other donations of money or other property and services from any source. Money received under this subsection shall be deposited to the credit of the Texas preservation trust fund account.

(h) The comptroller shall manage the assets of the account. In managing the assets of the account, the comptroller may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions the comptroller considers appropriate, any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the account then prevailing, taking into consideration the investment of all the assets of the account rather than a single investment.

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(i) The amount of a distribution shall be determined by the comptroller in a manner intended to provide a stable and predictable stream of annual distributions and to maintain over time the purchasing power of account investments and annual distributions from the account. If the purchasing power of account investments for any 10-year period is not preserved, the comptroller may not increase annual distributions from the account until the purchasing power of account investments is restored.

(j) An annual distribution made by the comptroller from the account during a fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

(k) The expenses of managing account investments shall be paid from the account.

(l) On request, the comptroller shall fully disclose all details concerning the investments of the account.

Added by Acts 1989, 71st Leg., ch. 366, Sec. 1, eff. Sept. 1, 1989. Renumbered from Sec. 442.0071 by Acts 1990, 71st Leg., 6th C.S., ch. 12, Sec. 2(6), eff. Sept. 6, 1990. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 11, eff. Aug. 30, 1995; Acts 1999, 76th Leg., ch. 461, Sec. 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 377, Sec. 4, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 9, eff. June 15, 2007.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), Sec. 22.01, eff. November 1, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), Sec. 22.02, eff. November 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1218 (S.B. 1546), Sec. 1, eff. September 1, 2013.

Sec. 442.0155. FUNDS SUBJECT TO STATE FUNDS REFORM ACT. All money paid to the commission under this chapter is subject to Subchapter F, Chapter 404.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 12, eff. Aug. 30, 1995.

Sec. 442.016. LIABILITY FOR ADVERSELY AFFECTING HISTORIC STRUCTURE OR PROPERTY. (a) In this section, "historic structure or property" means a historic structure or a structure or property that is designated as historic by a political subdivision of the state, the state, or the federal government.

(b) A person is liable to the commission for damages if the person:

(1) demolishes, causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a historic structure or property that is not located in a municipality that has a demolition permit and a building permit procedure; and

(2) does not obtain written permission from the commission before beginning to demolish, cause the demolition of, or otherwise adversely affect the structural, physical, or visual integrity of the structure or property.

(c) If the structural, physical, or visual integrity of the structure or property is adversely affected to the extent that it is not feasible to restore the structural, physical, or visual integrity substantially to its former level, the damages are equal to the cost of constructing, using as many of the original materials as possible, a new structure or property that is a reasonable facsimile of the historic structure or property and the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section. If it is feasible to restore the structural, physical, or visual integrity of the structure or property substantially to its former level, the damages are equal to the cost of the restoration, using as many of the original materials as possible, and the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(d) Instead of accepting monetary damages, the commission may permit the liable person to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property or to restore, using as many of the original materials as possible, the historic structure or property and to pay the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(e) Damages recovered under this section shall be deposited in the Texas preservation trust fund account.

(f) The construction of a facsimile structure or property under Subsection (d) must be undertaken at the location designated by the commission, which may be the same location as that of the demolished historic structure or property.

(g) The commission may make contracts and adopt rules as necessary to carry out this section.

(h) The commission shall file in the real property records of the county clerk's office in each county in which a historic structure or property that is included on the National Register

of Historic Places or that is designated as a Recorded Texas Historic Landmark is located a verified written instrument listing each structure or property located in that county by:

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- (1) the street address, if available in the commission files;
 - (2) the legal description of the real property on which the structure or property is located; and
 - (3) the name of the owner of the real property, if available in the commission files.
- (i) Subsections (a) through (g) of this section apply only to a historic structure or property on or after the date the instrument has been filed under Subsection (h) and indexed.

Added by Acts 1991, 72nd Leg., ch. 594, Sec. 2, eff. Sept. 1, 1991. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 13, eff. Aug. 30, 1995.

Sec. 442.017. IDENTIFICATION AND PRESERVATION OF ABANDONED CEMETERIES. (a) The commission should establish a program to identify and preserve abandoned cemeteries across the state.

(b) The commission is encouraged to use volunteers to the maximum extent possible to implement the program and to model the program to the extent appropriate on the "Adopt-A-Beach" program conducted by the General Land Office.

(c) The commission may accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

Added by Acts 2001, 77th Leg., ch. 377, Sec. 5, eff. Sept. 1, 2001.

Sec. 442.018. IDENTIFICATION AND PRESERVATION OF TEXAS UNDERGROUND RAILROAD HISTORICAL SITES. (a) The commission should establish a program to identify and preserve Texas Underground Railroad Historical Sites.

(b) The commission is encouraged to use volunteers to the maximum extent possible to implement the program and to model the program to the extent appropriate on the "Adopt-A-Beach" program conducted by the General Land Office.

(c) The commission may accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

Added by Acts 2001, 77th Leg., ch. 377, Sec. 6, eff. Sept. 1, 2001.

Sec. 442.020. TEXAS TREASURE AWARDS. (a) The commission shall create the Texas Treasure Award program to honor businesses that have existed in this state providing employment and supporting the Texas economy for 50 years or more.

(b) Any person may nominate a business that meets the criteria described by Subsection (a) to the commission for consideration to receive the award.

(c) The commission shall establish separate levels of recognition for businesses that have existed in this state providing employment and supporting the Texas economy for at least 50 years, at least 75 years, at least 100 years, and at least 125 years.

(d) The commission shall periodically select businesses to receive Texas Treasure Awards for the various levels of recognition as the commission considers appropriate considering the significance of the contribution of each business to this state. The commission shall honor the recipient of a Texas Treasure Award by presenting the recipient with a suitable plaque that includes the business's level of recognition and other appropriate information.

(e) The commission shall notify the state senator and state representative in whose districts a recipient's principal place of business in this state is located. The commission, the recipient, and the state senator and state representative shall cooperate in determining whether the ceremony at which the plaque honoring the recipient will be presented will be held in the hall of the senate, in the hall of the house of representatives, in the municipality or general area in which the recipient's principal place of business in this state is located, or in another suitable location.

Added by Acts 2005, 79th Leg., Ch. 850 (S.B. 920), Sec. 1, eff. June 18, 2005.

Renumbered from Government Code, Section 442.019 by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 17.001(28), eff. September 1, 2007.

Sec. 442.021. EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL. (a) In cooperation with the National Park Service, the commission shall administer and coordinate the efforts of

state and local public and private entities in this state regarding the preservation of El Camino Real de los Tejas National Historic Trail.

(b) The commission shall develop educational and interpretative programs relating to El Camino Real de los Tejas National Historic Trail.

(c) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market the El Camino Real de los Tejas National Historic Trail as a Texas historic highway.

(d) To supplement revenue available for the purposes under Subsection (c), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(e) A designation of the El Camino Real de los Tejas National Historic Trail as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(f) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2005, 79th Leg., Ch. 1316 (H.B. 3269), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 461 (S.B. 1831), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 838 (H.B. 3421), Sec. 1, eff. September 1, 2011.

Sec. 442.022. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 10, eff. September 1, 2007.

Sec. 442.023. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 10, eff. September 1, 2007.

Sec. 442.024. SCENIC LOOP ROAD--BOERNE STAGE ROAD--TOUTANT BEAUREGARD ROAD HISTORIC CORRIDOR. (a) The commission shall designate as a historic corridor the corridor that follows part of the Old Spanish Trail automobile highway in Bexar County and consists of four legs. The first leg begins at State Highway 16 in Helotes and continues north on the Scenic Loop Road to the intersection of the Boerne Stage Road and the Toutant Beauregard Road. The second leg begins at the Boerne Stage Road in Leon Springs and continues west to the intersection of the Scenic Loop Road and the Toutant Beauregard Road. The third leg begins at the intersection of the Scenic Loop Road, the Boerne Stage Road, and the Toutant Beauregard Road and continues west on the Toutant Beauregard Road to the Kendall County line. The fourth leg begins at the intersection of the Scenic Loop Road, the Boerne Stage Road, and the Toutant Beauregard Road and continues north on the Boerne Stage Road to the Kendall County line.

(b) The historic corridor designated by the commission shall be known as the Scenic Loop Road--Boerne Stage Road--Toutant Beauregard Road Historic Corridor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1137 (H.B. 1499), Sec. 1, eff. September 1, 2011.

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Sec. 442.025. TEXAS HISTORIC ROADS AND HIGHWAYS PROGRAM. (a) The commission shall cooperate with the Texas Department of Transportation to establish a program for the identification, designation, interpretation, and marketing of Texas historic roads and highways.

(b) The designation of a road or highway under a program established under this section is not, and may not be considered to be, a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(c) To supplement revenue available for the program, the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement for the program.

(d) The Texas Department of Transportation is not required to construct or erect a marker under this section unless a grant or donation of funds is made to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of a marker under this subsection shall be deposited to the credit of the state highway fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 685 (H.B. 2642), Sec. 1, eff. September 1, 2009.

Sec. 442.026. BANKHEAD HIGHWAY AS TEXAS HISTORIC HIGHWAY. (a) The commission shall cooperate with the Texas Department of Transportation to identify, designate, interpret, and market the Bankhead Highway as a Texas historic highway, for the portion of the Bankhead Highway located in this state.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of the Bankhead Highway as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1315 (H.B. 2644), Sec. 1, eff. September 1, 2009.

Sec. 442.027. STATE HIGHWAY 20 AS TEXAS HISTORIC HIGHWAY. (a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market State Highway 20 as a Texas historic highway.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of State Highway 20 as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1287 (H.B. 1866), Sec. 1, eff. September 1, 2011.

Text of section as added by Acts 2013, 83rd Leg., R.S., Ch. 376 (H.B. 3211), Sec. 1

For text of section as added by Acts 2013, 83rd Leg., R.S., Ch. 704 (H.B. 3070), Sec. 1, see other Sec. 442.028.

Sec. 442.028. HISPANIC HERITAGE CENTER OF TEXAS. The commission may:

(1) assist the Hispanic Heritage Center of Texas in establishing a facility to educate Texans regarding the contributions and historical significance of Hispanic persons to this state;

(2) solicit and accept gifts, donations, and grants of money or property from any public or private source to be used for the purposes of this section; and

(3) use money appropriated to the commission for the purposes of this section to assist the Hispanic Heritage Center of Texas as described by Subdivision (1).

Added by Acts 2013, 83rd Leg., R.S., Ch. 376 (H.B. 3211), Sec. 1, eff. September 1, 2013.

Text of section as added by Acts 2013, 83rd Leg., R.S., Ch. 704 (H.B. 3070), Sec. 1

For text of section as added by Acts 2013, 83rd Leg., R.S., Ch. 376 (H.B. 3211), Sec. 1, see

other Sec. 442.028.

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Sec. 442.028. U.S. HIGHWAY 80 AS TEXAS HISTORIC HIGHWAY. (a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market the portion of U.S. Highway 80 in Gregg and Upshur Counties as a Texas historic highway.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of a portion of U.S. Highway 80 as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2013, 83rd Leg., R.S., Ch. 704 (H.B. 3070), Sec. 1, eff. September 1, 2013.

SUBCHAPTER B. NATIONAL MUSEUM OF THE PACIFIC WAR

Sec. 442.051. MUSEUM DEFINITION; JURISDICTION. (a) In this subchapter, "museum" means the National Museum of the Pacific War.

(b) The museum is under the jurisdiction of the commission.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.052. POWERS OF COMMISSION. With respect to the museum and in addition to its other powers and duties, the commission:

(1) shall foster and commemorate the memory of the era of supreme United States naval power upon the seas and the men and women of the armed services whose gallant and selfless dedication to duty made this era possible;

(2) shall administer the museum at Fredericksburg;

(3) shall act in any other capacity relative to preserving naval documents, relics, and other items of historical interest;

(4) may employ and discharge a museum director and other employees it deems necessary to fulfill its duties and responsibilities within the limits of funds available;

(5) may accept on behalf of the State of Texas donations of money, property, and historical relics related to the museum's theme; and

(6) may acquire property and historical relics by purchase within the limits of funds available.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.053. REVENUE BONDS FOR MUSEUM. (a) The commission by resolution may request the Texas Public Finance Authority to issue revenue bonds or other revenue obligations to finance the repair, renovation, improvement, expansion, and equipping of the museum for one or more projects not to exceed an aggregated estimated cost of \$9 million.

(b) On receipt of a request by the commission under this section, the Texas Public Finance Authority shall promptly issue the bonds or other revenue obligations under and in accordance with Chapter 1232.

(c) The commission shall deposit the proceeds of revenue bonds or other revenue obligations issued under this section to the credit of the National Museum of the Pacific War account and may use the proceeds only to finance the repair, renovation, improvement, expansion, and equipping of the museum.

(d) Notwithstanding any other law, the commission may contract with the Admiral Nimitz Foundation for the administration and operation of the museum, including any necessary renovation, improvement, or expansion of the museum.

(e) The commission may accept contributions from the Admiral Nimitz Foundation and other sources in connection with the repair, renovation, improvement, expansion, equipping, or operation of the museum.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.054. NATIONAL MUSEUM OF THE PACIFIC WAR ACCOUNT. (a) The National Museum of the Pacific War account is a separate account in the general revenue fund.

(b) The account consists of:

- (1) transfers made to the account;
- (2) revenue from the operation of the museum;
- (3) grants and donations made by the Admiral Nimitz Foundation and other sources; and
- (4) income earned on investments of money in the account.

(c) Appropriations to the commission for the preservation, operation, or maintenance of the museum shall be deposited to the credit of the account.

(d) The commission may use money in the account to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the museum or acquisition of historical items appropriate to the museum.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.055. GRANTS; DONATIONS. The commission may accept a grant or donation for any program or purpose of the museum.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

SUBCHAPTER C. CERTAIN HISTORIC SITES

Sec. 442.071. DEFINITION. In this subchapter, "historic site" means a site or park listed under Section 442.072.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Sec. 442.072. JURISDICTION. (a) The following historic sites and parks formerly under the jurisdiction of the Parks and Wildlife Department are under the commission's jurisdiction:

- (1) Acton State Historic Site;
- (2) Caddoan Mounds State Historic Site;
- (3) Casa Navarro State Historic Site;
- (4) Confederate Reunion Grounds State Historic Site;
- (5) Eisenhower Birthplace State Historic Site;
- (6) Fannin Battleground State Historic Site;
- (7) Fort Griffin State Historic Site;
- (8) Fort Lancaster State Historic Site;
- (9) Fort McKavett State Historic Site;
- (10) Fulton Mansion State Historic Site;
- (11) Landmark Inn State Historic Site;
- (12) Levi Jordan State Historic Site;
- (13) Magoffin Home State Historic Site;
- (14) Sabine Pass Battleground State Historic Site;
- (15) Sam Bell Maxey House State Historic Site;
- (16) San Felipe State Historic Site;
- (17) Starr Family Home State Historic Site;
- (18) Varner-Hogg Plantation State Historic Site.

(b) This subsection applies to a historic site that the state is required to operate in a particular manner or for a particular purpose, such as a site improved with federal money subject to federal restrictions on the purposes for which the improved site may be used or a site donated to the state subject to a reversion clause providing that the title reverts to the grantor when the site is not used for the purposes for which it was acquired. The commission has all powers necessary to operate the site in the required manner or for the required purpose.

(c) The commission may enter into an agreement with a nonprofit or for-profit corporation, foundation, association, or other nonprofit or for-profit entity for the expansion, renovation, management, operation, or financial support of a historic site.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 4, eff. September 1, 2013.

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Sec. 442.073. HISTORIC SITE ACCOUNT. (a) The historic site account is a separate account in the general revenue fund.

(b) The account consists of:

- (1) credits made to the commission under Section 151.801, Tax Code;
- (2) transfers to the account;
- (3) interest earned on the account;
- (4) fees and other revenue from operation of a historic site; and
- (5) grants and donations accepted under Section 442.074.

(c) A fee or other revenue generated at a historic site must be credited to the account.

(d) Money in the account may be used only to administer, operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a historical item appropriate to a historic site.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Sec. 442.074. GRANTS; DONATIONS. (a) The commission may seek and accept grants and donations for a historic site from any appropriate source.

(b) Money accepted under this section shall be deposited to the credit of the historic site account.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Sec. 442.075. TRANSFER OF HISTORIC SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply to this section.

(b) By interagency agreement, a historic site under the jurisdiction of the Parks and Wildlife Department may be transferred to the commission.

(c) If jurisdiction over a historic site is transferred under this section, all rights, powers, duties, obligations, functions, activities, property, and programs of the Parks and Wildlife Department relating to the site are transferred to the commission.

(d) On or after the transfer of jurisdiction over a historic site, the commission may enter into an agreement with a nonprofit or for-profit corporation, including the Admiral Nimitz Foundation, for the expansion, renovation, management, operation, or financial support of the site.

(e) The legislature may adjust the percentages allocated to the commission and the Parks and Wildlife Department under Section 151.801(c), Tax Code, in future appropriations to reflect the transfer of a site under this section and the associated savings or costs to each agency.

Added by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 2, eff. June 18, 2005.

Renumbered from Government Code, Section 442.019 and amended by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 12, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 5, eff. September 1, 2013.

SUBCHAPTER D. OPERATION OF HISTORIC SITES

Sec. 442.101. AUTHORITY TO CONTRACT. (a) For the purpose of carrying out the powers, duties, and responsibilities of the commission related to historic sites described by Subchapter C, the executive director or the executive director's designee may negotiate, contract, or enter an agreement for:

- (1) professional services relating to a commission project, including project management, design, bid, and construction administration; and
- (2) construction, restoration, renovation, or preservation of any building, structure, or landscape.

(b) The commission may contract with any appropriate entity, including a for-profit corporation, for services necessary to carry out its responsibilities regarding historic sites described by Subchapter C.

(c) The commission by rule shall adopt policies and procedures consistent with Subchapter A, Chapter 2254, and other applicable state procurement practices for soliciting and awarding contracts under this section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 6, eff. September 1, 2013.

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Sec. 442.102. CONSTRUCTION OF ROADS BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) The commission may contract with the Texas Transportation Commission for the construction and paving of roads in and adjacent to historic sites described by Subchapter C.

(b) Agreements under this section must be made in conformity with Chapter 771.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.103. LEASE OF LANDS AND IMPROVEMENTS. (a) The commission may lease any land or improvement that is part of a historic site described by Subchapter C to a municipality, county, special district, nonprofit organization, or political subdivision. After the execution of the lease, the leased area may not be referred to as a state facility and state funds may not be used to operate or maintain the property.

(b) The conditions and duration of the lease agreement are determined by the agreement of the commission and the lessee.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.104. LEASE OF GRAZING RIGHTS; SALE OF PRODUCTS. (a) The commission may lease grazing rights on any historic site described by Subchapter C and may lease from other parties grazing rights necessary for proper livestock management. The commission may harvest and sell, or sell in place, any timber, hay, livestock, or other product grown on any historic site described by Subchapter C that the commission finds to be in excess of natural resource management, educational, or interpretive objectives. Timber may be harvested only for forest pest management, salvage, or habitat restoration and consistent with good forestry practices and the advice of the Texas Forest Service.

(b) The commission may agree to accept materials, supplies, or services instead of money as part or full payment for a sale or lease under this subchapter. The commission may not assign to the materials, supplies, or services accepted as payment under this subsection a value that exceeds their actual market value.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.105. ESTABLISHMENT OF FEES; REVENUE. (a) In setting the amounts of the fees for entering, reserving, or using a historic site described by Subchapter C, the commission:

(1) shall establish reasonable and necessary fees for the administration of commission programs; and

(2) may not set fees in amounts that permit the commission to maintain unnecessary fund balances.

(b) The commission may sell any item in the possession of the commission in which the state has title, or acquire and resell items if a profit can be made, to provide funding for programs administered by the commission.

(c) The commission may set and charge a fee for the use of a credit card to pay a fee imposed by the commission in an amount reasonable and necessary to reimburse the commission for the costs involved in the use of the card.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.106. CONCESSIONS. The commission may operate or grant contracts to operate concessions on the grounds of historic sites described by Subchapter C. The commission may make rules governing the granting or operating of concessions. The commission may establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.107. PUBLICATIONS ON HISTORIC SITES. (a) The commission may provide or sell information about historic sites described by Subchapter C to the public, including books, magazines, photographs, prints, and bulletins.

(b) The commission may enter into contractual agreements for publication of information concerning historic sites described by Subchapter C.

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(c) The commission may receive royalties on commission-owned materials that are sold or supplied to others by the commission for publication.

(d) Money received under this section shall be deposited in the state treasury to the credit of the account from which expenses for the publication were paid.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.108. DEPOSIT OF RECEIPTS. The commission shall deposit to the credit of the historic site account all revenue, less allowable costs, received from the following sources:

- (1) the operation of concessions at historic sites described by Subchapter C;
- (2) lease of grazing rights on a historic site;
- (3) sale of products grown on a historic site;
- (4) fines received from violations of rules governing historic sites under Subchapter E; and
- (5) any other source.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.109. MISTAKEN DEPOSIT. (a) Any funds deposited in the state treasury under this subchapter by the commission by mistake of fact or mistake of law shall be refunded by warrant issued against the fund and credited against the account in the state treasury into which the money was deposited. Refunds necessary to make the proper correction shall be appropriated by the General Appropriations Act.

(b) The comptroller may require written evidence from the executive director of the commission to indicate the reason for the mistake of fact or law before issuing the refund warrant authorized by Subsection (a).

(c) This section does not apply to any funds that have been deposited under a written contract.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.110. PROGRAMS FOR THE DEVELOPMENT OF HISTORIC SITES AND STRUCTURES. (a) The commission may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program involving the planning, acquisition, and development of historic sites and structures described by Subchapter C.

(b) The commission may contract with the United States to plan, acquire, and develop historic sites and structures described by Subchapter C in conformity with any federal act concerning the development of historic sites and structures.

(c) The commission shall keep financial and other records relating to programs under this section and shall furnish to appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.111. FINANCING OF HISTORIC SITE PROGRAMS. (a) The operation, maintenance, and improvement of historic sites described by Subchapter C shall be financed from the general revenue fund, the historic site account, other accounts that may be authorized by law, and donations, grants, and gifts received by the commission for these purposes.

(b) A donation, grant, or gift accruing to the state or received by the commission for the purpose of operating, maintaining, improving, or developing historic sites described by Subchapter C may not be used for any purpose other than the operation, maintenance, or developing of historic sites.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

SUBCHAPTER E. RULES GOVERNING HISTORIC SITES

Sec. 442.201. AUTHORIZATION. The commission may adopt rules governing the health, safety, and protection of persons and property in historic sites described by Subchapter C under the control of the commission, including public water within historic sites.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.202. SCOPE OF RULES. The rules may govern:

- (1) the conservation, preservation, and use of state property, whether natural features or constructed facilities;
- (2) the abusive, disruptive, or destructive conduct of persons;
- (3) the activities of site visitors, including camping, swimming, boating, fishing, or other recreational activities;
- (4) the possession of pets or animals;
- (5) the regulation of traffic and parking; and
- (6) conduct that endangers the health or safety of site visitors or their property.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.203. POSTING OF RULES. All specific or general rules applying to a historic site described by Subchapter C must be posted in a conspicuous place at the site. A copy of the rules shall be made available on request to persons visiting the site.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.204. REMOVAL FROM SITE. (a) Any person directly or indirectly responsible for disruptive, destructive, or violent conduct that endangers property or the health, safety, or lives of persons or animals may be removed from a historic site described by Subchapter C for a period not to exceed 48 hours.

(b) Before removal under this section, the person must be given notice of the provisions of this section and an opportunity to correct the conduct justifying removal.

(c) A court of competent jurisdiction may enjoin a person from reentry to the historic site described by Subchapter C, on cause shown, for any period set by the court.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.205. ENFORCEMENT OF RULES. Rules adopted under this subchapter may be enforced by any peace officer. A notice to appear may be issued by a peace officer for violation of a rule on a form prescribed by the commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.206. EFFECT OF RULES. A rule adopted under this subchapter does not amend or repeal any penal law of this state.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.207. PENALTY. A person who violates a rule adopted under this subchapter commits an offense that is a Class C misdemeanor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Appendix E

Airport Tenant Facilities



Table 1 (1 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
C01-B	Gulfstream Aerospace Services Corporation	7440 Aviation Place	Hangar D & E	85,134
			Hangar Office Space	30,886
C02-B	Gulfstream Aerospace Services Corporation	7440 Aviation Place	Hangars D & E	86,480
			Hangars A & B-Office Space	29,540
C03-B	Gulfstream Aerospace Services Corporation	7440 Aviation Place	Hangar C	39,815
C05-B	Hollyfrontier Corporation	7344 Aviation Place	Hangar	13,200
			Hangar-Office Space In Hangar	2,640
C06-B	LearJet TX, L.P. - Bombardier Inc.	7336 Aviation Place	Hangar Building A	31,945
			Hangar-Office Space Building B	34,017
C06A-B	LearJet TX, L.P. - Bombardier Inc.	7336 Aviation Place	Hangar Building C	25,699
C08-B	Learjet, Inc.	3355 Tom Braniff Ln	Hangar/Ramp-Aircraft Hangar	17,500
			Hangar/Ramp-Office Space	2,126
C09-B	Trinity Industries, Inc.	3351 Braniff Ln	Hangar and Office Space	25,875
C10-B	Enterprise Leasing, Co.	6828 Ansley Ave	Car Rental Facility-Office/Customer Service Building	1,190
			Car Rental Facility-Car Wash/Maintenance	864
			Car Rental Facility-Canopy	1,584
			Car Rental Facility-Vacuum Canopy	225
			Car Rental Facility-Fuel Farm Site	2,000
			Car Rental Facility-Office/Customer Service Building	3,250
C12-B	National Car Rental Systems, Inc.	3377 Edwards Ave	Car Rental Facility-Parking Canopy	1,420
			Car Rental Facility-Entrance Booth & Canopy	816
			Car Rental Facility-Car Wash	545
			Car Rental Facility-Office Space	1,871
			Car Rental Facility-Fuel Farm Site	2,000

Table 1 (2 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
C15-B	Blake C. Tucker, Co. - Hertz Corporation	3407 Hawes St.	Car Rental Facility	13,000
C16-B	Blake C. Tucker, Co. - EAN Holdings, LLC (Enterprise)	3400 Hawes Ave.	Car Rental Facility-Service Center Building	1,350
C21-B	Avis Budget Car Rental, LLC	3251 Tom Braniff Dr.	Car Rental Facility	40,755
C22-B	Avis Budget Car Rental, LLC	7020 Cedar Springs	Car Rental Facility-Service Center Building	4,250
			Car Rental Facility-Garage Area	1,116
			Car Rental Facility-Car Wash Area	1,300
			Car Rental Facility-Fuel Farm	2,000
C23-B	Enterprise Rent A Car (former AMPCO Site)	7212 Cedar Springs	Car Rental Facility	NA
C24-B	Hertz Corporation	7212 Cedar Springs	Car Rental Facility-Office/Customer Service Building	3,995
			Car Rental Facility-Parking Canopy	6,300
			Car Rental Facility-Parking Canopy	15,600
			Car Rental Facility-Walkway Canopy	2,800
			Car Rental Facility-Car Wash	1,625
			Car Rental Facility-Fuel Service/Canopy	5,400
			Car Rental Facility-Car Wash Building	2,100
			Car Rental Facility-Fuel Farm Site	2,000
C25-B	EAN Holdings, LLC (Enterprise Rent A Car /AAN)	7326 Cedar Springs	Car Rental Facility-Car Rental Facility	255,906
C26-B	Jet Aviation Texas, Inc.	7363 Cedar Springs	FBO-Hangar #1	11,250
			FBO-Office #1	5,760
			FBO-Work Area 1	6,000
			FBO-Hangar #2	15,000
			FBO-Office #2	6,722
			FBO-Work Area 2	6,000
			FBO-Hangar #3	15,000
			FBO-Hangar #4	10,000
			FBO-Hangar #5	11,250

Table 1 (3 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
C28-B	Blake C. Tucker, Co. - EAN Holdings, LLC (Enterprise)	3400 Hawes Ave.	Car Rental Facility - Car wash/Garage Area	2,700
C29-B	Blake C. Tucker, Co. - EAN Holdings, LLC (Enterprise)	3400 Hawes Ave.	Car Rental Facility - Fuel farm	1,000
D01-B	Southwest Airlines, Co.	2832 Shorecrest Dr.	Maintenance Facility	53,748
D02-B	Southwest Airlines, Co.	2832 Shorecrest Dr.	Maintenance Base-Simulator Building	214,888
D03-B	Southwest Airlines General Headquarters	2700 Love Field Dr.	Headquarters	10,500
D04-B	Southwest Airlines General Headquarters	2702 Love Field Dr.	Headquarters	242,823
D06-B	Southwest Airlines, Co.	2750 Seelcco St	Flight Operations Training	214,439
D07-B	Reeves Street, LLC	2850 Burbank St.	Corporate Hangar-Hangar Space	27,000
			Corporate Hangar-Office Space	7,050
			Corporate Hangar-Office Space	7,050
			Corporate Hangar- Storage Space	4,500
D09-B	TWG Properties, Ltd - Business Jet Center	8350 Denton Dr	FBO/Maintenance/Hangar and Office space	30,000
			FBO/Maintenance/Hangar-FBO/Office Space	14,000
LN01-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	16,206
LN01A-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	22,000
LN01B-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave	Corporate Hangar-Business Jet Center	42,000
LN02-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	16,622
LN03-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,834
LN04-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	10,997
LN05-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	5,654
LN06-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,000
LN07-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,482

Table 1 (4 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
LN01-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	16,206
LN01A-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	22,000
LN01B-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	Corporate Hangar-Business Jet Center	42,000
LN02-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	16,622
LN03-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,834
LN04-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	10,997
LN05-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	5,654
LN06-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,000
LN07-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	15,482
LN08-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	6,672
LN09-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	16,977
LN10-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	12,000
LN11-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	7,308
LN12-B	TWG Properties, Ltd - Business Jet Center	8611 Lemmon Ave.	FBO/Maintenance/Hangar	11,496
LN13-B	Signature Flight Support Corporation/ West Star Aviation Inc.	8601 Lemmon Ave.	FBO/Maintenance/Hangar	18,757
			FBO/Maintenance/Hangar	33,249
LN15-B	Signature Flight Support Corporation/ General Dynamics Corporation	8555 Lemmon Ave.	FBO/Maintenance/Hangar	6,500
			FBO/Maintenance/Hangar A	25,100
LN16-B	Signature Flight Support Corporation- Gulfstream Aerospace Corporation	8411 Lemmon Ave.	FBO/Maintenance/Hangar F	49,263
LN17-B	Signature Flight Support Corporation - Bombardier Inc.	8405 Lemmon Ave.	FBO/Maintenance/Hangar	38,480

Table 1 (5 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
LN19-B	Associated Air Center, Inc. - Landmark Aviation	8321 Lemmon Ave.	FBO/Maintenance/Hangar	47,684
			FBO/Maintenance/Hangar	4,261
LN20-B	Associated Air Center, Inc.	8321 Lemmon Ave.	FBO/Maintenance/Hangar	1,674
LN21-B	Associated Air Center, Inc.	8321 Lemmon Ave.	FBO/Maintenance/Hangar	9,327
LN22-B	Associated Air Center, Inc. - Landmark Aviation	8321 Lemmon Ave.	FBO/Maintenance/Hangar	57,271
LN23-B	Associated Air Center, Inc. - Landmark Aviation	8321 Lemmon Ave.	FBO/Maintenance/Hangar	49,619
			FBO/Maintenance/Hangar	27,903
LN24-B	Associated Air Center, Inc.	8321 Lemmon Ave.	FBO/Maintenance/Hangar	44,800
LN25-B	Associated Air Center, Inc.	8321 Lemmon Ave.	FBO/Maintenance/Hangar	60,000
LN27-B	Signature Flight Support Corporation	8111 Lemmon Ave.	FBO/Maintenance/Hangar 3	78,000
LN28-B	Signature Flight Support Corporation	8111 Lemmon Ave.	FBO/Maintenance/Hangar 4	30,000
LN29-B	Signature Flight Support Corporation	8001 Lemmon Ave.	FBO/Maintenance/Hangar	60,000
LN30-B	Signature Flight Support Corporation	8001 Lemmon Ave.	FBO/Maintenance/Hangar	52,500
LN31-B	Signature Flight Support Corporation	8001 Lemmon Ave.	FBO/Maintenance/Hangar	48,844
LS03-B	City of Dallas/DALFORT Site - Sewell Village Cadillac, Inc.	7777 Lemmon Ave.	Parking Garage	80,000
LS04-B	City of Dallas/DALFORT Site	7701 Lemmon Ave.	Dalfort Aerospace Hangar	243,112
LS05-B	City of Dallas/DALFORT Site	7701 Lemmon Ave.	Dalfort Aerospace Training Center	18,279
LS06-B	City of Dallas/DALFORT Site	7701 Lemmon Ave.	Dalfort Aerospace Landing Gear Shop	20,467
LS07-B	Signature Flight Support Corporation	7555 Lemmon Ave.	FBO/Maintenance/Hangar, Building A	25,727
LS08-B	Signature Flight Support Corporation	7511 Lemmon Ave.	FBO/Maintenance/Hangar, Building B	19,325
LS09-B	Signature Flight Support Corporation	8511 Lemmon Ave.	FBO/Maintenance/Hangar, Hangar C	48,529

Table 1 (6 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
LS10-B	Signature Flight Support Corporation	7511 Lemmon Ave.	FBO/Maintenance/Hangar	19,035
			FBO/Maintenance/Hangar	5,134
			FBO/Maintenance/Hangar	35,574
			FBO/Maintenance/Hangar	19,038
LS11-B	Signature Flight Support Corporation	7515 Lemmon Ave.	FBO/Maintenance/Hangar	26,890
			FBO/Maintenance/Hangar	29,994
			FBO/Maintenance/Hangar	19,588
			FBO/Maintenance/Hangar	19,997
			FBO/Maintenance/Hangar	3,946
LS12-B	Signature Flight Support Corporation	7515 Lemmon Ave.	FBO/Maintenance/Hangar, Terminal J	9,078
LS13-B	Signature Flight Support Corporation	7511 Lemmon Ave.	FBO/Maintenance/Hangar	20,050
			FBO/Maintenance/Hangar	20,875
			FBO/Maintenance/Hangar	21,142
LS14-B	Associated Air Center, Inc. - Landmark Aviation	7205 Lemmon Ave.	Sublease to FBO	9,700
			Sublease to FBO	924
LS15-B	Associated Air Center, Inc. - Landmark Aviation	7201 Lemmon Ave.	Sublease to FBO	61,434
LS16-B	Frontiers of Flight Museum	6911 Lemmon Avenue	Museum- Hangar	39,546
			Museum- Hangar	22,294
			Museum- Office Space	8,439
LS17-B	U.S. Customs and Border Protection	7777 Lemmon Ave	U.S. Customs and Border Protection Facility	11,300
LS18-B	Signature Flight Support Corporation	NA	Footprint of guardhouse	431
LS19-B	Signature Flight Support Corporation	NA	Storage Building B-1	1,436

Table 1 (7 of 7): Airport Tenant Facilities

FACILITY ID	PROPERTY NAME	ADDRESS	DESCRIPTION	TOTAL AREA
LS20-B	Associated Air Center, Inc. - Landmark Aviation	NA	Guardhouse	160
S09-B	MLT Development Co. - AT&T	9215 Weiss St.	Hangar and Ramp Space	20,959
			Hangar and Ramp Space	8,160
S13-B	MLT Development Co. - Exxon Mobil Corporation	3232 Love Field Dr	FBO/Maintenance/Hangar	48,750
S14-B	MLT Development Co. - Textar Aviation	3250 Love Field Dr	FBO/Maintenance/Hangar	28,145
			FBO/Maintenance/Hangar	39,910
T14-B	Southwest Airlines, Co.	7510 Aviation Place	Cargo Facility	55,730

NOTES: The numbering format is associated with the closest major road, for example, C= Cedar Springs; D = Denton Drive; LN = Lemon Avenue

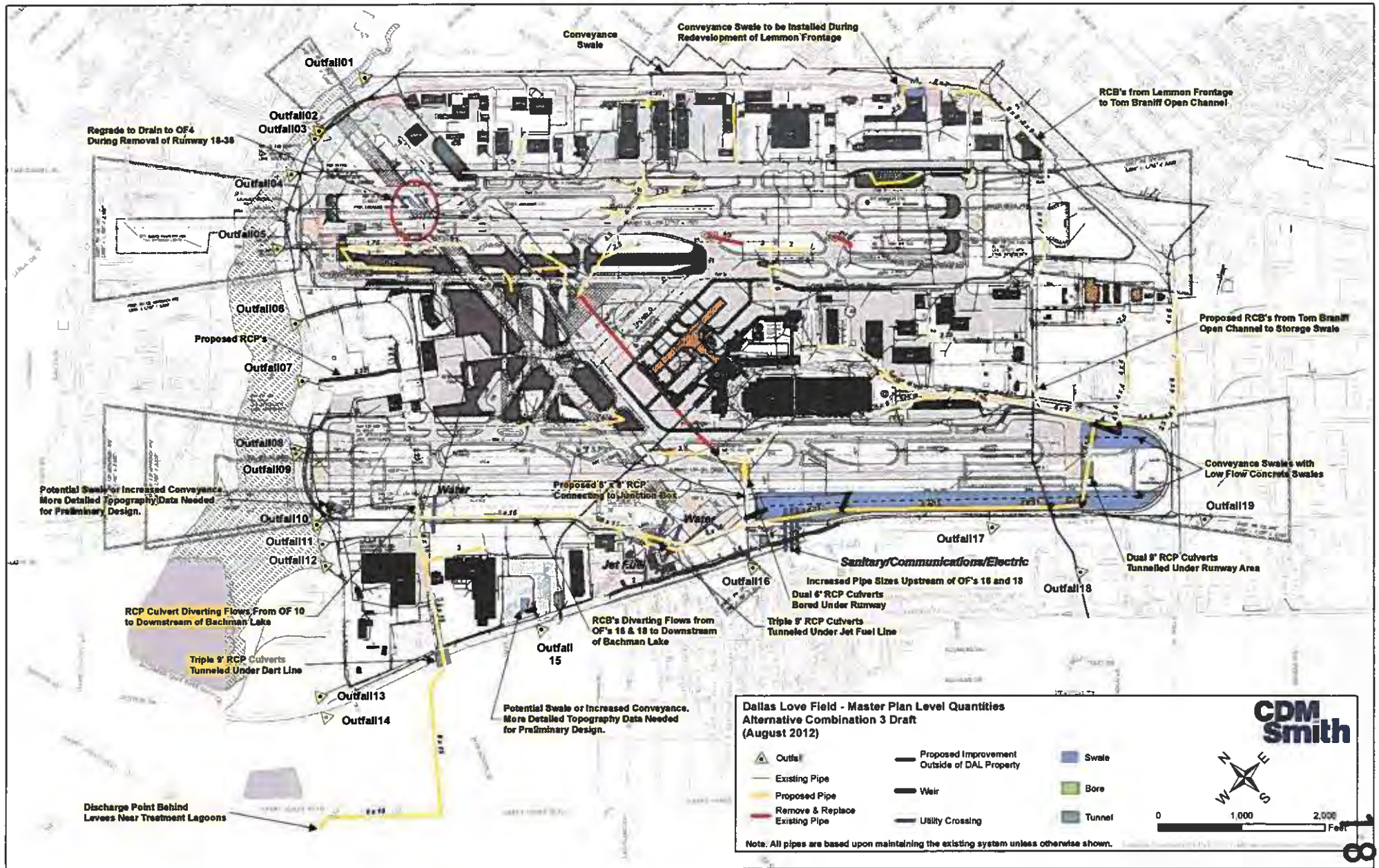
SOURCES: Ricondo & Associates, Inc., April 2013.

PREPARED BY: Ricondo & Associates, Inc., April 2013.

Appendix F

Dallas Love Field Stormwater Drainage Master Plan





Appendix G

Dallas LFMP Ticketing Hall Simulation



LOVEFIELD

MODERNIZATION



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1.1 Goals and Metrics

Table 1: Passenger Wait Time Performance Goals

Facility Type	95 th (minutes)	Max (minutes)
Full Service Agents	10.0	15.0
Inline Kiosks	5.0	15.0
Bag Drops	5.0	15.0
Boarding Pass Only Kiosks	3.0	15.0
Skycaps	10.0	15.0

Table 2: Passenger Queuing Space Performance Goals

LOS	A	B	C	D	E
Sq ft/Pax Cut off	19.4	16.2	14.0	12.9	11.8
# of Pax Cut off for Combined Queue Space (Lobby)	160	192	222	241	263

1.2 Goals and Metrics

Table 3: Metrics comparison

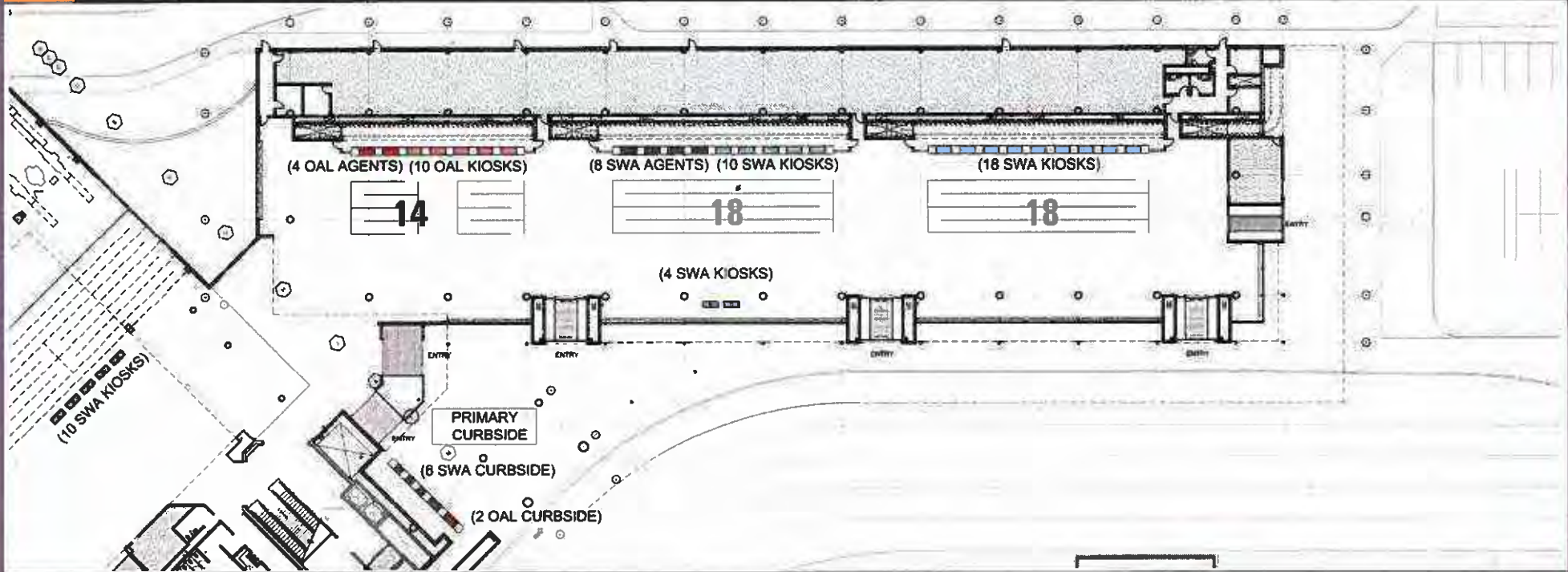
	TARPS		Original Design (DD)		2 Pod Design (VE)		Modified Design ***	
	Touch Points	Stats	Touch Points	Stats	Touch Points	Stats	Touch Points	Stats
Southwest Airlines	56		56		56		56	
Group Size		Not Identified		1.31 pax/group		1.31 pax/group		1.14 pax/group
SWA Full Service Agent	8	2.77 min	8	2.77 min	8	2.77 min	10	3.42 min
SWA In Line Kiosk (at belt)			18	2.98 min	10	2.98 min	8	1.50 min
SWA Bag Drop (at belt)	42 **	2.30 min	10	1.08 min	10	1.08 min	8	1.08 min
*SWA Boarding Pass Only Kiosk			14	0.66 min	32	0.66 min	24	0.66 min
SWA Curbside	6	Not Identified	6	2.00 min	6	2.00 min	6	1.82 min
Other Airlines	16		16		16		16	
OAL Full Service Agent	4	2.77 min	4	2.77 min	4	2.77 min	4	2.77 min
OAL Kiosk (at belt)	10	2.30 min	10	2.30 min	10	2.30 min	10	2.30 min
OAL Curbside	2	Not Identified	2	Assumed SWA	2	Assumed SWA	2	Assumed SWA
TOTALS	72		72		72		72	

Notes

- * These numbers do not influence ticketing hall size, can be located anywhere in passenger flow
- ** TARPS / SD Report did not distinguish between in-line and remote kiosks
- *** Incorporates up to date processing rates and touch point requirements based upon current trends in ticketing

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2.1 Original Three Pod Design



Notes

1. Original design based upon TARPS metrics and touch point requirements
2. Not seen as reflective of current industry trends

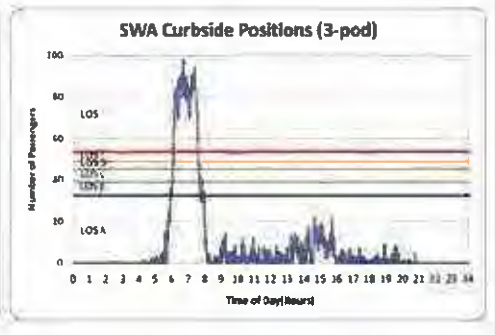
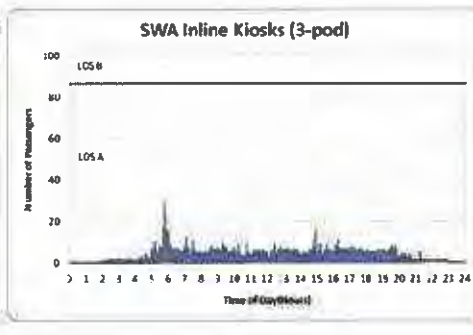
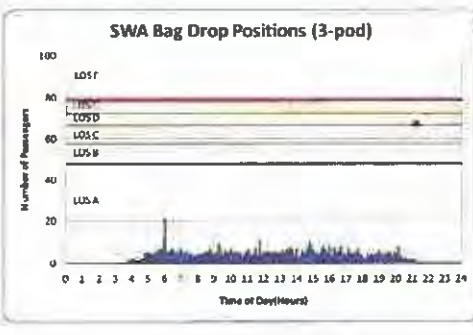
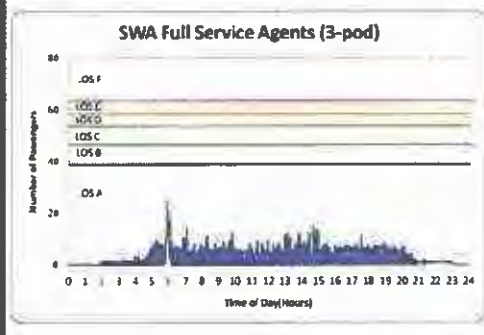
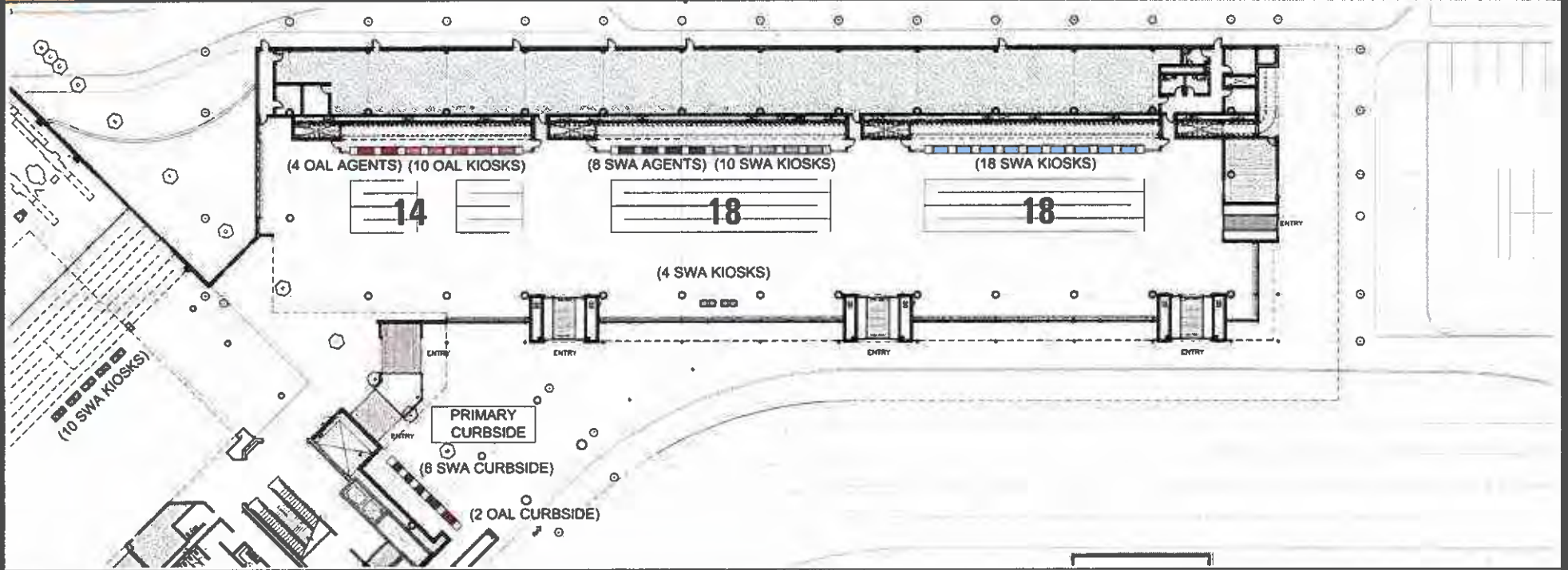
Performance

1. Achieves LOS A at all times in all areas
2. Excellent level of performance based upon numbers of touch points at the belt

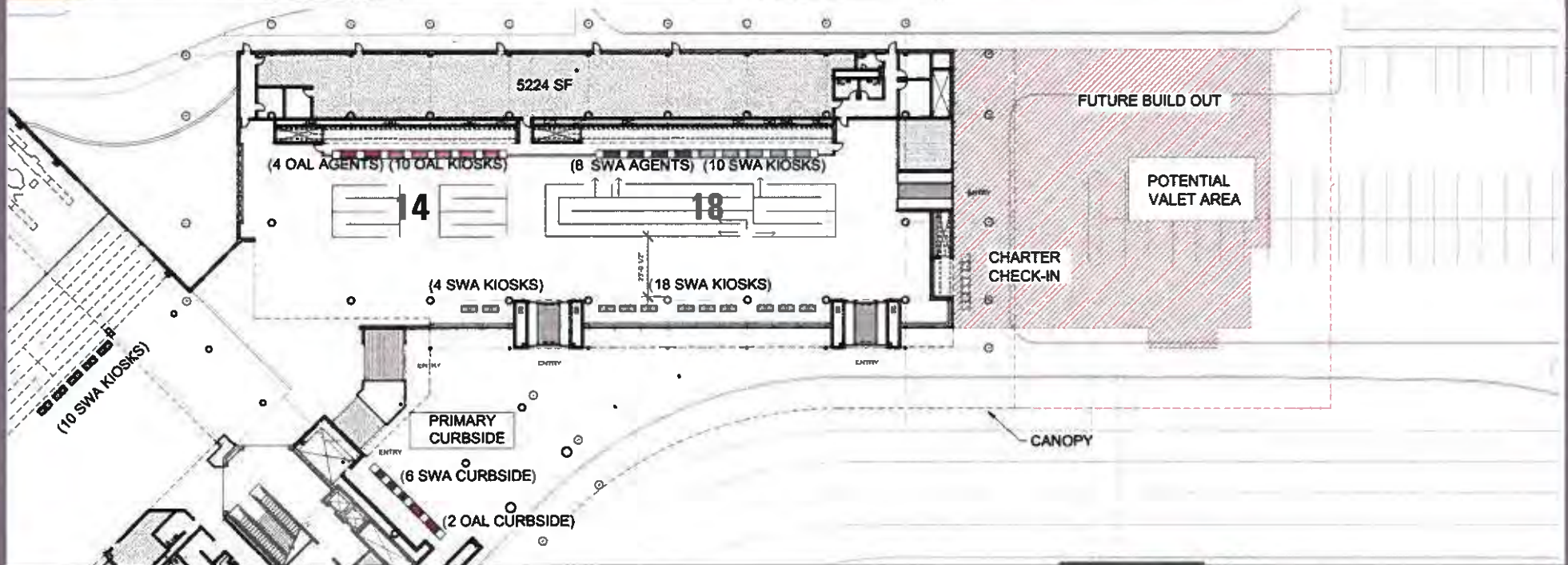
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	OAL AGENTS		DESIGN DEVELOPMENT
	OAL KIOSKS	OAL	AGENT KIOSK CURBSIDE
	SWA AGENTS	SWA	AGENT KIOSK CURBSIDE
	SWA KIOSKS	TOTAL	

SQUARE FOOTAGE			
	DD SF	STUDY SF	REDUCTION
TICKETING HALL	44,049 SF	-	-
TICKETING SUPPORT	8,214 SF	-	-

2.2 Original Three Pod Design



3.1 Two Pod (VE Idea)



Notes

1. Attempt to eliminate one full pod as a cost savings measure
2. Also removed the East tunnel from the lower level roadway
3. Maintained TARPS metrics but shifted balance of kiosk activity away from belt
4. Reduces hall by approximately 27% in size and \$3.5M in cost
5. Reduction in effective curb length but does not exceed acceptable level of service

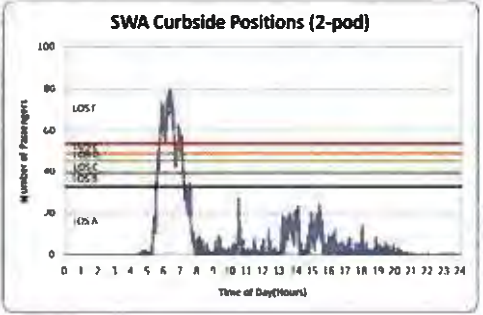
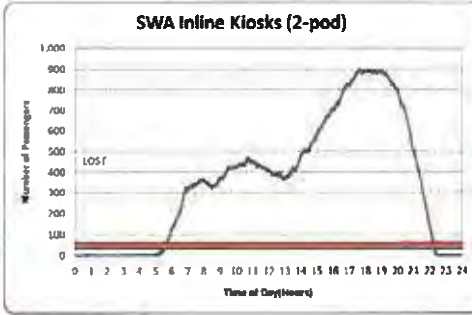
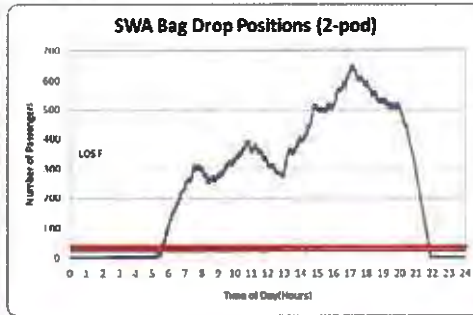
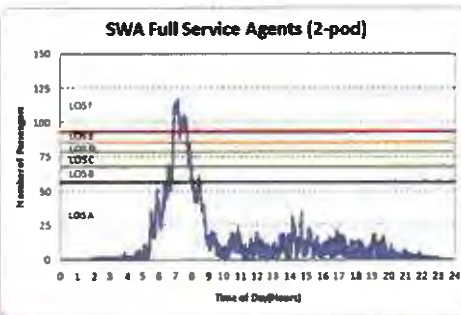
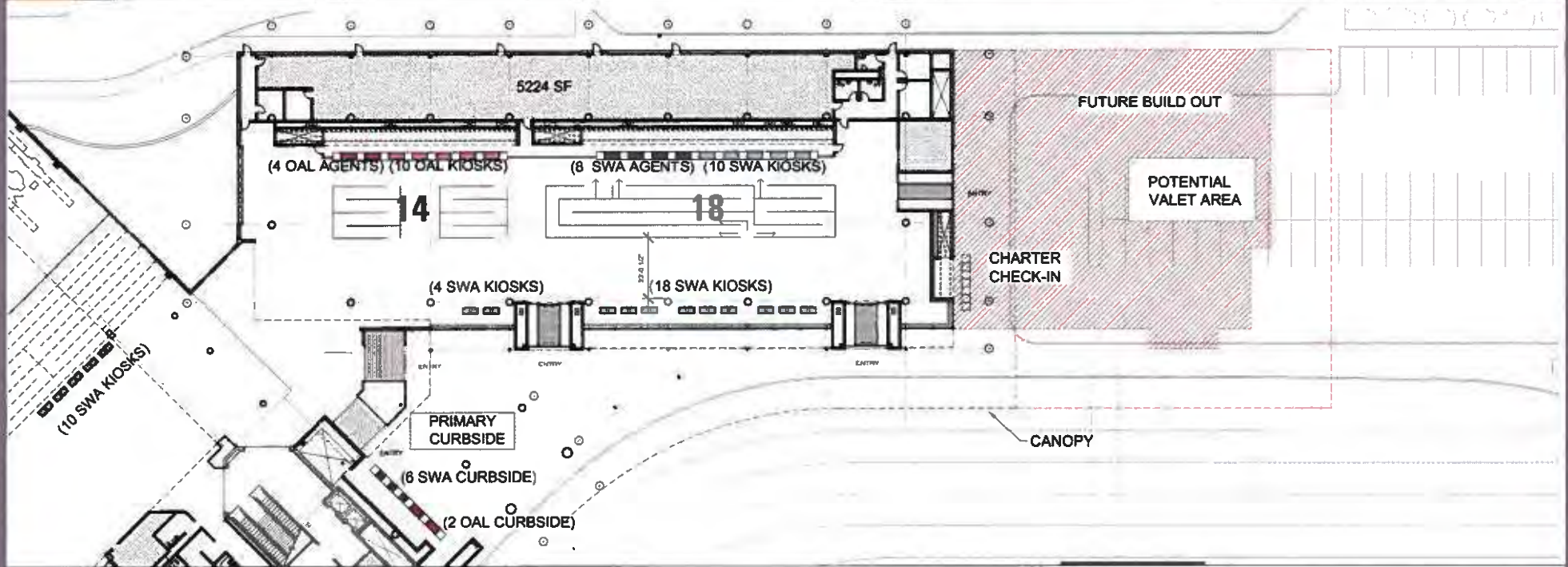
Performance

1. Performs at LOS F at all times in all areas
2. Failure based upon lack of touch points at the belt

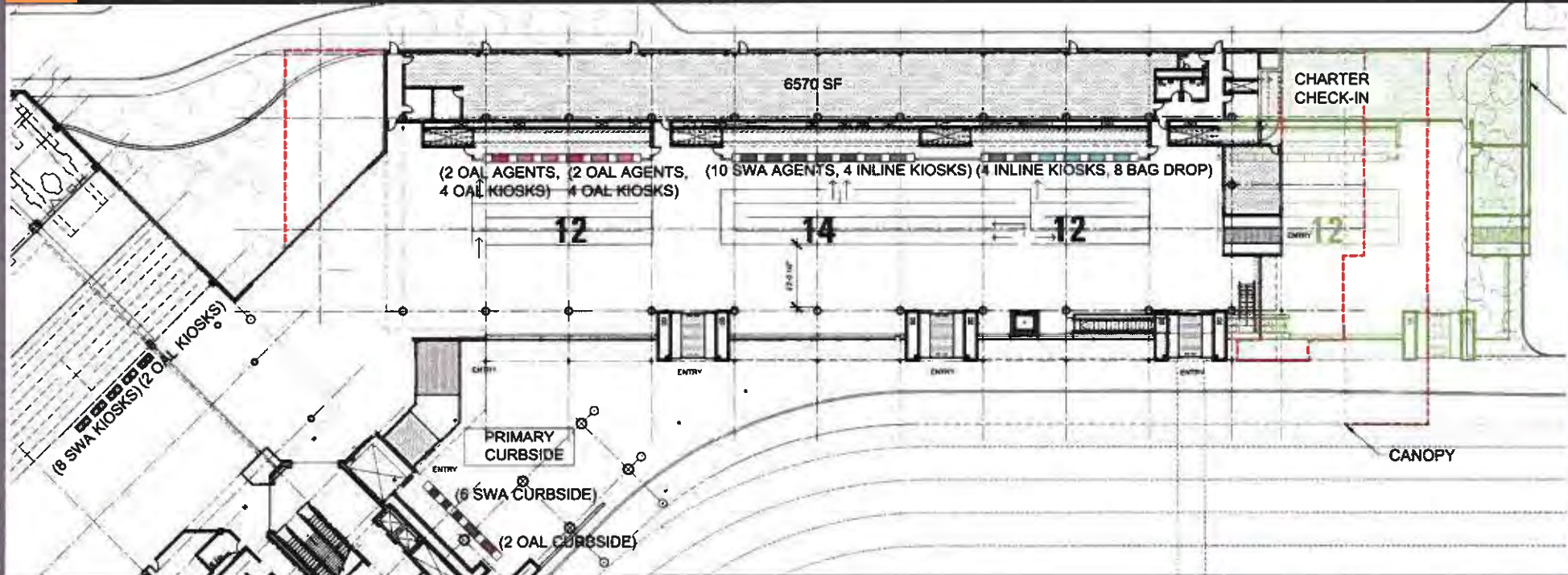
LEGEND		TOUCH POINT COUNTS		
[Red Box]	OAL AGENTS		DESIGN DEVELOPMENT	ALTERNATE OPTIONS
[Red Box]	OAL KIOSKS	OAL	AGENT KIOSK CURBSIDE	AGENT KIOSK CURBSIDE
[Blue Box]	SWA AGENTS	SWA	AGENT KIOSK CURBSIDE	AGENT KIOSK CURBSIDE
[Blue Box]	SWA KIOSKS	TOTAL		
			4	4
			10	10
			2	2
			8	8
			42	42
			6	6
			72	72

SQUARE FOOTAGE			
	DD SF	STUDY SF	REDUCTION
TICKETING HALL	44,049 SF	31,386 SF	12,663 SF
TICKETING SUPPORT	8,214 SF	6,224 SF	2,990 SF

3.2 Two Pod (VE Idea)



4.1 Modified Three Pod



Notes

1. Uses modified Full Service and Kiosk processing times provided by SWA, maintains 3 takeaway belts
2. Reduces hall by approximately 15% in size and \$2M in cost
3. Provides for future 4th pod to be added without additional BHS cost or basement construction
4. Minimal reduction in effective curb length with no measurable impact to roadway LOS
5. The location of an additional 16 boarding pass only kiosks is TBD

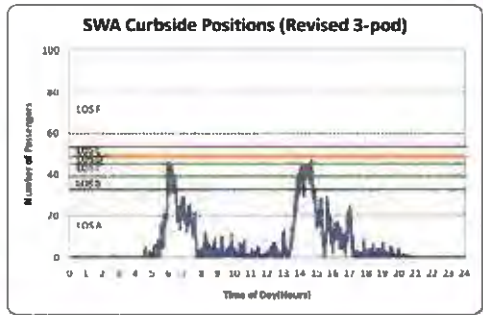
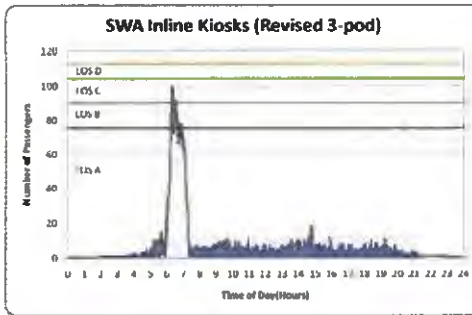
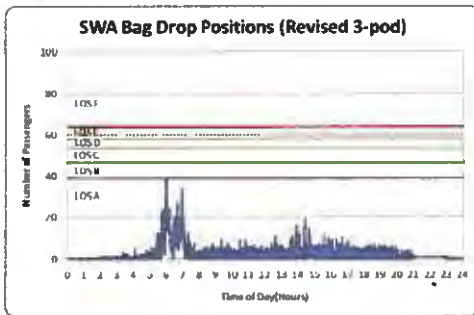
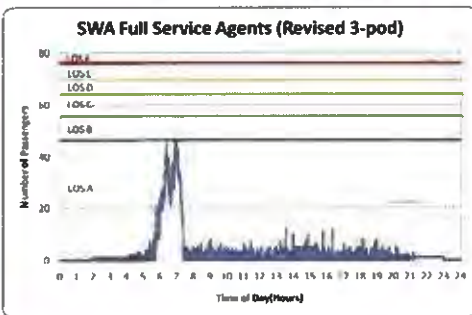
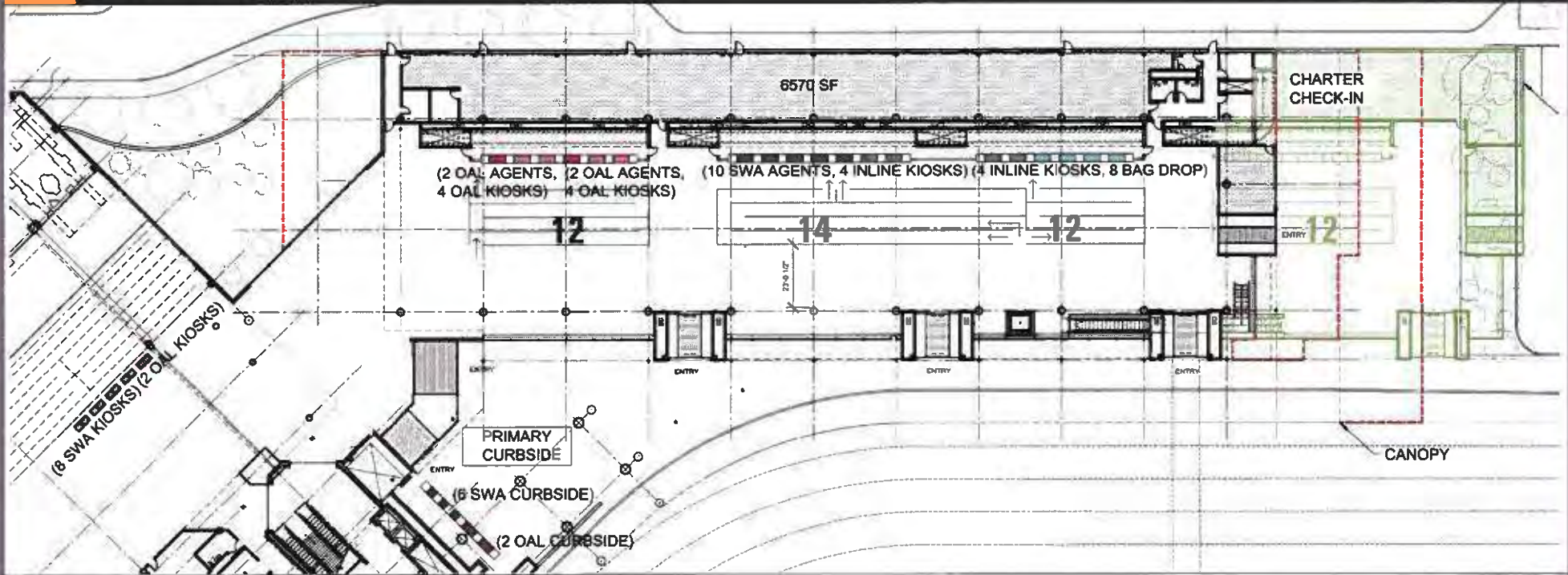
Performance

1. Performs at LOS A with 80% load factor
2. Opening day build-out allows for growth to 85% load factor without reducing LOS past C

LEGEND		TOUCH POINT COUNTS	
[Red Box]	OAL AGENTS		
[Red Box]	OAL KIOSKS		
[Blue Box]	SWA FULL SERVICE AGENTS		
[Blue Box]	SWA EXPRESS BAG DROP		
[Purple Box]	SWA INLINE KIOSKS		
[Blue Box]	SWA BOARDING PASS ONLY KIOSKS		
[Red Line]	DD OUTLINE		
[Green Line]	FUTURE EXPANSION		
		DESIGN DEVELOPMENT	3 POD OPTION
		4	12
		2	2
		2	3
		6	24
		42	8
		6	6
		TOTAL	54
SQUARE FOOTAGE			
	DD SF	3 POD SF	REDUCTION
TICKETING HALL	44,048 SF	36,807 SF	5,142 SF
TICKETING SUPPORT	8,214 SF	6,570 SF	1,644 SF

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4.2 Modified Three Pod



4.3 Modified Three Pod

Table 5: Scenario Performance

Scenario (TKT:KSK:EBD)	Load Factor	Full Service (Minutes)		Inline Kiosks (Minutes)		Bag Drops (Minutes)		Skycaps (Minutes)		Max Lobby Combined Queue	LOS
		95%	Max	95%	Max	95%	Max	95%	Max		
8:8:8	80%	15.96	27.05	2.31	7.77	2.29	5.76	11.59	21.68	165	B
10:7:7	80%	10.62	21.36	5.49	16.21	6.37	18.22	11.58	21.66	216	C
10:8:8	80%	4.14	12.49	1.65	5.24	1.66	4.74	11.60	21.75	97	A
10:8:8, Curbside into Lobby	80%	5.01	13.92	2.21	13.56	1.67	5.36	8.08	12.41	149	A
10:8:8, Curbside into Lobby	85%	10.80	21.88	6.42	16.41	4.26	8.93	9.56	16.44	199	C

Assumes equilibrium achieved between skycap and lobby

Accommodation for growth of the peak departure bank

5 Summary

Notes:

1. The ticketing hall size is driven by the peak hour departure demand
2. The adopted future flight schedule for this project shows a peak departure hour demand of approximately 2,200 passengers
3. This demand is consistent for both the opening day and the ultimate flight schedules, ie, future growth is achieved by increasing non-peak flight activity
4. We do not anticipate any significant increase in the peak departure hour demand. Things that could effect the peak departure demand include:
 - a. Number of gates (cannot increase due to FPA)
 - b. Aircraft turn times (No industry precedent from any major airline for sustained turn times in excess of those shown in adopted flight schedules)
 - c. Aircraft gauge (if aircraft gauge increases then turn times decrease, they are inversely relative)
 - d. Load factor (this factor is self-regulated by the industry through fleet size and flight schedules, however some fluctuation is reasonably expected)
5. We do expect future changes in airline processing and business practices that could decrease the demand in the ticketing hall even further, these include:
 - a. Increase in self service devices and decrease in full agent positions
 - b. Growing familiarity of the travelling public with new technologies and practices
6. The guiding factor for ticket hall size will continue to be the number of bags that passengers check, and the space needed to perform that function

Design Team Recommendations:

1. We recommend adopting the Modified 3 Pod layout as shown on page 4.1
 - a. This layout accommodates the opening day and ultimate flight schedule activity levels at or below LOS C at TARPS load factors
 - b. This concept allows for future expansion of one additional pod (12 positions) with minimal BHS and basement work required
2. We recommend maintaining the East Tunnel access directly into the ticketing hall

Next Steps:

1. Review this information with the DOA, gain consensus on direction, confirm no conflict or impact to PFC application
2. Authorize the design team to proceed with CD's based on the Modified 3 Pod scheme
3. After ticketing hall size is tied down, continue refinement process with SWA Lobby of the Future and DOA

Note: Currently no work is being done on the ticketing hall CD's, deadline for direction to design team was last Friday, day for day delay until direction is given

Memo

To: Dan Weber, Diego Rincon, Terry Mitchell, Kenneth Gwyn, Cliff York, Wade Ellison
From: Karen Kavanagh
CC: Johnny McKnight, Jamey Tasker, Marty Tasker, Manoj Patel
Date: 5/25/2015
Re: Reduction in Ticket Hall Size - Simulation Results

The VE idea that reduced the Ticket Hall size by one-third in order to save \$3.5 M resulted in LOS F and was determined to not be feasible. At the request of SWA, Corgan subsequently developed a modified design for the Ticket Hall which included a 15% reduction in overall size, while maintaining three ticketing pods and meeting other TARPS metrics. TransSolutions ran the simulation for this design to determine the Level of Service (LOS) that would be achieved with this option.

The attached PPT, prepared by Corgan, provides a comparison of three options: 1) Original DD layout, 2) Recent VE Option with two ticketing pods and one-third reduction in size, and 3) Modified three-pod design and approximately 15% reduction in size. Results indicate the LOS for the Modified Three-pod sized ticket hall will remain at LOS A through-out the planning period (2024), and provides for future expansion that is driven by demand (PPT - pages 7-9).

Because the PFC Application was approved based on a detailed Significant Contribution which focused on LOS, we informally reviewed this option with FAA Southwest Region. They have agreed to this VE option that reduces the Ticketing Hall by approximately 15% provided the following parameters are met:

1. **The LOS for the project does not go below a Level of Service (LOS) C throughout the projected life of the program (2024).**
 - a. The simulation of the ticketing hall, after the reduction, showed an overall LOS of A (with the exception of the curbside) with 80% load factors through 2024.
 - b. The proposed deferred reduction maintains an overall level of service C with 85% load factors through 2024.
Note: 2024 is the horizon used by the FAA in the significant contribution analysis.
2. **The FAA will require that all of the PFC funds allocated to the project are used in accordance with the eligibility of the project.**
 - a. The project has a PFC eligibility of greater than 50%. The current funding plan for the Terminal allocates only 25% of the funds coming from PFCs.
3. **The project will also need to maintain expansion space of 15% for future growth.**
 - a. This will be labeled as "Demand-driven" expansion on the final drawings.

Currently the project is on track to meet all 3 parameters required by the FAA and we concur with the recommended VE option.

It is anticipated that the PMT will recommend to the Steering Committee to accept the VE Option reducing the Ticket Hall by 15%, realizing approximately \$2 million in cost savings. If the Steering Committee accepts this option, DOA should inform the FAA of the modified design and specifically address the 3 parameters.

Please let me know if you have any additional questions.

15% Reduction in Ticketing Hall Size

The FAA Southwest Region, has agreed to a VE option that reduces the Ticketing Hall by approximately 15% (see attached drawing) provided the following parameters are met:

1. The LOS for the project does not go below a Level of Service (LOS) C throughout the projected life of the program (2024).
 - a. The simulation of the ticketing hall, after the reduction, showed an overall LOS of A (with the exception of the curbside) with 80% load factors through 2024.
 - b. The proposed deferred reduction maintains an overall level of service C with 85% load factors through 2024.

Note: 2024 is the horizon that was used by the FAA in the significant contribution analysis.

2. The FAA will require that all of the PFC funds allocated to the project are used in accordance with the eligibility of the project.
 - a. The project has a PFC eligibility of greater than 50%. The current funding plan for the Terminal allocates only 25% of the funds coming from PFCs.
3. The project will also need to leave room for potential finish out of the 15% for future use.
 - a. This will be labeled as demand driven expansion on the final drawings.

These are the parameters that FAA requires for approval of the reduction. Currently the project is on track to meet all 3.

Appendix H

Security Checkpoint Performance



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

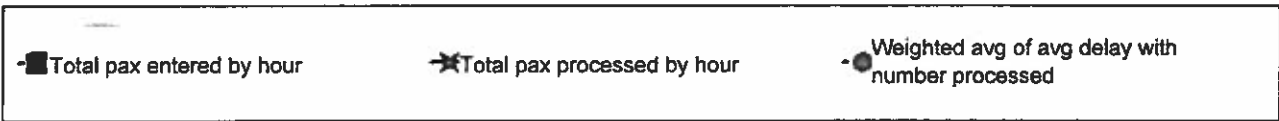
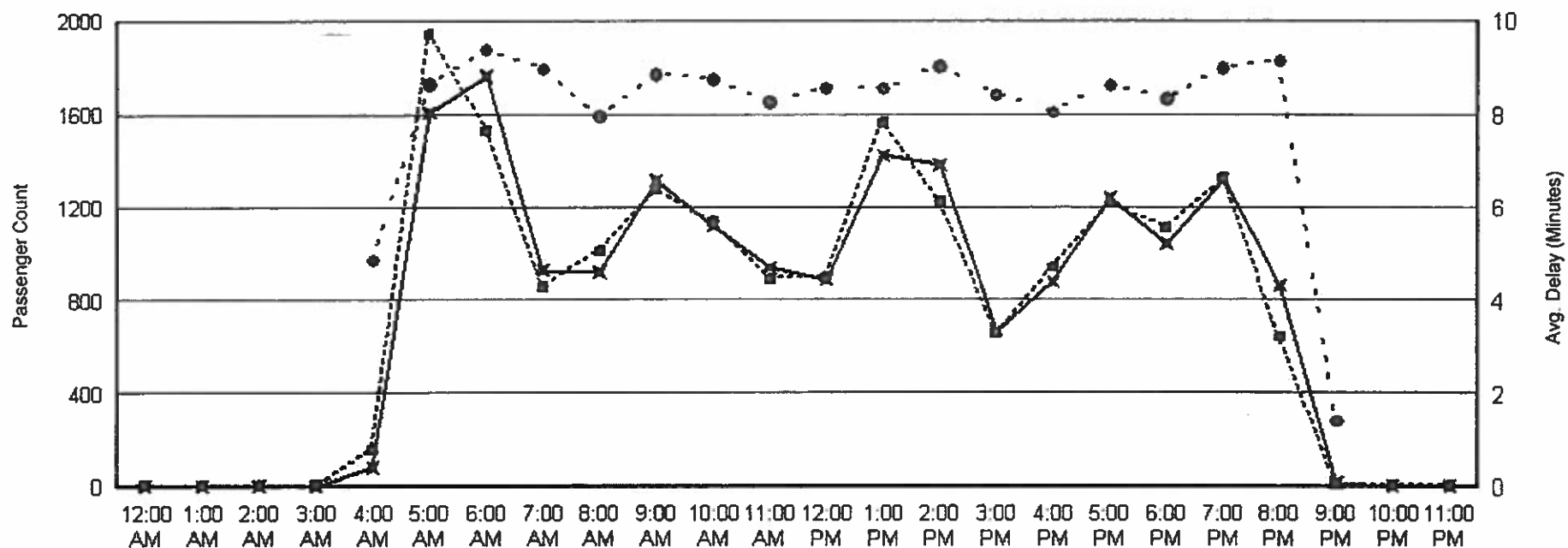
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Sunday

Passenger Arrival/Processed vs. Delay Time



181354

Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

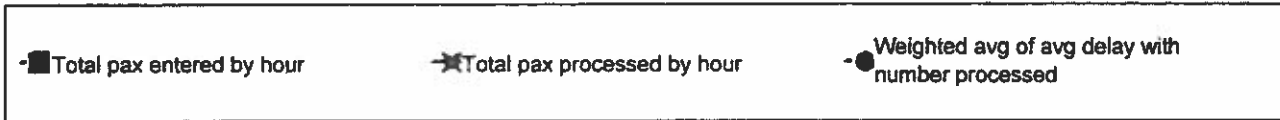
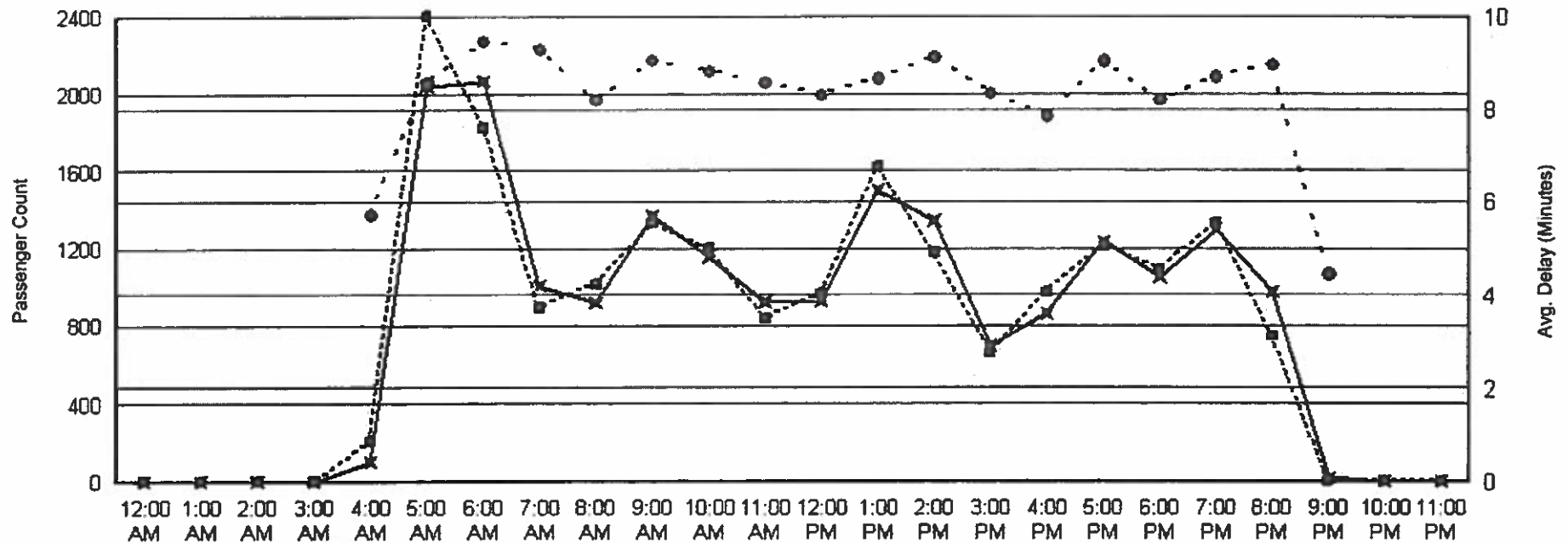
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Monday

Passenger Arrival/Processed vs. Delay Time



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

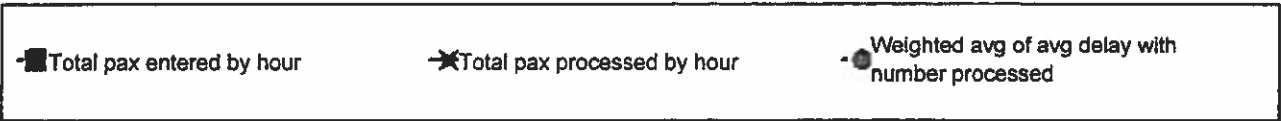
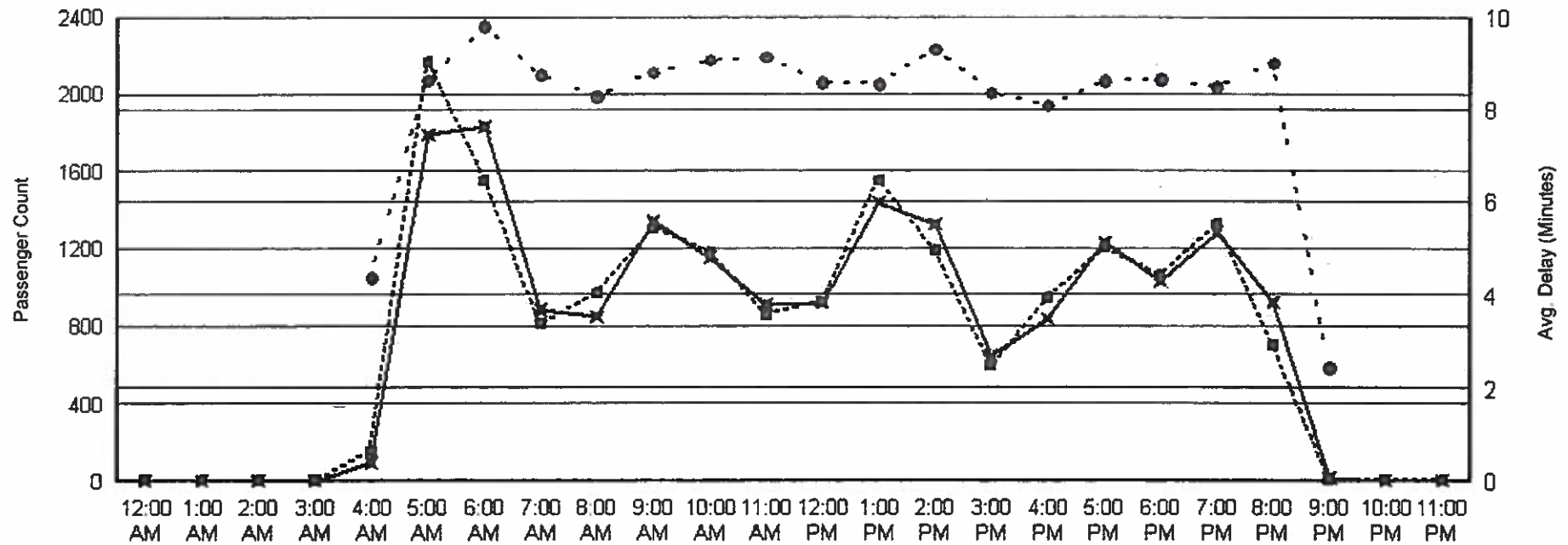
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Tuesday

Passenger Arrival/Processed vs. Delay Time



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

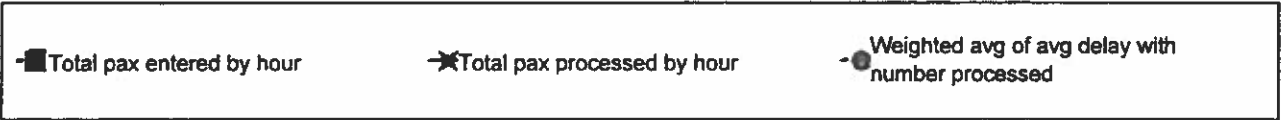
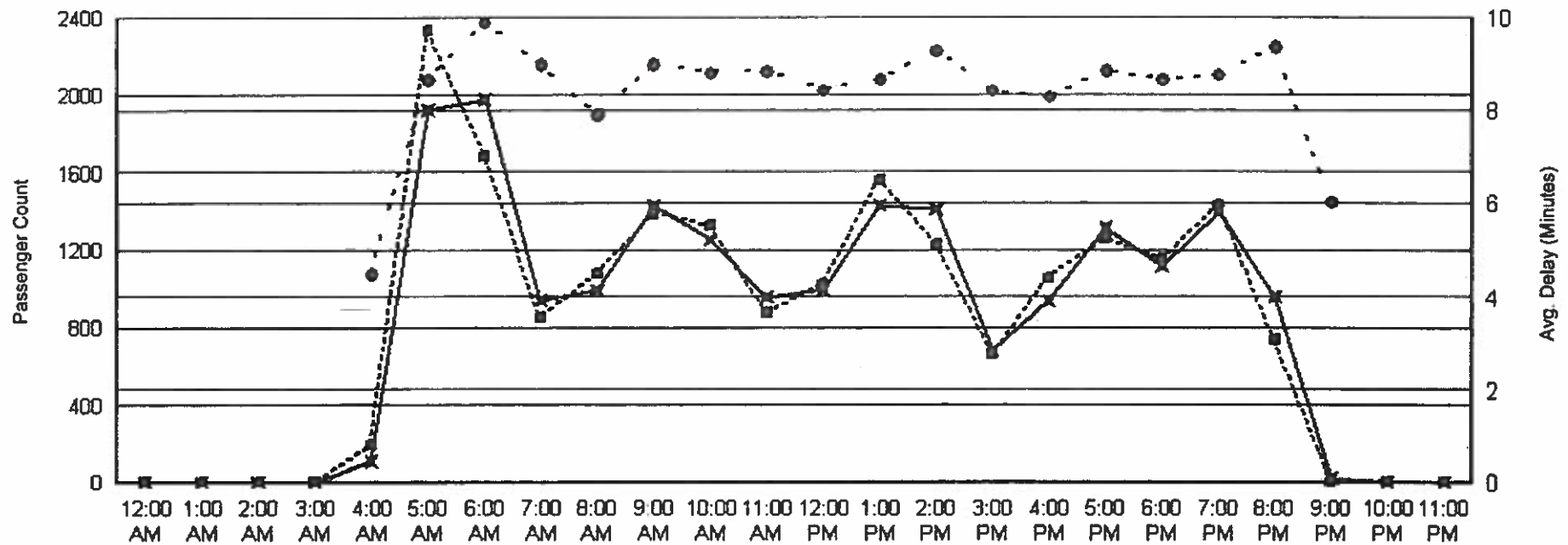
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Wednesday

Passenger Arrival/Processed vs. Delay Time



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

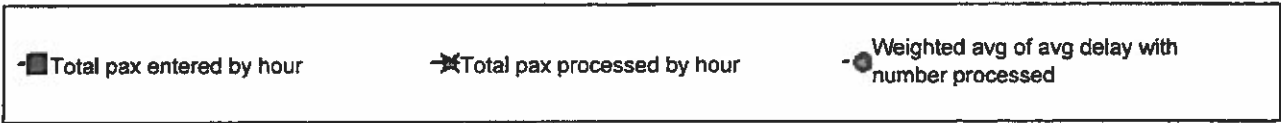
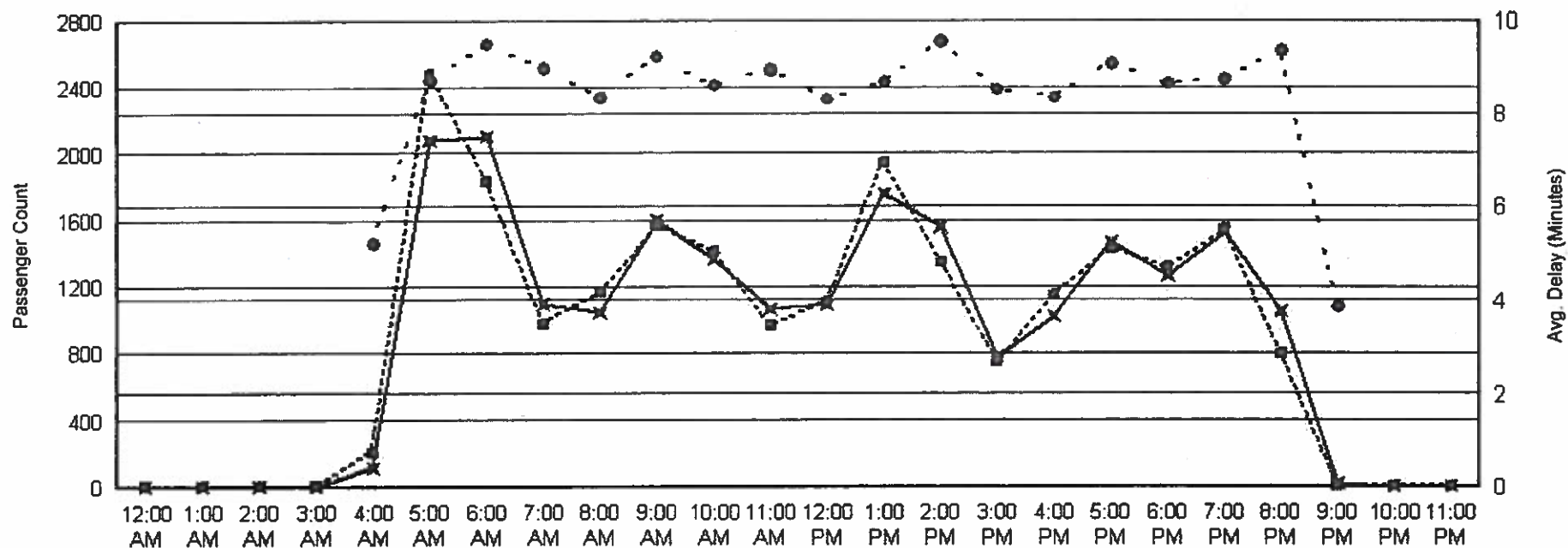
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Thursday

Passenger Arrival/Processed vs. Delay Time



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

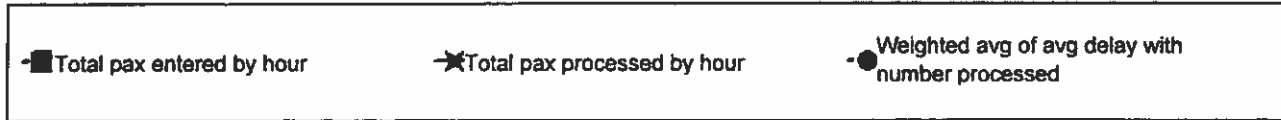
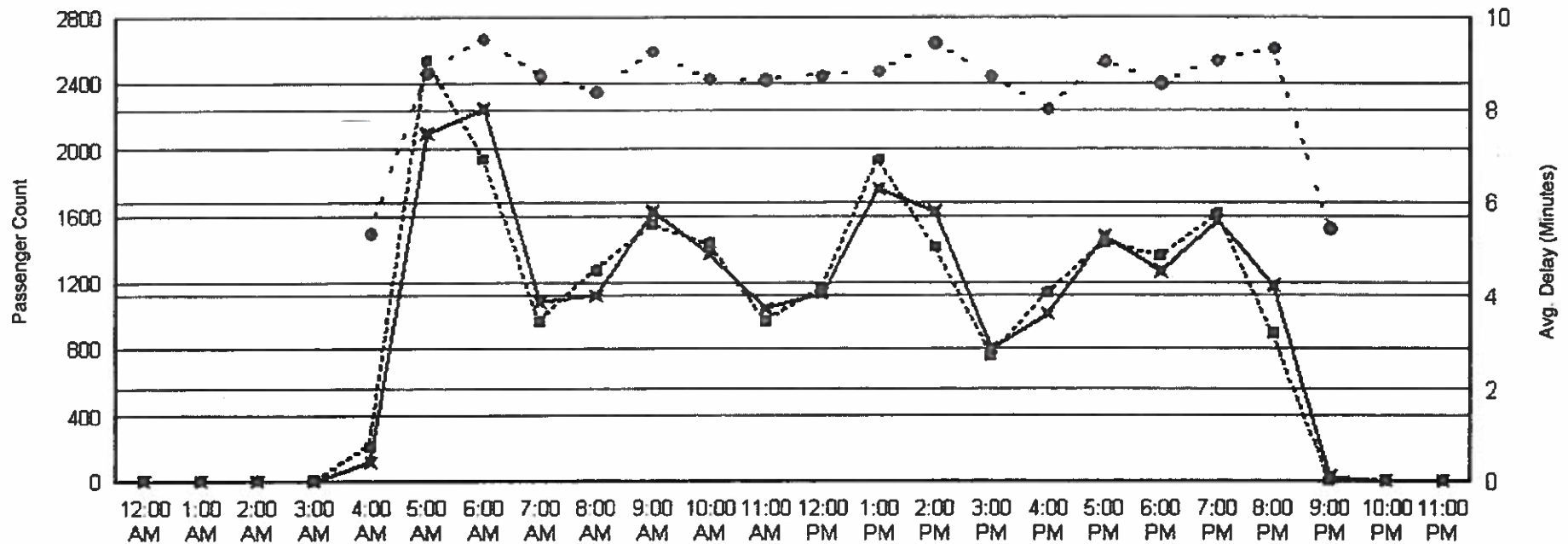
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Friday

Passenger Arrival/Processed vs. Delay Time



Security Checkpoint Performance

Airport Abbreviation: DAL

Terminal Name: MAIN

Experiment Name: Post Wright 16 lane - 4 EDS

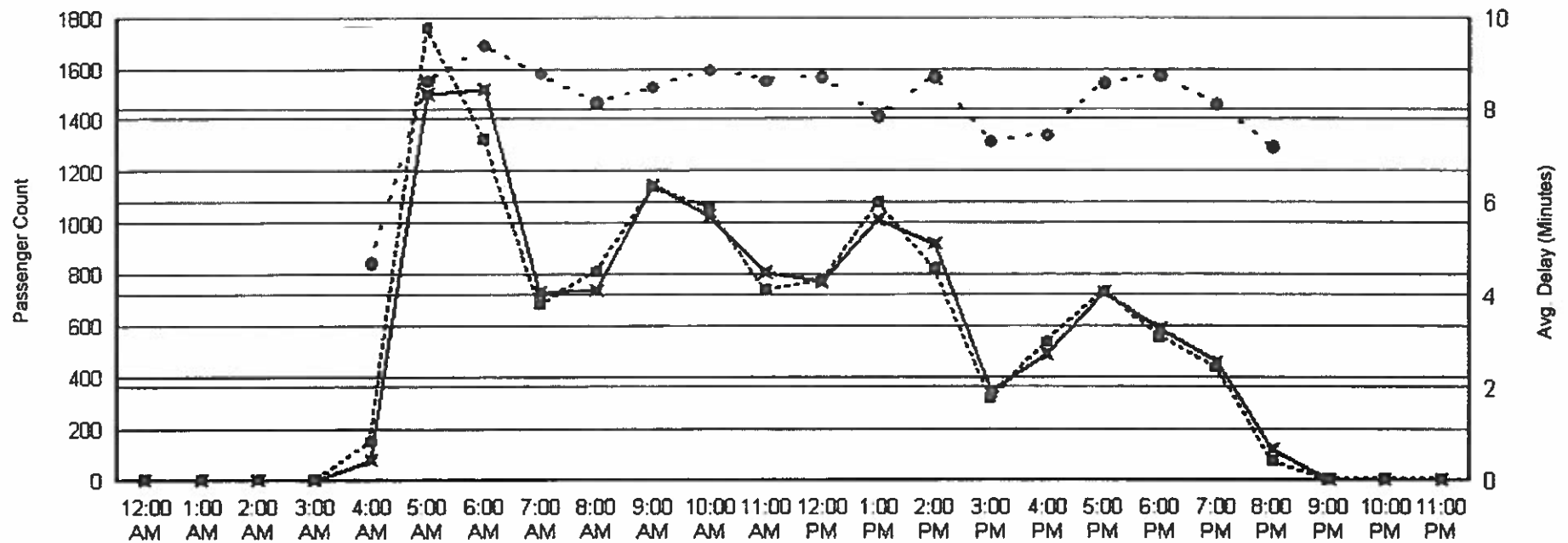
Start Date: 6/22/2008

Comments: Post Wright New Flights

DAL Main

Saturday

Passenger Arrival/Processed vs. Delay Time



Total pax entered by hour
 Total pax processed by hour
 Weighted avg of avg delay with number processed

181354

Appendix I

Five Party Agreement TARPS for Dallas Love Field





Dallas Love Field Airport
City of Dallas

Five Party Agreement TARPS
for Dallas Love Field

Final Report
June 25, 2008



Executive Summary

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**EXECUTIVE SUMMARY****EXECUTIVE SUMMARY – LOVE FIELD TARPS**

In July of 2004, the City of Dallas Department of Aviation contracted with Gresham, Smith and Partners (GS&P) to review the 2001 Airport Impact Analysis Master Plan prepared by DMJM Aviation. The purpose of this review was to validate or recommend revisions to the terminal facility recommendations provided in the report, when this data was compared to post September 11, 2001 aircraft operations and passenger activity levels.

The Terminal Area Redevelopment Program Study (TARPS) and Revised Capital Improvements Program (C.I.P.) was subsequently developed to assist the City of Dallas in planning for future facility growth, and to determine the best practical use of Dallas Love Field within currently accepted Federal Aviation Administration (FAA) guidelines for facility development. The initial draft TARPS and Revised CIP report completed in April 2006 provided recommendations for facility improvements based on activity forecasts with the constraints on the terminal facility posed by the Wright and Shelby Amendments, along with the 2001 Airport Impact Analysis Master Plan. However, the development of the Five Party Agreement (FPA) to repeal of the Wright Amendment led to the re-evaluation of the information and this report.

The proposed facility improvement scenarios presented within the Five Party Agreement TARPS and Revised C.I.P. report are based on both renovations of the existing terminal facilities and proposed replacement facilities. Both terminal facility scenarios are based on twenty (20) passenger gates that will support ten (10) aircraft operations each day. While the FPA TARPS and Revised CIP focuses on the impacts to the existing terminal facility, the scope included the following:

- Investigate environmental issues and documentation needed
- Verify traffic forecasts of 2001 Master Plan and 2006 Update
- Determine Facility Spatial, Landside Traffic and parking requirements
- Recommend Architectural Standards, Passenger Level of Service Standards and technical Design Standards
- Determine Layout of terminal and Support Facilities in Terminal Area
- Determine Conceptual Layout and potential cost ranges

The TARPS is presented in seven Chapters:

1. Inventory
2. Revised Activity Forecasts
3. Facility Requirements



EXECUTIVE SUMMARY

4. Concept Development
5. Option C – Phasing, Implementation and Cost estimates
6. CAD Standards
7. Design Criteria Manual

This Executive Summary provides an overview of the highlights of the TARPS, including a recommended course of action.

SECTION 1 - INVENTORY

There were several major factors that initially limited proposed facility growth and improvement recommendations at Dallas Love Field, including the 1979 Wright Amendment, and modified 1997 Shelby Amendment, restricting non-stop commercial air carrier service between the Airport and points beyond Texas and seven states and the 2001 Airport Impact Analysis\Master Plan, which provided a constrained demand analysis limiting operations to a total of 334,000 aircraft operations per year, thirty-two (32) maximum gates and a 6 to 7 minute ground activity delay allowed per aircraft operation.

The Five Party Agreement, signed by the cities of Dallas and Fort Worth, Dallas-Fort Worth International Airport, Southwest Airlines and American Airlines, includes the following highlights:

- Through ticketing and one-stop connecting service immediately offered to destinations within the fifty United States and the District of Columbia
- Commercial air carrier service restrictions eliminated by the year 2014.
- The number of available gates would be reduced from 32 to 20 gates total.
 - Southwest Airlines – 16 gates
 - American Airlines – 2 gates
 - Continental Airlines – 2 gates
- The City must develop the Love Field Modernization program and invest a minimum of \$150 million and a maximum of \$200 million.

The inventory of existing materials, historical data and reports presented in the original 2001 Airport Impact Analysis\Master Plan and the update, the “2006 Dallas Love Field Impact Analysis Update in the Absence of the Wright Amendment”, provides a fairly accurate overview of the current terminal facility and constraints on the terminal facility. This information was utilized to form the foundation for the FPA TARPS and Revised C.I.P. activity forecast and programming requirements, facility utilization recommendations, revenue program recommendations, roadway and curbside system recommendations, air carrier gate utilization and commercial vehicle function and C.I.P. recommendations.



EXECUTIVE SUMMARY

SECTION 2 – REVISED ACTIVITY FORECASTS

The Forecast Chapter reviews prior activity forecasts for DAL, including the previous master plan study and the FAA's most recent *Terminal Area Forecast* (TAF). The passage of the FPA effectively creates a "gate constrained" environment for DAL and limits the airport's growth potential to that of increased equipment capacity and number of turns per gate. Therefore traditional growth forecasting becomes constrained to the limitations of the facility both current and future as gate expansion is prohibited beyond 20 gates by the FPA. A new 20-gate constrained forecast has been developed and is used as a basis for forecasting proposed flight operations and the formulization of the facility impacts and needs to accommodate these flight operations.

By limiting the number of gates available to carriers serving DAL while removing all flight restrictions on carriers, the airport has become gate constrained with the number of gates driving the maximum capacity of the airport. This constraint can only be modified by two variables:

- Equipment: All equipment used in the calculations of enplanements was based on a Boeing 737-700 with 137 seats. Although American and Continental currently operate 50 seat Regional Jets, the forecast assumes greater demand for larger aircraft when all restrictions phase out in 2014.
- Turns per Gate: Contemporary logic suggests that most air carriers cannot make turns much faster than 20-25 minutes ground times. Ten turns-per-gate is indicative of 20-25 minutes ground time and very much inline with current Southwest Airlines operations at DAL. Fifteen turns-per-gate is indicative of closer to 15 minutes ground time and while presented as a scenario, it is not achievable on a consistent basis.
- By adjusting equipment size and/or turns-per-gate, DAL can manipulate the potential enplanements and operations at the Airport. However, with larger equipment can come slower turn time and therefore, for planning purposes, the 10 Turn-Per-Gate Forecast is presented as the design level forecast for DAL while under the Five Party Agreement.

The following Tables presents a summary of the Forecasts, including the FAA's Terminal Area Forecasts (TAF) and the 10 Turns-Per-Gate projected scenarios for enplaned passengers and air carrier operations, with the following conclusions:

- Consultation with airlines concerning these peak hour passenger levels indicate that they are within a reasonable range Love Field during the forecast period.



EXECUTIVE SUMMARY

City of Dallas
Love Field

- FAA TAF validates the TARPS 10-turn per gate projection for post-Wright Amendment conditions. However, it assumes on-going growth rate, which fails to recognize physical constraint of 20 gates and practical operating constraint of 10 turns per gate, as limiting factors on growth.
- TARPS projection for 10 turns in 2014 constitutes the design level of passenger enplanements.

Table ES-1

Design Level Enplanement Forecasts

	Annual	Peak Month	Average Day	Peak Hour
Historical				
2006	3,439,050	311,032 9.04%	10,033 31 Days	1,164 11.60%
TAF				
Projected				
2011	4,275,602	386,691	12,474	1,447
2016	5,889,779	532,679	17,183	1,993
2021	7,967,466	720,588	23,245	2,696
2025	8,653,965	782,675	25,248	2,929
10-Turn				
Projected				
2014	5,865,580	697,442	22,498	2,250
Compounded TAF Annual Growth Rate				
2006-2025	4.39%	4.39%	4.39%	4.39%

Sources: City of Dallas, Department of Aviation (historical annual activity)

FAA Terminal Area Forecast (projected annual air carrier activity)

Ricondo & Associates, Inc. (peak month and peak hour activity)

Gresham, Smith and Partners (update and turn project activity)

Prepared by: Ricondo & Associates, Inc, updated by Gresham, Smith and Partners

**EXECUTIVE SUMMARY****Table ES-2****Design Level Air Carrier Operations Forecasts**

	Annual	Peak Month	Average Day	Peak Hour
Historical				
2006	86,887	7,798 9.0%	252 31 Days	26 10.50%
Projected				
2011	95,978	8,614	278	29
2016	122,394	10,985	354	37
2021	153,449	13,772	444	47
2025	162,569	14,590	471	49
10-Turn Projected				
2014	135,400	12,152	392	43
Compounded TAF Annual Growth Rate				
2006-2025	3.39%	3.39%	3.39%	3.39%

Sources: City of Dallas, Department of Aviation (historical annual activity)

FAA Terminal Area Forecast (projected annual air carrier activity)

Ricondo & Associates, Inc. (peak month and peak hour activity)

Gresham, Smith and Partners (update and turn project activity)

Prepared by: Ricondo & Associates, Inc, updated by Gresham, Smith and Partners



EXECUTIVE SUMMARY

SECTION 3 – FACILITY REQUIREMENTS

The existing landside facilities for Dallas Love Field that have been analyzed as part of the Five Party Agreement TARPS and Revised C.I.P. are limited to the main passenger terminal facility, terminal curbside, roadways, parking structures and vehicle rental facilities. The landside facilities requirements for a 20 gate constrained facility with 10 and 15 turns per gate on average, were developed. Growth rate of passenger traffic for DAL is assumed minimal as the capacity of the facility is constrained by the 20 gate limit. This growth rate may pose a significant impact to the existing facilities today, specifically in Level of Service (LOS) offered, economy of scale of operations, and operational efficiencies.

Level of Service (LOS) is a concept that has been formalized into industry accepted standards utilized by industry professionals and airports worldwide. The defining component of LOS is based on existing system capacity and how well that facility can handle its current as well as increased capacities at different time periods.

Quality of LOS varies from facility to facility and at different times of the day. With mandated security requirements impacting LOS in almost every aspect of facility capacity, new standards and methods for measuring LOS are being developed. The International Air Transport Association (IATA) has established recommended standards and the following information and references to LOS are based on the IATA standard.

Table ES-3

LOS	FLows	DELAYS	COMFORT
A – Excellent	Free	None	Excellent
B – High	Stable	Very Few	High
C – Good*	Stable	Acceptable	Good
D – Adequate*	Unstable	Acceptable for Short Periods	Adequate
E – Inadequate	Unstable	Unacceptable	Inadequate
F – Unacceptable	System Breakdown	Unacceptable	Unacceptable

***Note:** Level C = standard minimum, Level D = peak periods

As a comparison, LOS A means that passengers would be able to move freely through the terminal facility without experiencing any delays in their movements and feel comfortable in doing so and would incur high costs. LOS E implies passenger movements would be congested, uncomfortable and delays would be recognized as unacceptable, however costs incurred would



EXECUTIVE SUMMARY

City of Dallas
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be low. Level of Service C is recommended as the minimum design objective, as it denotes good service at a reasonable cost.

The DAL terminal facility requirements for the 20 gate constrained facility for 10 turns per gate were based on the inventory of existing spaces in the terminal facility and the revised forecasts. Through the use of empirical mathematical formulas for determining spatial requirements, combined with forecasted passenger loads for these critical years, new programs for facility space requirements have been created as depicted below. These proposed space requirements will result in a LOC C.

Table ES-4

BASIS FOR 10-TURN SPACE PROGRAM CALCULATIONS			
DALLAS LOVE FIELD			
LANDSIDE TERMINAL BUILDING			
Key	Type of space	Units	Sq.Ft.
AIRLINE SPACE			
	Airline Ticket Counter		
AS-2	Ticket counter agent positions	15	
AS-2	Ticket counter ATMs	50	
AS-2	Curbside counter agent positions	12	
AS-2	Ticket counter (linear feet)	187	
AS-3	Ticket counter (area)		4,121
AS-4	Ticket counter queuing area		19,051
AS-5	Ticket counter support office		4,675
AS-6	Baggage Makeup	2,250	83,000
Baggage Claim			
AS-7	Number of devices	5	
AS-7a	Total linear feet	729	
AS-8	Bag claim area		12,500
AS-8a	Baggage Claim Input		10,400
AS-9	Holdrooms	25	57,097
AS-10	Clubrooms		1,000
AS-11	Airline Offices - Landside Terminal		15,178
AS-11a	Airport Administration - Landside Terminal		35,000
AS-12	Airlines Offices - Airside Terminal		4,000
AS-13	Airline Operations		60,000
Subtotal			318,021
CONCESSIONS			
C-1	Food & beverage		53,518
C-2	Rental Car area		3,400
C-3	News/andries (5% of Gross Terminal Area)		15,801
Subtotal			72,719
PUBLIC SPACE			
PS-1	Security Checkpoints	14	14,000
PS-1a	TSA Administration		4,000
PS-2	Ticket Lobby		8,350
PS-3	Baggage Claim Lobby		9,200
PS-4	Restrooms		18,260
PS-5	Terminal Services		15,800
PS-6	Concourse Circulation		80,375
PS-7	Mechanical & Services		80,753
Subtotal			211,538
Curbside and Parking			
CS-1	Curbside - Departures		992
CS-2	Curbside - Arrivals		1,043
CS-3	Curbside - Shuttle		568
P-1	Employee Parking Spaces		1,000
Subtotal			
TOTAL			600,278



EXECUTIVE SUMMARY

SECTION 4 – CONCEPT DEVELOPMENT

Multiple alternative concepts were developed for meeting the challenges of future passenger demand at DAL. Although a new terminal site southeast of the existing terminal was examined, space limitations and added cost of new infrastructure made the concept not feasible. Given the constraints of the existing terminal facilities area and the Five Party Agreement, three approaches for meeting the passenger activity levels of a 20 gate constrained concourse with 10 turns per gate were selected for refined analysis. These three concepts allows economic re-use of portions of existing facility, however all three concepts exceed the \$200 million cap set forth in the FPA. A summary of each of the concepts is presented below:

Concept A

- Renovate the existing West Concourse for Southwest Airlines - 16 gates.
- Renovate the existing North Concourse for American and Continental – 4 gates
- Enlarge concession space
- Ticketing and security screening enhancements
- Minimal enhancements to terminal building, bag claim, curbside and roadway
- Lowest cost option: \$357 million

Concept B

- Renovate and expand West Concourse for Southwest – 12 gates
- Demolish North and East Concourses and rebuild in new location for Southwest, American and Continental - 8 Gates
- Build New Ticket Hall
- Terminal Renovation
- Bag Claim and Curbside Expansion
- Curbside Expansion
- Highest cost option: \$608 million

Concept C

- Demolish East, North and West Concourses and replace with one double-loaded concourse - 20 gates
- New Ticket Hall
- Expanded Bag Claim and Curbside
- Terminal Renovation
- Layout efficiency contributes to passenger convenience and Level of Service "C".



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- Cost: \$571 million

A Concept Development Performance Matrix depicted below summarizes the results of the comparative analysis.

Table ES - 5

<i>Performance Requirements</i>	<i>Performance Target</i>	<i>Existing</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
Terminal Facilities					
Ticketing Counter Position	15	14	14	14	14
Self-Service Devices	50	24	49	49	49
Ticketing Curbside Positions	12	10	10	10	12
Bag Claim (area – sf)	12,500	19,000	19,000	23,400	23,400
Bag Claim (frontage – lf)	729	450	450	1000	1000
Passenger Security Checkpoints	14	7	12 to 14	12 to 14	12 to 14
EDS Screening Devices	10	9	8 to 9	10	10
Concessions	72,719	20,400	29,100	73,000	75,000
Gate Holdroom (avg. sf/gate)	2,250	1,835	1,835	2,250	2,250
Landside Facilities					
Arrivals Curb	1,043	660	300	600	600
Departures Curb	992	530	400	600	600
Commercial Curb	568	100	600	1000	1000

- Concept A meets / exceeds the targets for 3 of 12 terminals requirements
- Concept B meets / exceeds the targets for 7 of 12 terminal requirements
- Concept C meets / exceeds the targets for 8 of 12 terminal requirements



EXECUTIVE SUMMARY

The Evaluation Matrix summarized below supports the Concept C as the preferred concept.

Table ES - 7

	Option		
	A	B	C
Implementation			
Time To Implement	5	2	3
Operational Complexity	2	1	4
Customer Inconvenience	2	1	4
Cost of Overall Program	5	2	3
Operations			
Operational Efficiency	4	3	5
Estimated Relative O&M Cost	2	4	5
Customer Convenience			
Curbside	2	4	4
Ticketing	2	4	4
SSCP	2	4	4
Holdrooms	2	5	5
Concessions and Amenities	2	5	5
Baggage Claim	4	4	4
Walk Distance	3	4	4
SUMMARY	37	43	54

Score Range = 1 – 5

1= least desirable

5= most desirable

SECTION 5 – PHASING IMPLEMENTATION

Concept C

Option C was selected as the preferred expansion concept based on compliance with the Five Party Agreement and a 20 gate constrained concourse, facility requirements, and evaluation



EXECUTIVE SUMMARY

City of Dallas

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criteria relative to implementation, operational efficiency and passenger Level of Service (LOS). Development of the reconfigured terminal is proposed to be constructed in seven (7) phases and the conceptual drawings for all seven development phases are included in Chapter 5. Detailed phasing will be developed during the Design phase of the project.

SECTION 6 – CAD STANDARDS

CAD standard has been developed for the City of Dallas Love Field TARPS and Revised Capital Improvements Program to ensure consistency and uniformity. In compiling this standard, several existing standards were analyzed, to be used as a basis, including FAA-STD-002e, National Institute of Building Sciences National CAD Standard and the AIA Standard version 2. Revisions and modifications to these standards were made as required by updated software systems and DAL specific requirements. This standard is to be utilized for all projects started after the acceptance of this standard by the City of Dallas and Dallas Love Field Department of Aviation. The primary objectives of this manual are to:

- Establish consistent quality and uniformity in appearance of CAD products.
- Establish uniform procedures for document control.
- Establish a standard layering system.
- Establish file and sheet naming procedures.

Details of the CAD standards are included in Chapter 6

SECTION 7 – FACILITY DESIGN STANDARDS

This Facility Design Standards has been developed for the FPA TARPS and Revised C.I.P. In compiling this guideline, several existing design and construction standards were reviewed, including other airports. These standards are to be utilized for all projects started after the acceptance of this standard by the City of Dallas and Dallas Love Field Department of Aviation. These criteria shall cover the existing terminal building, terminal building support spaces, parking structures and any new additions to these areas. The primary objectives of this manual are to:

- Establish consistent quality and uniformity in construction and design.
- Establish uniform overall visual continuity.
- Establish standard construction details.
- Establish standard construction materials.



EXECUTIVE SUMMARY

Building Code Analysis

Dallas Love Field was originally constructed in 1956 and the terminal facility has experienced growth and expansion of the facilities to accommodate increased passenger demand and related support facilities over the past 50 years. As this growth continued, various Occupancy Use and Construction Type classifications were utilized for the design and construction of the facilities. The City of Dallas has adopted newer governing building codes with City of Dallas amendments to those codes since 1956, the 1997 Uniform Building Code (UBC) was in effect at the time the original draft TARPS was begun. During the development of the draft TARPS, the 2000 International Building Code (IBC) was adopted. Comparisons between the 1997 UBC and 2000 IBC have been made to quantify general code requirements and differences between the two. It is important to note that the 2003 International Existing Building Code with Dallas Amendments, allowed the terminal facility to be classified under the previous code, which at the time was the 1997 UBC. Effective January 1, 2006, the City of Dallas adopted the 2003 International Building Code (IBC) as their governing code for all new and renovated construction within the jurisdiction of the City.

Appendix J

Concession Space Requirements and Concession
Program





MEMORANDUM

TO: Dan Weber
DAL Director of Aviation

CC: Andy Weddig, Unison

FROM: Firelli Braunagel

DATE: January 12, 2009

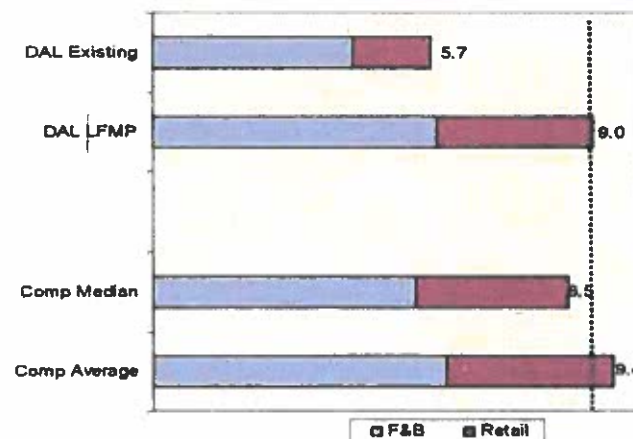
SUBJECT: *Concession Space Requirements for LFMP*

Unison reviewed the memorandum dated January 9th "Activity Forecast Concerns regarding Concessions Program" from L. Salomon of AvAirPros. Overall, the planned concessions program in the Corgan plans is adequately sized for opening day of the new terminal but will be constrained in the upcoming years as enplanement traffic increases. Our comments are provided below and additional analysis is provided in the Appendix.

Concession Space Requirements per SF are reasonable.

Unison's concession space requirements for the LFMP is 9.0 square feet per 1,000 annual projected enplanements, which is based on an analysis of facility, passenger, and concession characteristics for the new terminal. This number is in line with other medium hub airports. Our analysis of 23 comparatively sized airports indicates optimal concessions are sized between 8.5 to 9.4 square feet per 1,000 annual enplanements (Figure 1).

Figure 1
Concession Space Requirements (SF per 1,000/Enplanements)



It is important to note that the comparable airports referenced in the memorandum include a limited number of airports (only seven), many of which are undersized and generate relatively low sales per enplanement. Our analysis includes a wide range of medium hub airports including new and older concessions programs, which is best for benchmarking purposes.

Enplanement projections used for concession requirements are conservative.

Based on the space requirements above, Unison estimates that 47,584 square feet of revenue generating space is needed for the concession program in 2015. An additional 30% of space will be needed for storage and support space, which equate to approximately 14,000 square feet. These space requirements assume enplanements of 5,261,000 are projected to be reached in the year 2015¹. Assuming projected enplanements of 7,344,568, approximately 66,429 square feet of revenue generating concession space and nearly 20,000 square feet of storage and support space is required to accommodate passenger demand (Table 1). It is important to note that the enplanement projections Unison used to estimate space requirements are lower than those in the TARPS Study, which shows enplanements of 8,653,965 are projected to be reached in 2025.

**Table 1
 Concession Space Requirements**

Retail Category	Developed SUF	Unison's Recommended Space Requirement		
		2015	2020	2025
Food & Beverage	5.8	30,514	36,746	42,598
Retail	3.2	17,070	20,556	23,831
<i>Revenue Generating Space</i>	9.0	47,584	57,302	66,429
Storage/ Support Space		14,275	17,191	19,929
TOTAL SF REQUIREMENT		61,859	74,493	86,358
Projected EPs		5,261,000	6,335,489	7,344,568

Notes:

1. Space Utilization Factor (SUF) is based on ranking of passenger, facility and concession characteristics and equals amount of SF per 1,000 EPs.
2. Enplanements are estimated to increase 3% annually, based Unison's projections from Rates and Charges Study.
3. Space requirements calculated based on total annual enplanements. (SUF x TOTAL EP / 1000)
4. Projected space requirements for Storage/Office Space represents 30% of food & beverage and retail space.

Concession space planned for the LFMP will be insufficient to meet future passenger demand.

Based on the Corgan plans dated November 5, 2008, the amount of space available for concessions development will be insufficient to meet future demand. Unison's concession plans identify approximately 52,217 square feet of revenue generating concession space in the LFMP, which will provide an adequately sized concession program during the first few years of the new terminal. Although the memorandum indicates approximately 56,000 square feet is provided for concession space in the Schematic Design Plans, it is important to note that some of this space is

¹ Enplanement forecast is based on Unison's Rates and Charges Study.

January 12, 1009
 Dan Weber
 Page 3 of 3

not viable for concessions. Approximately 7,000 square feet of planned concession space is located landside, away from the natural flow of departing passengers. Ideally, concession space should be located airside near the departure gates in the main path of passengers.

Assuming enplanements of 6.4 million are projected to be reached in 2020, the concession program will be constrained by this time (Table 2). Approximately 57,302 square feet of concession space is required to meet this level of traffic, which means an additional 5,085 square feet of concession space is needed. To accommodate enplanements of 7.3 million projected to be reached in 2025, a total of 66,429 square feet of concession space is required. If the terminal plans provide for only 52,217 square feet of concession space, customer service and revenue potential will be compromised as enplanement traffic increases.

Table 2
Planned Concession Space vs. Space Requirements

	Planned SF LFMP	Unison's Space Requirements		
		2015	2020	2025
Food & Beverage	33,883	30,514	36,746	42,598
Retail Concessions	18,334	17,070	20,556	23,831
Revenue Generating	52,217	47,584	57,302	66,429
Surplus/ (Deficit)		4,633	(5,085)	(14,212)
Projected EPs		5,261,000	6,335,489	7,344,568

Support.

1. Space requirements are based on 5.8 SF (food & beverage) and 3.2 SF (retail) per 1,000 enplanements
2. Enplanements are estimated to increase 3% annually, based Unison's projections from Rates and Charges Study.
3. Planned SF for LFMP are based on Corgan plans dated 11-08.

Additional concession space should be identified and reserved for future development.

Unison recommends a minimum of 57,302 square feet of concession space be planned for the new terminal, which would accommodate enplanements of approximately 6.3 million projected to be reached in 2020. However, to maintain optimal service and concession revenues, additional concession space is required to accommodate future passenger demand. As enplanement traffic grows, additional concession facilities can be phased into the program.

I hope this information is helpful. Please let Andy or me know if you have any questions or comments.

Needs an Airport Study.

181354

From: "Boggus,Roddy" <rodgy_boggus@gspnet.com>
To: "Weber,Dan" <dan.weber@dallascityhall.com>, <firellibraunagel@unison-ucg.com>
cc: "Rincon,Diego" <diego.rincon@dallascityhall.com>, "Mitchell,Terry" <terry.mitchell@dallascityhall.com>, <Karen_Kavanagh@URSCorp.com>

Date: Thursday, January 15, 2009 05:03AM
Subject: RE: Concessions Program

Dan,

My response is below:

1. First of all, the TARPS does say, in Chapter 2, that the TAF was revised upward to reflect the anticipated growth of enplanements at DAL, particularly Southwest Airlines, page 2-10. This refutes anyone saying that the TARPS indicates or says that the TAF does not reflect the Five Party Agreement.
2. The TARPS says specifically in several places, that the max of 10 turns-per-gate in 2014 equals the baseline forecast of air carrier operations at DAL. However, please note that this is the baseline in 2014...not later.
3. the TARPS goes on to say that "15 turns-per-gate represents the absolute maximum enplanements that the 20-gate restricted terminal can manage without larger aircraft or larger load factors." The key word here is "enplanements" not 15 turns-per-gate.
4. The number generated by the TARPS for the 15 turns-per-gate is roughly the same at the TAF projections for the year 2025.
5. In Chapter 2, 10 Turns-Per-Gate is presented as the design level forecast for DAL under the Five Party Agreement (page 2-19). This table shows for 2014, enplanements of 5,865,580. It goes on to show for 2025 enplanements, 8,798,380 (also for 10-turns). This is page 2-20.
6. The TARPS is showing square footage, for concessions, 11.8 square feet / 1000 annual enplanements (for 2014 enplanements of 5,865,580); and is showing 9.6 square feet / 1000 enplanements (for 2025 enplanements of 8,798,380).

All of this being said, I guess the following is in order:

There is not prescribed level of service requirement for concessions other than percentages on landside and airside. IATA describes sizing retail concessions as follows:

"Retail concessions are planned based on supportable space. Using market research, comparisons with successful concession programs at other airports of similar size and traffic characteristics, and historical concession performance at the airport, sales per enplanement (SPE) in the six concession categories are forecast. These annual SPE's are then combined with forecast annual enplanements and typical concession sales productivity (sales per unit area) to arrive at supportable concession space."

The TARPS clearly states that the baseline planning criteria is for 10 Turns-Per-Gate... annual enplanements... However, the TARPS clearly shows the annual enplanements... Based on this logic the TARPS recommends 11.8 square feet and enplanements... In the maximum... space for 2025 between the... and the... and... As such, Unison has chosen to take the rates and

specialist at a later time. Based on my review of Unison's data I have no problem with their 3.0 square foot / 1000 annual enplanements for 2014. However there seems to be some conflict in the maximum build-out space for 2025 between the TARPS and the Rates and Charges. As such, Unison has chosen to take the Rates and Charges annual enplanements for 2025 rather than the TARPS.

Finally, I do believe that annual enplanements could easily reach the 8.8M as prescribed in the TARPS due to multiple peaks, a large outbound bank that exceeds typical peak hour forecasting or high load factors just to name a few scenarios.

I hope this is helpful in your meeting this morning. I should be available by phone around 10:00 a.m.

Sincerely,

Roddy L. Boggus, NCARB, AIA

Gresham, Smith and Partners
 Florida Cert. No. AAP000034 / EB0003806 / IB26000797
 [P] 214.366.6555
 [M] 817.239.5092

-----Original Message-----

From: Weber, Dan [mailto:dan.weber@dallascityhall.com]
 Sent: Sunday, January 11, 2009 5:19 PM
 To: firellibraunagel@unison-ucg.com; Boggus, Roddy
 Cc: Rincon, Diego; Mitchell, Terry
 Subject: FW: Concessions Program

Firelli, Roddy:

Please see the attached memo from AvAirPros, apparently on behalf of the PMT, explaining their decision that the City's position on planning levels for enplanements is just foolish. We have a Steering Committee meeting Thurs, and I would like the benefit of your comments regarding their edicts on your respective areas of expertise so we can respond appropriately (i.e., I don't think we have advocated providing 84,000sf of concession space as they have stated).

Thanks, Dan.

From: Rincon, Diego
 Sent: Fri 1/9/2009 4:57 PM
 To: Weber, Dan
 Subject: Concessions Program

1. First of all, the TARPS does say, in Chapter 2, that the TAF was revised upward to reflect the anticipated growth of enplanements at DAL, particularly Southwest Airlines, page 2-10. This refutes anyone saying that the TARPS indicates or says that the TAF does not reflect the Five Party Agreement.
2. The TARPS says specifically in several places, that the max of 10 turns-per-gate in 2014 equals the baseline forecast of air carrier operations at DAL. However, please note that this is the baseline in 2014...not later.
3. the TARPS goes on to say that "15 turns-per-gate represents the absolute maximum enplanements that the 20-gate restricted terminal can manage without larger aircraft or larger load factors." The key word here is "enplanements" not 15 turns-per-gate.
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All of this being said, I guess the following is in order. There is not prescribed level of service requirement for concessions other than percentages on landside and airside. IATA describes sizing retail concessions as follows:

"Retail concessions are planned based on supportable space. Using market research, comparisons with successful concession programs at other airports of similar size and traffic characteristics, and historical concession performance at the airport, sales per enplanement (SPE) in the six concession categories are forecast. These annual SPE's are then combined with forecast annual enplanements and typical concession sales productivity (sales per unit area) to arrive at supportable concession space."

The TARPS clearly states that the baseline planning criteria is for 10-Turns-A-Gate or 5,865,580 annual enplanements. However, the TARPS clearly shows the annual enplanements for 2025 to be 8,798,380. Therefore, while the baseline planning scenario (2014) is 5.8M annual enplanements the case can be made that if the maximum build-out is for 2025 then the annual enplanements should be 8.8M annual enplanements. Based on this logic the TARPS recommends 11.8 square feet / 1000 enplanements for 2014 and 9.6 square feet / 1000 enplanements for 2025.

As I stated before, this was included as a "reservation of space" for the TARPS and that the actual spatial allocation for concessions would need to be done by a specialist at a later time. Based on my review of Unison's work I have no problem with their 9.0 square feet / 1000 annual enplanements for 2014. However there seems to be some conflict in the maximum build-out space for 2025 between the TARPS and the Rates and Charges. As such, Unison has chosen to take the Rates and Charges annual enplanements for 2025 rather than the TARPS.

Finally, I do believe that annual enplanements could easily reach the 8.8M as prescribed in the TARPS due to multiple peaks, a large outbound bank that exceeds typical peak hour forecasting or high load factors just to name a few scenarios.

Appendix K

Public Parking Space Requirements Review



Public Parking Space Requirements Review

Executive Summary

In light of recent reviews of the validity of previously developed aviation activity forecasts for Dallas Love Field (DAL or the Airport), the City of Dallas requested that Ricondo & Associates, Inc. (R&A), also assess the validity of previously estimated future public parking facility requirements for the Airport. R&A completed a public parking requirements analysis for the Airport in 2008 based on data collected for October 2006 through September 2007.¹ Future requirements for on-Airport public parking facilities were estimated based on anticipated changes in numbers of enplaned passengers forecast for the 2008 *Five Party Agreement Terminal Area Redevelopment Program Study* (TARPS). Requirements were also estimated by Unison Consulting, Inc. (Unison) in 2009 to support the development of public parking facilities.²

It was determined that, although the previous base demand analyses are most likely still valid, the forecasts identifying when additional facilities would be required most likely are not. R&A recommends that, if new activity forecasts are developed, public parking demand should be reevaluated using the most recent data available to ensure that the most current demand profiles and trends are reflected. It should be noted that there is no evidence to indicate that the demand profiles and trends have significantly changed since the 2008 analyses were completed.

Findings

Public parking demand was estimated by R&A based on transaction, overnight occupancy, and duration report data. Public parking demand was estimated by Unison based on transaction, overnight occupancy, and flight schedule data. A variety of facility requirements to accommodate demand were defined in both assessments based on service factor and forecast assumptions. **Exhibit 1** shows forecast enplaned passengers used as a basis for determining future parking requirements in both assessments. R&A requirements were only forecast for one TARPS future activity level, corresponding with passenger activity expected to occur in 2014. Unison requirements

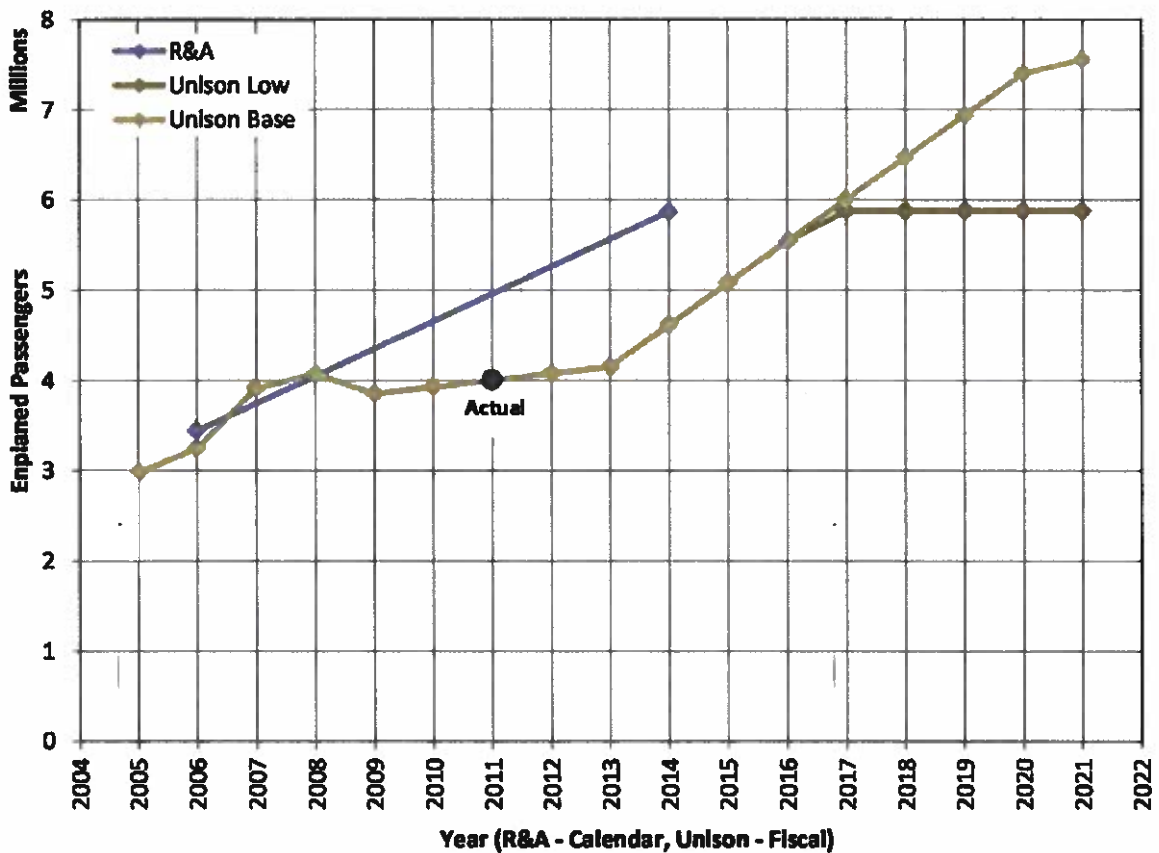
¹ Ricondo & Associates, Inc., *Dallas Love Field Public Parking Assessment*, January 4, 2008.

² Unison Consulting, Inc., *Dallas Love Field Assessment of Public Parking Demand and Space Requirements (DRAFT)*, October 7, 2009.

were forecast under two growth scenarios beyond 2016. Annual enplaned passengers at the Airport numbered just over 4.0 million in 2011, confirming at least the near-term portion of the forecasts used by Unison.

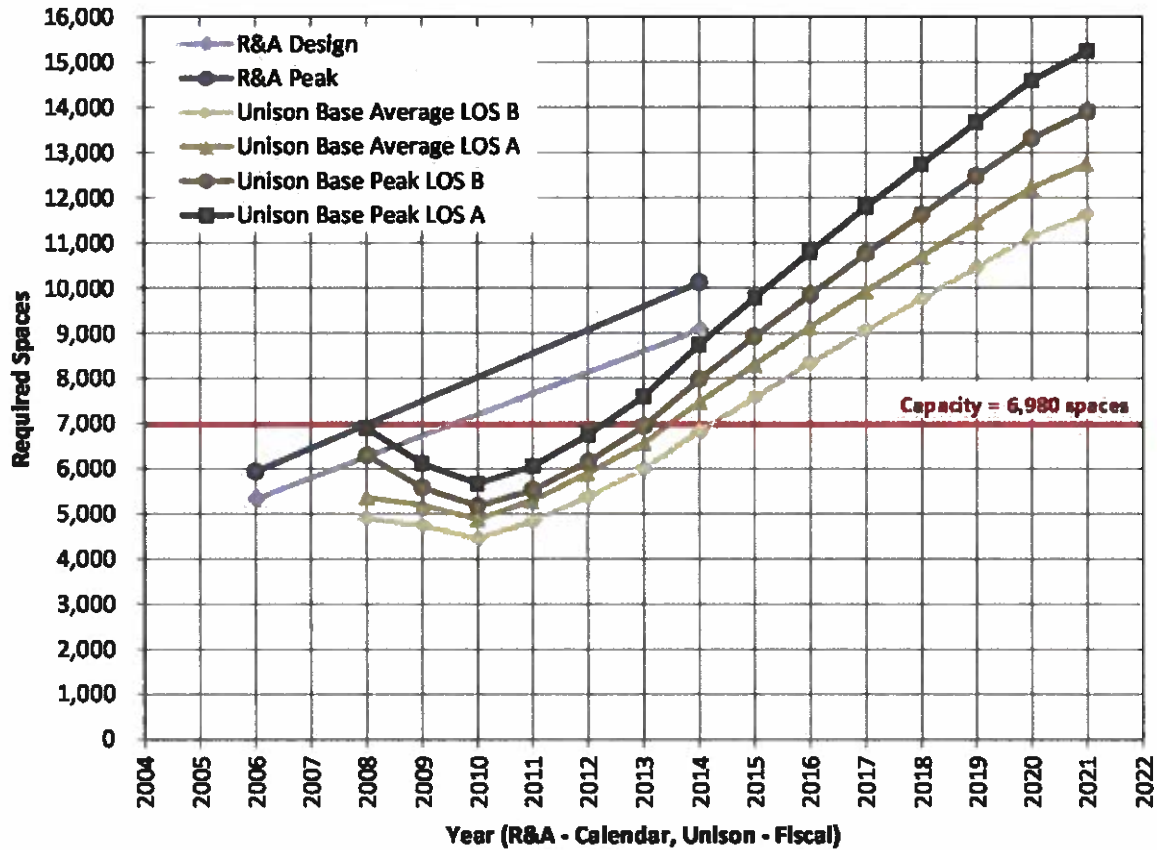
Exhibit 2 shows forecast parking requirements for both studies. R&A assumed a direct relationship between public parking demand and passenger activity. Unison also attempted to account for the impact of changes in parking rates and economic trends, which resulted in the relationship between parking demand and aviation activity to change over time. A forecast predicts when additional capacity will be needed to meet requirements, though continuously changing socioeconomic conditions may impact aviation and other associated activity and make forecasts obsolete. According to the R&A study and the TARPS forecast, public parking demand could have been expected to exceed capacity on a regular basis by as early as 2009. This forecast of requirements was rendered obsolete by the economic recession and associated decrease in aviation activity that occurred in 2008-2009. The Unison study predicted that demand would exceed capacity on a regular basis sometime between 2012 and 2014.

Exhibit 1: Aviation Activity Forecasts



SOURCES: Ricondo & Associates, Inc., *Dallas Love Field Public Parking Assessment*, January 4, 2008; Unison Consulting, Inc., *Dallas Love Field Assessment of Public Parking Demand and Space Requirements (DRAFT)*, October 7, 2009.
 PREPARED BY: Ricondo & Associates, Inc., October 2012.

Exhibit 2: Previously Forecast Public Parking Space Requirements



LOS = LEVEL OF SERVICE

SOURCES: Ricondo & Associates, Inc., *Dallas Love Field Public Parking Assessment*, January 4, 2008; Unison Consulting, Inc., *Dallas Love Field Assessment of Public Parking Demand and Space Requirements (DRAFT)*, October 7, 2009.

PREPARED BY: Ricondo & Associates, Inc., October 2012.

Table 1 and Exhibit 3 show the most relevant results (those determined using comparable assumptions) from each assessment. The activity level at which demand is expected to exceed capacity can be identified by referencing the relationship between passenger activity and parking demand and disregarding time. Despite the application of differing methodologies, both assessments indicate that public parking demand is expected to exceed capacity somewhere between 4.0 million and 5.0 million annual enplaned passengers. The R&A results indicate that capacity should be increased to meet design day demand before the annual number of enplaned passengers reaches 4.5 million, or by 2014, according to the forecasts used in the Unison assessment.

The timing of required facility expansions is dependent on expected changes in future activity. If it is determined that new forecasts are warranted to account for the most recent and anticipated conditions (in terms of population, economic, and airline activity trends), then parking requirements should be also be re-evaluated so that demand can be accommodated as it occurs.

Table 1: Comparison of Previously Estimated Public Parking Space Requirements

ENPLANED PASSENGERS	R&A		UNISON ^{1/}	
	DESIGN DAY ^{2/}	PEAK DAY ^{3/}	AVERAGE DAY	PEAK DAY
3,439,050	5,330	5,930	-	-
4,008,070 ^{4/}	6,210	6,920	4,829	5,521
4,075,000	6,320	7,030	5,382	6,156
5,865,580	9,070	10,120	8,839	10,485

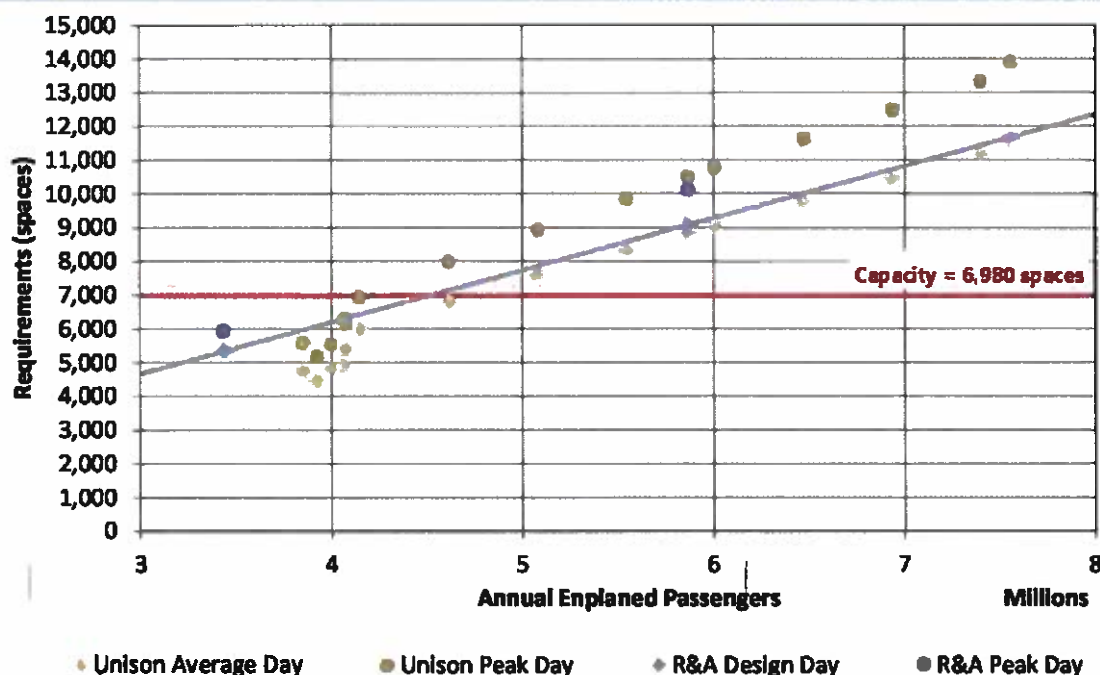
NOTES:

- 1/ Base demand + 4 percent buffer (Level of Service B)
- 2/ Demand + 5 percent buffer, rounded up to the nearest 10 spaces
- 3/ Demand rounded up to the nearest 10 spaces
- 4/ 2011 enplaned passenger activity; corresponding requirements were interpolated from previous analyses

SOURCES: Ricondo & Associates, Inc., *Dallas Love Field Public Parking Assessment*, January 4, 2008; Unison Consulting, Inc., *Dallas Love Field Assessment of Public Parking Demand and Space Requirements (DRAFT)*, October 7, 2009; City of Dallas Aviation Department, <http://www.dallas-lovefield.com/pdf/statistics/201112Enplanements.pdf>, accessed October 2012.

PREPARED BY: Ricondo & Associates, Inc., October 2012.

Exhibit 3: Relationship between Estimated Public Parking Space Requirements and Aviation Activity



SOURCES: Ricondo & Associates, Inc., *Dallas Love Field Public Parking Assessment*, January 4, 2008; Unison Consulting, Inc., *Dallas Love Field Assessment of Public Parking Demand and Space Requirements (DRAFT)*, October 7, 2009.

PREPARED BY: Ricondo & Associates, Inc., October 2012.

Appendix L
Good Neighbor Plan Initiative – Public Meeting
Presentation



Public Meeting Presentation

Good Neighbor Plan Initiative

Dallas Love Field Airport



181354

AGENDA

- Purpose of Meeting
- Public Involvement Plan
- Background of Proposed Good Neighbor Initiative
- Goals of the Proposed Good Neighbor Initiative
- Target Focus Area
- Breakout Session

PURPOSE OF MEETING

- Inform community of Good Neighbor Plan Initiative
- Engage community and obtain input on wants and concerns related to Good Neighbor Plan Initiative (during today's breakout session)
- Use input to gain a better understanding of wants in specific areas

PUBLIC INVOLVEMENT PLAN

- Public involvement throughout the project
- Four zones to manage public input
- Public involvement tools:
 - Public meetings
 - Public comment tracking and response
 - Newsletters
 - Webpage information
 - Speaking engagements



VISION FOR DALLAS LOVE FIELD

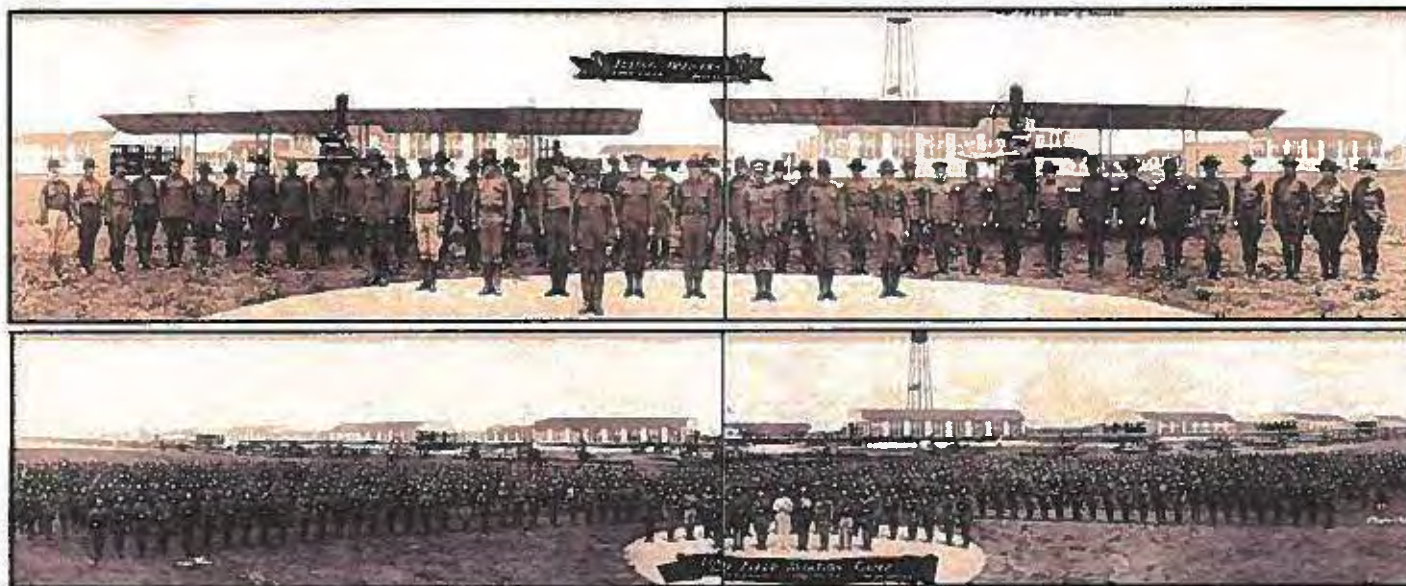
- Improve the land and aesthetics
- Promote economic development opportunities
- Expand on the City of Dallas' goals of developing livable, walkable and interconnected neighborhoods
- Create synergy between ongoing plans for improvement, development, goals, and transformative strategies of the Downtown Dallas 360 Plan



HISTORY OF LOVE FIELD

- 1917 – Operated as Army flying field
- 1928 – City of Dallas purchased field
- 1929 – Delta Air operated first flight
- World War II – Flight training

Love Field Aviation Camp



HISTORY OF LOVE FIELD (CONT.)



- 1940 – North-South runway completed
- 1940s – New runways completed; adoption of new master plan
- 1958 – Opening of a new terminal; jet airline service began
- 1971 – Southwest Airlines began service
- 1979 – Legislation prohibiting service outside of Texas and surrounding four states
- 1997 – Shelby Amendment
- 2006 – Wright Reform Act
- 2014 – Repeal of Wright Amendment

LOVE FIELD MODERNIZATION PROGRAM (LFMP)

- Repeal of Wright Amendment in 2014
- Modernize Dallas Love Field
 - From three concourses to one new centralized concourse
 - From 32 gates to 20 gates
 - Remodeled lobby
 - Expanded baggage claim area
 - New ticket hall
- Gateway to the City of Dallas



REVENUE

- Self-sustaining (landing fees, parking and concessions)
- No use of property or sales tax
- Non-aviation development at Dallas Love Field can grow the ad valorem tax base for City of Dallas

MASTER PLAN UPDATE

- Inventory and assessment of existing conditions
- Short-range and long-range forecasts of aviation activity
- Demand/capacity and facility requirements
- Develop and evaluate alternatives
- Implementation plan and documentation

BEING A GOOD NEIGHBOR

- City of Dallas enjoying urban renewal
- Partnerships result in greater success and brings more value
- Trend towards airports integrating and connecting with surrounding communities
- Initial investigation for entitlement grant for master plan update
- Serve as model for all airports – breaking new ground in airport planning

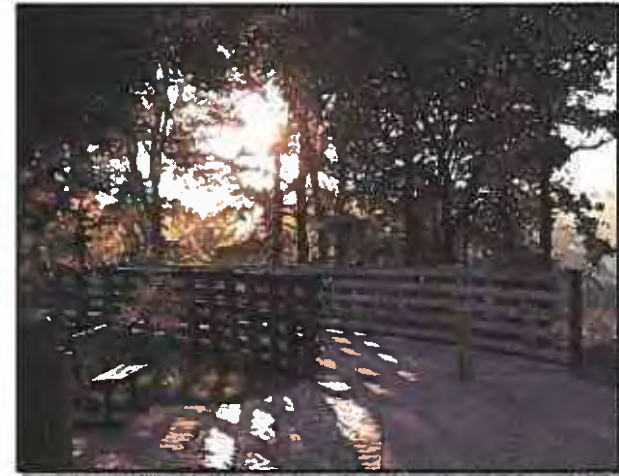


NOISE CONTROL PROGRAM

- Nighttime preferential runway 13R/31L (Denton) between the hours of 9 PM to 6 AM
- Trinity departure for night operations of runway 13R
- Propeller aircraft maintain runway heading until reaching 2,000 MSL between 9 PM to 6 AM
- Prohibit aircraft engine maintenance run-ups between the hours of 12 AM to 6 AM
- All departing aircraft use optimal take-off profile

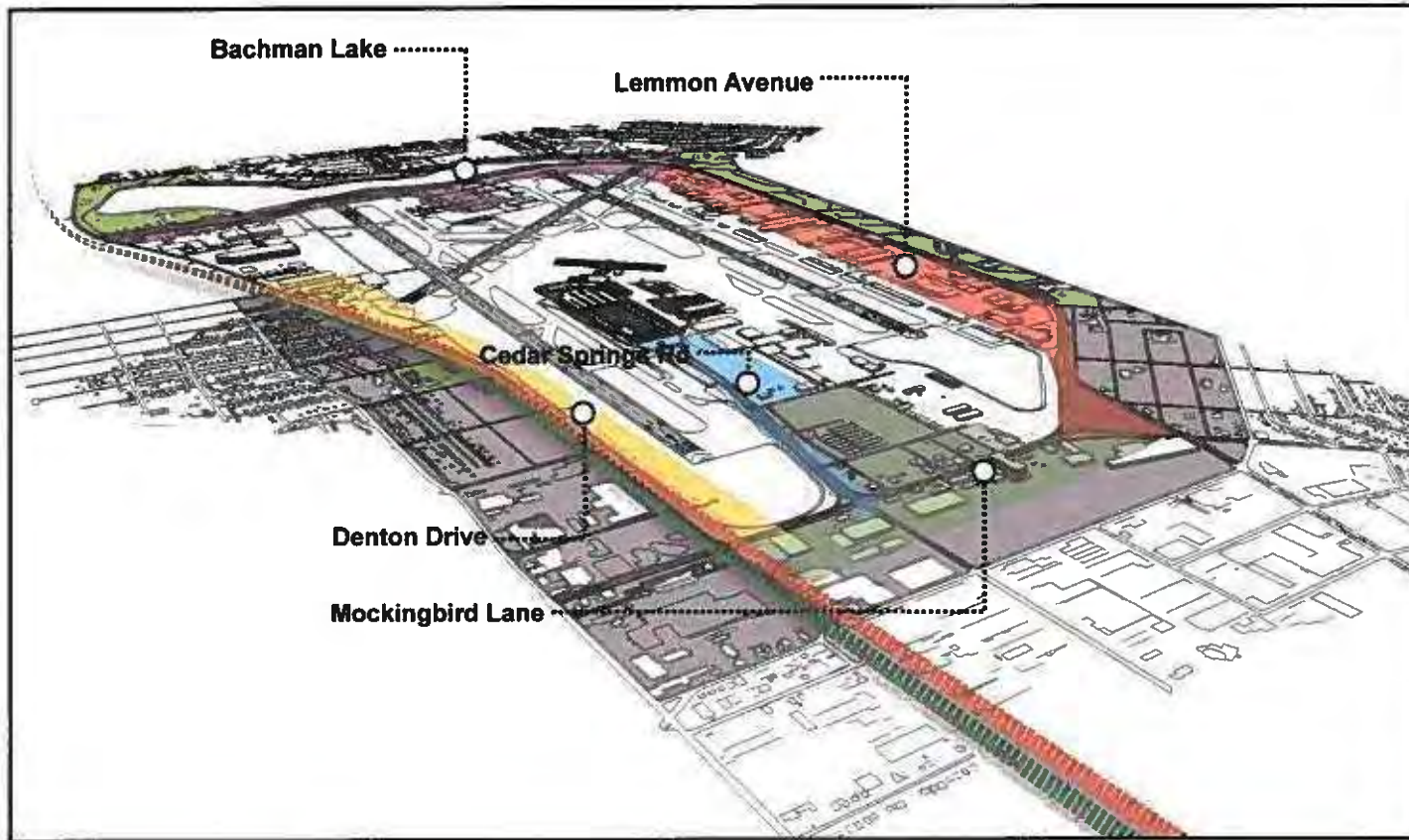
THE GOOD NEIGHBOR PLAN

- On-Airport improvements to enhance passenger experience
- On- and off-Airport urban design, landscaping & beautification
- Signage and way-finding initiatives
- Pedestrian improvements
- Economic development opportunities
- Encouragement of recreational activities
- Traffic improvements
- Drainage improvements



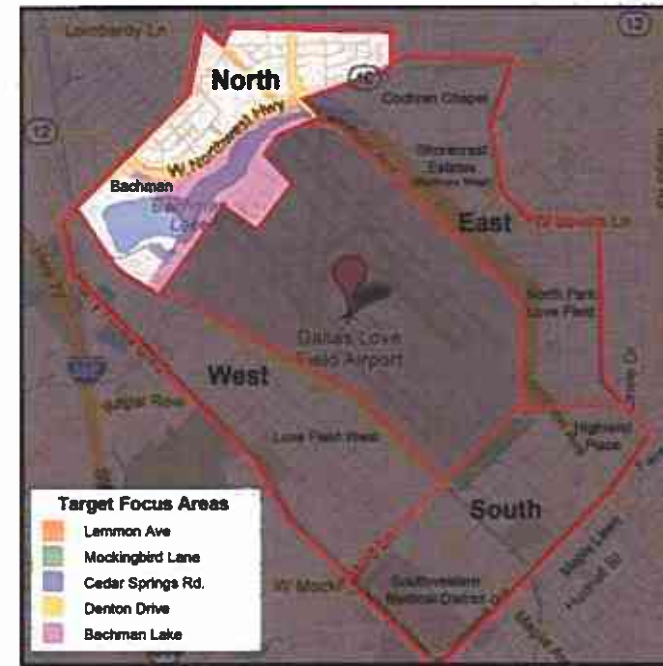
Example of pedestrian improvements

TARGET FOCUS AREAS



BACHMAN LAKE – EXISTING CONDITIONS

- Popular recreation destination area
- Underutilized developable land
- Land use restrictions
- No consistent landscaping or directional signage



BACHMAN LAKE – DEVELOPMENT OPPORTUNITIES

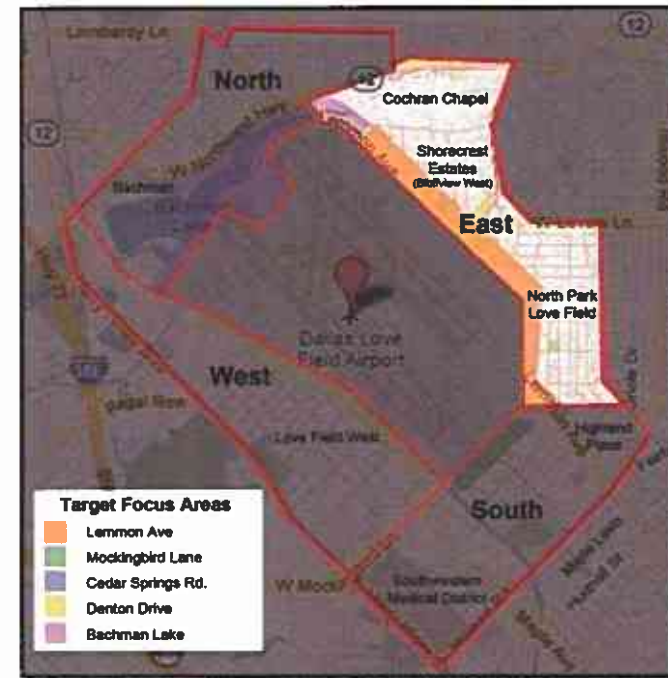
- Enhance walk/bike path
- Improve/develop property not currently owned by the City of Dallas
- Explore alternatives for use of land within runway protection zones



Examples of hike and bike and walking paths

LEMMON AVENUE – EXISTING CONDITIONS

- No pedestrian access
- Inconsistent landscaping
- Visible wire fences
- Visible residential alleys
- Underdeveloped tracts of land
- Little to no directional signage



LEMMON AVENUE – DEVELOPMENT OPPORTUNITIES

- Develop bicycle trail from Bachman Lake trail to Midway Manor Park along Lemmon Avenue
- Create pedestrian bridge over Lemmon Avenue
- Enhance landscaping
- Control drainage with native vegetation



Example of a pedestrian bridge

MOCKINGBIRD – EXISTING CONDITIONS

- High-volume six-lane arterial
- Adjacent property ranges from abandoned facilities to recently upgraded hotel
- No significant/consistent landscaping
- Pedestrian activity discouraged
 - Discontinuous sidewalks
 - Large vacant parcels
- Out-of-date infrastructure create unappealing visual aesthetic (i.e. utility poles)



MOCKINGBIRD – DEVELOPMENT OPPORTUNITIES

- Develop median & parkway improvements
 - Street trees, continuous sidewalks, bike lanes, paved crosswalks
- Improve pedestrian access
 - Wide sidewalks for retail/entertainment, pedestrian crossing, off-street bike lanes



Example of street trees and a wide sidewalk

CEDAR SPRINGS ROAD – EXISTING CONDITIONS

- Main access point for public to airport
- Corridor consists of:
 - Airport parking
 - Terminal access
 - Many auto agencies
- Aeronautical and non-aeronautical businesses



CEDAR SPRINGS ROAD – DEVELOPMENT OPPORTUNITIES

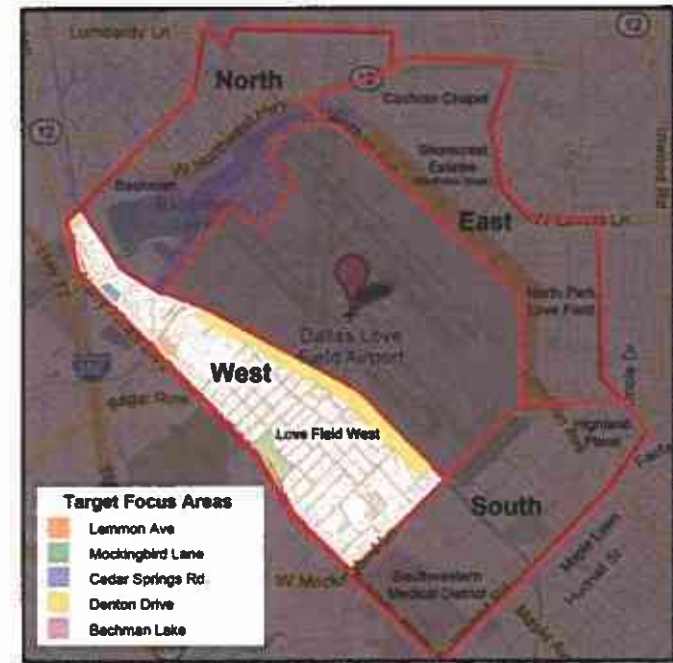
- Replace lighting bollards along main entrance
- Develop solar street lighting
- Create parking garage
- Implement Spirit of Flight Fountain project
- Relocate cell phone lot
- Develop street beautification, landscaping and way-finding



Example of way-finding signage

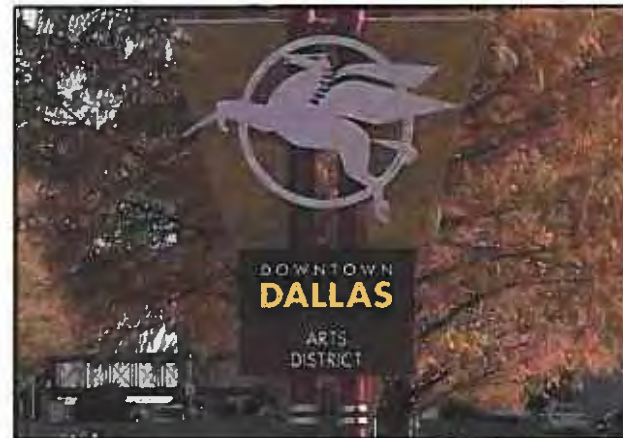
DENTON DRIVE – EXISTING CONDITIONS

- Four-lane arterial
- DART Burbank station (difficult pedestrian access)
- DART light rail and freight railroad run parallel to Denton Drive
- Pedestrian activity discouraged
- Little to no landscaping
- Southwest Airlines headquarters and other small business



DENTON DRIVE – DEVELOPMENT OPPORTUNITIES

- Improve pedestrian access
- Develop landscaping and streetscaping
- Enhance transit connections



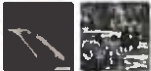







Examples of landscaping and streetscaping improvements

PURPOSE OF BREAKOUT SESSION

- Prioritize goals
- Obtain input on wants and concerns related to high priority goals

Good Neighbor Initiative Goal Rating Activity

<p>Transit Connections</p> 	<p>Transit-Oriented Development</p> 	<p>Pedestrian Connections</p> 	<p>Landscaping & Streetscaping</p> 
<p>Public & Open Spaces</p> 	<p>Retail Spaces</p> 	<p>Office Spaces</p> 	<p>Buffers (Visual and Physical)</p> 

CONTACT INFORMATION

www.dallas-lovefield.com

Click on the Good Neighbor link

214-256-4040

public@goodneighborplan.com

For more information, please contact the following:

Mark Duebner, Director of Aviation

214-670-6080; mark.duebner@dallascityhall.com

Katrina Keyes, Public Involvement Director

214-599-9766; kkeyes@kstrategies.com

Appendix M

Good Neighbor Plan Initiative – Public Outreach Event

#1 Images



Public Meeting Images



East Zone Resident Meeting (North)



Meeting attendees participating in the Breakout Activity



Mark Duebner, Director of Aviation, giving a stakeholder presentation



Katrina Keyes, K Strategies Group, explaining the Breakout Activity



Lana Furra, Assistant Director of Aviation, introducing the Good Neighbor Plan

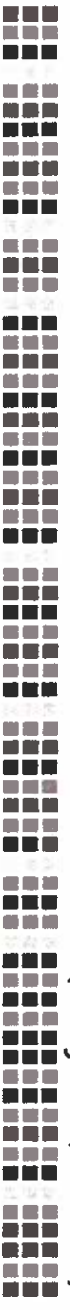


Example of a completed Breakout Activity Board

Appendix N

Dallas Love Field Master Plan Update – Public Outreach

Event #2 (July 10, 2014)





Dallas Love Field
Master Plan Update
Open House

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Welcome

- Open House format – no formal presentation will be conducted
- Informational boards are set up for your review
- City staff and consultants are available to answer any questions
- Comments can be submitted through forms at the Public Comment Station or by e-mail
LoveFieldMasterPlan@Dallascityhall.com
- WEBSITE: www.Dallas-LoveField.com

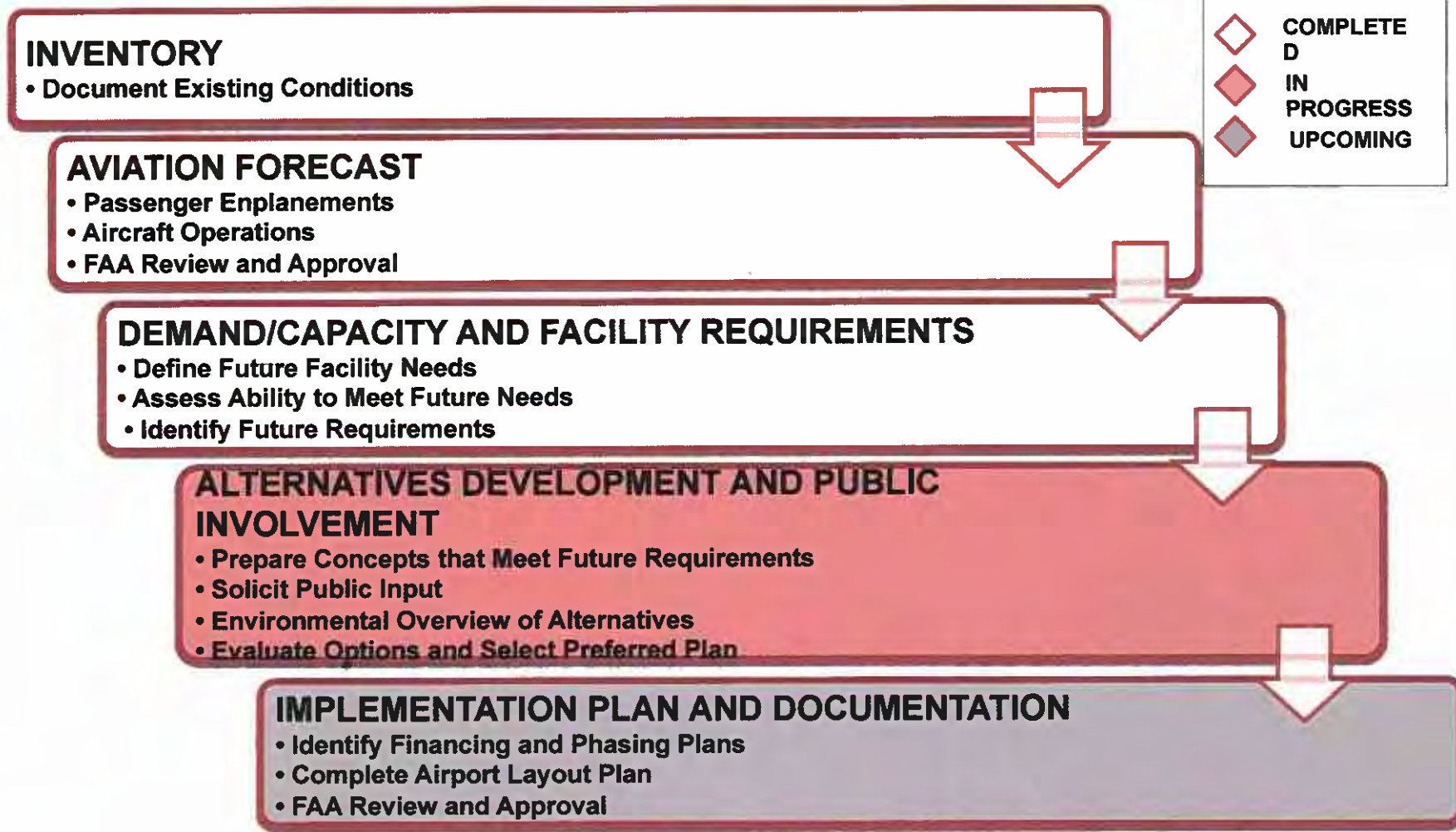
What is an Airport Master Plan?

- A comprehensive study of an airport that defines the short-, medium and long-term development plans to meet future aviation demand



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Master Plan Process



Why Prepare an Airport Master Plan?

FEDERAL AVIATION ADMINISTRATION (FAA) REQUIREMENTS

- Airports are required to maintain an up-to-date Airport Layout Plan (ALP) depicting future development. Proposed development must be depicted on an FAA-approved-ALP to be eligible for Airport Improvement Program (AIP) grant funding
- FAA must approve the ALP

FINANCIAL CONSIDERATIONS

- The approval process for some airport development projects may be lengthy
- The financial commitments may be large

ENVIRONMENTAL AND SOCIAL IMPACTS

- Environmental and social impacts of airport development projects may be significant and must be addressed

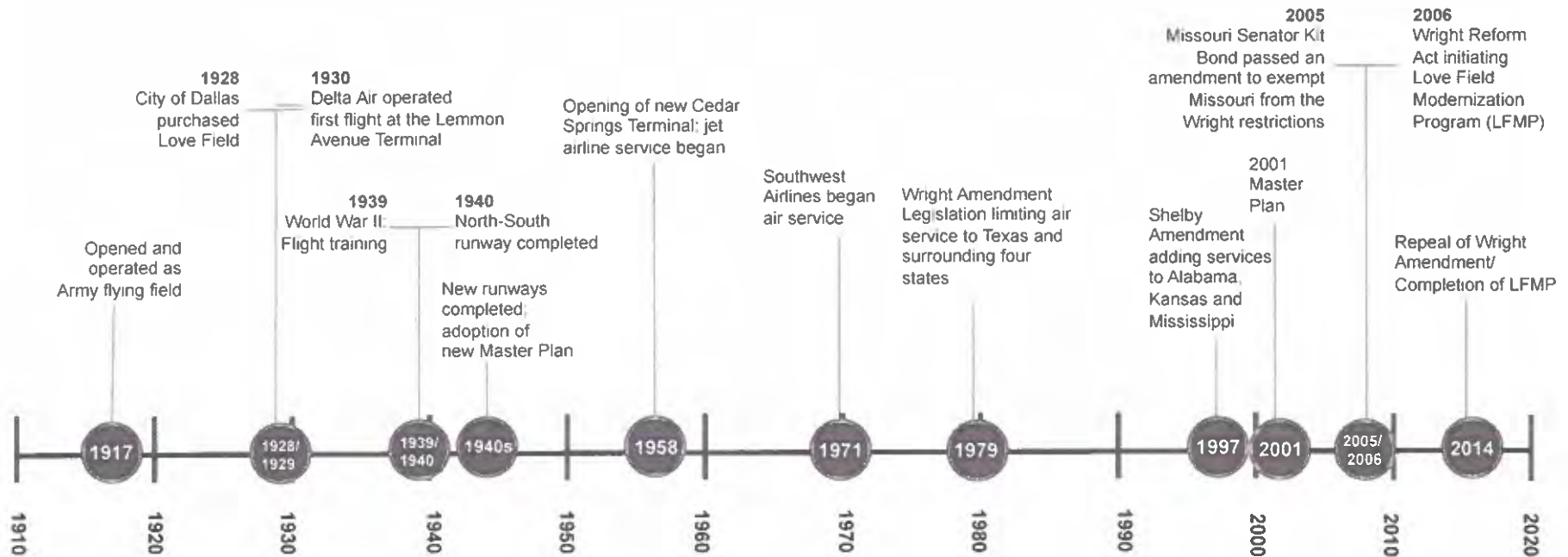
Dallas Love Field Aerial



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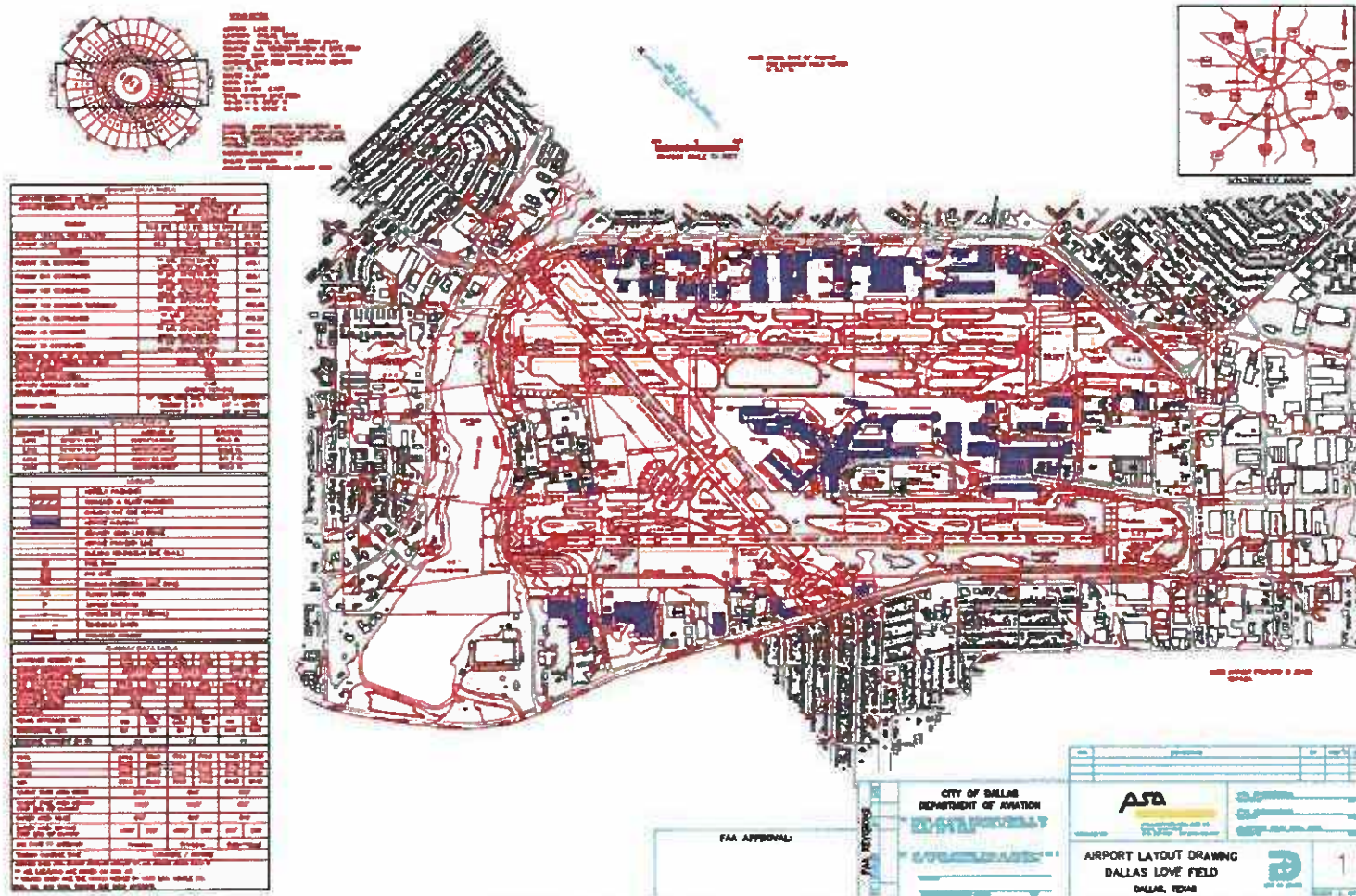
History of Love Field



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2001 Love Field Master Plan



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Master Plan Inventory

DEFINITION

- A systematic data collection effort that provides an understanding of past and present airport facilities and activity characteristics. A comprehensive inventory is used to form the basis for analysis performed throughout the Airport Master Plan study

PHYSICAL AND OPERATIONAL CHARACTERISTICS

- Terminal
- Airfield/airspace
- Roads/parking and transit
- Support facilities

ENVIRONS

- Surrounding communities
- Regional transportation system

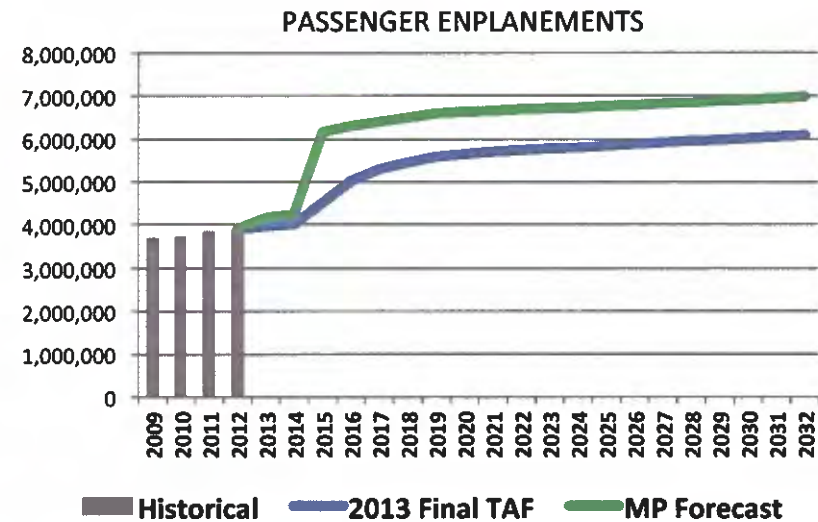
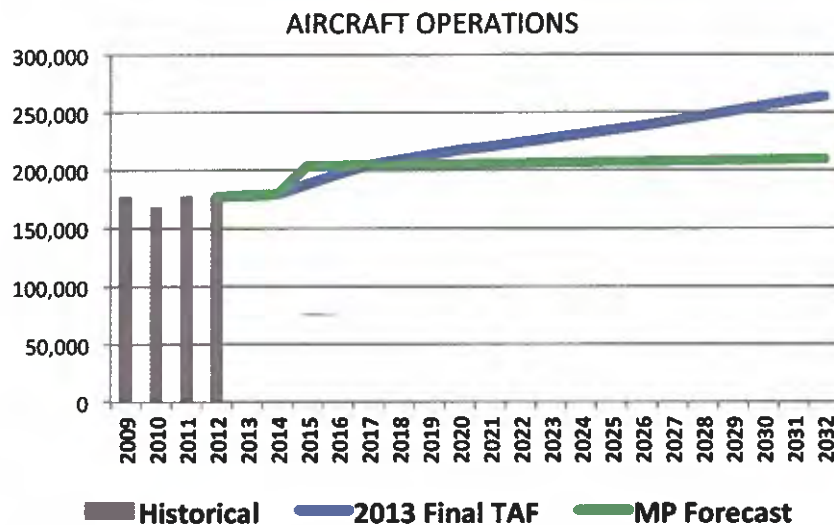
ACTIVITY AND SOCIOECONOMIC DATA

- Passenger activity, (enplanements and deplanements)
- Passenger characteristics (use of ticketing and baggage facilities, purpose of travel, etc.)
- Aircraft activity (commercial and general aviation)
- Ground Transportation (auto parking, roadway traffic volumes)
- Transit ridership

Aviation Activity Forecast

DEFINITION

- A projection of future levels of activity that will occur at the Airport including the number of passengers and aircraft operations. It provides the basis for determining the requirement for future expansion, and the timing for expansion



NOTES:

- The *Terminal Area Forecast (TAF)* is the official FAA forecast of aviation activity for U.S. airports
- The Annual Passengers at an Airport is equal to 2 times the enplanements
- The Master Plan Forecast assumes that Southwest Airlines will immediately amend its route network at the Airport upon the expiration of the Wright Amendment restrictions. Rather than a gradual adjustment of service as depicted in the TAF, the Master Plan Forecast assumes a fast change to a new route structure.

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Planning Activity Levels (PALs)

AIRCRAFT OPERATIONS	
Planning Activity Level	Total Annual Operations
PAL O1	200,000
PAL O2	210,000
PAL O3	245,000

PASSENGER ENPLANEMENTS	
Planning Activity Level	Annual Enplanements
PAL E1	5.5
PAL E2	6.2
PAL E3	7.0

- Planning Activity Levels (PALs) are defined to correspond to a particular demand level identified as part of the demand scenarios
- Due to the nature of variance between the MP Forecast and the Draft 2013 TAF, separate PALs have been chosen for both Operations and Enplanements.

NOTE:

The Annual Passengers at an Airport is equal to 2 times the enplanements

Demand/Capacity & Requirements

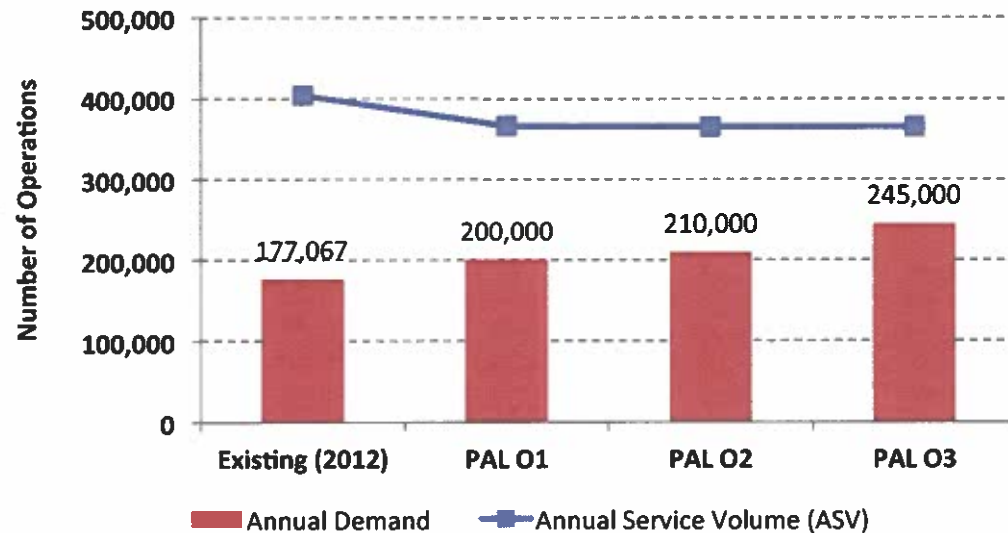
DEFINITION

- An assessment of existing facilities ability to accommodate future demand and an identification of requirements. This includes defining facilities necessary to accommodate future demand which are used throughout the alternatives development phase

AREAS IDENTIFIED

- AIRFIELD
- LANDSIDE
 - Parking
 - Rental Car
 - Terminal Roadways
 - Non-Terminal Roadways
- LAND USE / FIXED BASED OPERATORS

Demand/Capacity & Requirements Airfield



- Established the Annual Service Volume (ASV), hourly throughput capacity and estimated delay per aircraft operation
- The current Airfield can accommodate nearly 360,000 operations annually and is sufficient to accommodate the annual demand within the 20-year planning horizon

NOTES:

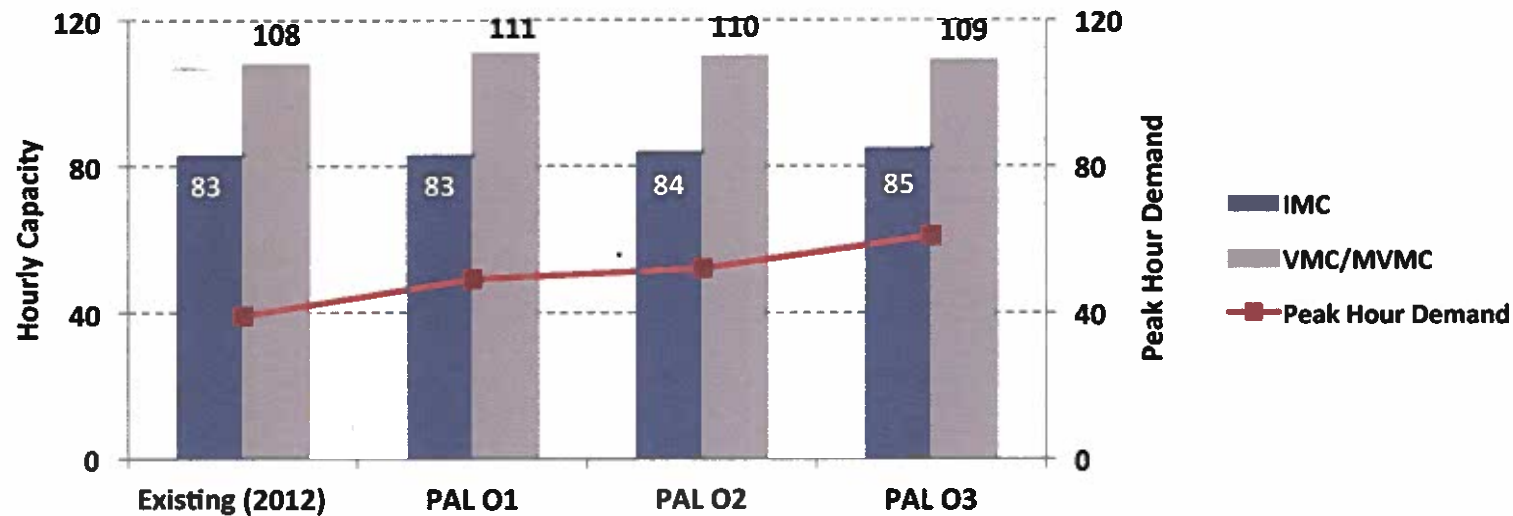
PAL = Planning Activity Level

2012 Existing Conditions were used for the Master Plan Forecast

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Demand/Capacity & Requirements Airfield



- Peak hour demand levels do not exceed the hourly airfield capacity
- The capacity of the existing airfield is adequate to accommodate future demand

NOTES:

PAL = Planning Activity Level

IMC = Instrument Meteorological Conditions

VMC = Visual Meteorological Conditions

MVMC = Marginal VMC

2012 Existing Conditions were used for the Master Plan Forecast

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Demand/Capacity & Requirements Landside On-Airport Parking

PUBLIC PARKING SPACES	EXISTING (2012)			PAL		
	Capacity	Demand	Spaces Required	E1	E2	E3
Design Day						
Garage A	2,980	2,609	2,880	3,880	4,370	4,940
Garage B	4,000	2,246	2,360	3,190	3,590	4,060
Total	6,980	4,856	5,240	7,070	7,960	9,000
Surplus/(Deficit)	-	-	1,740	(90)	(980)	(2,020)

EMPLOYEE PARKING SPACES	EXISTING (2012)	PAL		
		E1	E2	E3
Requirements	940	1,220	1,350	1,490
Surplus/ (Deficit)	(443)	(723)	(853)	(993)

NOTES:
PAL = Planning Activity Level

Demand Capacity & Requirements Landside On-Airport Roadways

UPPER LEVEL

- Private vehicle drop-off and pick-up
- Taxis, Limousines and Shared Ride Vans can drop-off

LOWER LEVEL

- Pick-up for Taxis, Limousines and Shared Ride Vans
- Rental Car Shuttles, Hotel and Parking Shuttles drop-off and pick-up
- Additional Taxi queuing

BEHIND TICKETING HALL

- Employee and Charter Bus pick-up/drop-off



Demand Capacity & Requirements Landside On-Airport Roadways

AM Peak (Approximately 6:30AM - 7:30AM)	Existing (2013)	PAL E1		PAL E2		PAL E3	
CATEGORY	Curb Length Available (Linear Feet)	Required Curb Length (feet)	Curbside LOS	Required Curb Length (feet)	Curbside LOS	Required Curb Length (feet)	Curbside LOS
Upper Level							
Arrivals Curbside	480	100	A	125	A	125	A
Departures Curbside	477	660	D	477	D	910	E
Lower Level							
Taxicabs	227	50	A	50	A	50	A
Limos	92	30	A	30	A	30	A
Shared Ride / Door-to-Door Vehicles	80	30	A	30	A	30	A
Rental Car Shuttles	197	60	A	60	A	60	A
Hotel/Motel/Parking Shuttles Drop-off	244	80	A	80	A	80	A
Hotel/Motel/Parking Shuttles Pickup	192	40	A	40		40	A
DART Buses	186	40	A	40	A	40	A
TOTAL	1218	330	A	330	A	330	A
PM Peak (Approximately 7:00PM - 8:00PM)	Existing (2013)	PAL E1		PAL E2		PAL E3	
CATEGORY	Curb Length Available (Linear Feet)	Required Curb Length (feet)	Curbside LOS	Required Curb Length (feet)	Curbside LOS	Required Curb Length (feet)	Curbside LOS
Upper Level							
Arrivals Curbside	480	400	B	500	C	575	D
Departures Curbside	477	655	D	680	D	880	F
Lower Level							
Taxicabs	227	75	A	100	A	125	A
Limos	92	30	A	30	A	30	A
Shared Ride / Door-to-Door Vehicles	80	30	A	30	A	30	A
Rental Car Shuttles	197	60	A	60	A	60	A
Hotel/Motel/Parking Shuttles Drop-off	244	80	A	80	A	80	A
Hotel/Motel/Parking Shuttles Pickup	192	40	A	40	A	40	A
DART Buses	186	40	A	40	A	40	A
TOTAL	1218	325	A	350	A	375	A

NOTE:

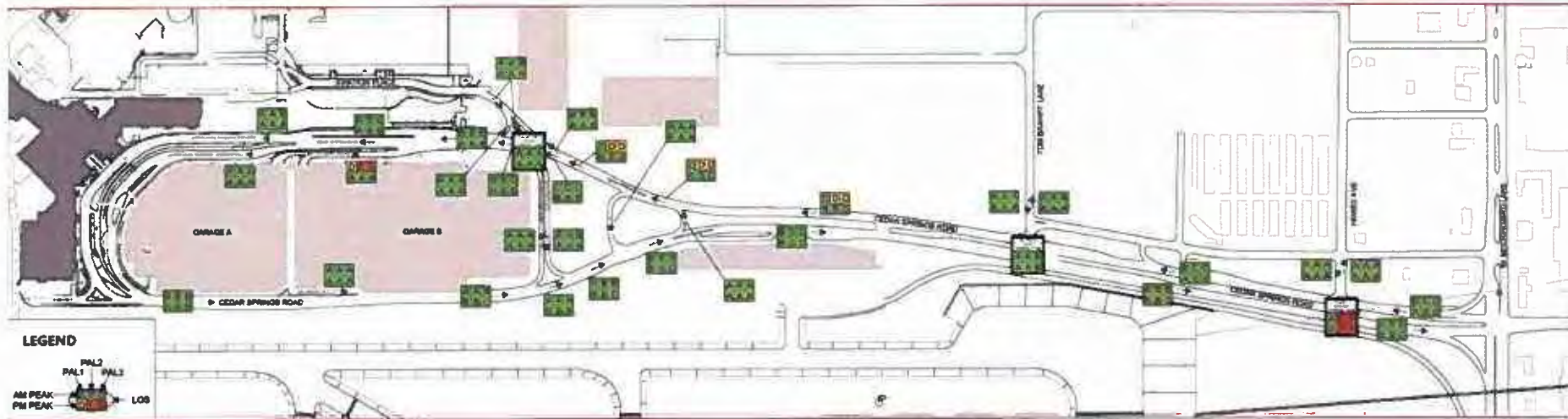
PAL = Planning Activity Level

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Demand Capacity & Requirements Landside On-Airport Roadways



Level Of Service (LOS) Descriptions		
LOS	Condition	Description
A	Excellent	Traffic is free flow, with low volumes and high speeds
B	Very good	Drivers have reasonable freedom to select their speed and lane of operation
C	Good	Drivers become restricted in their ability to select their speed or to change lanes
D	Fair	Drivers have little freedom to maneuver and driving comfort levels are low
E	Poor	Roadway is operating at or near capacity
F	Failure	Forced flow operations where excessive roadway queuing develops

SOURCE: Transportation Research Board, *Highway Capacity Manual*, 2000.

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Demand Capacity & Requirements Landside Non-Terminal Roadways

Intersection	PAL E3 AM Peak Level of Service (LOS)	PAL E3 PM Peak LOS
1. Lemmon Avenue and Airdrome Drive	C	C
2. Lemmon Avenue and Mockingbird Lane	C	C
3. Airdrome Drive and Mockingbird Lane	B	C
4. Cedar Springs Road and Mockingbird Lane	F	F
5. Mockingbird Lane and Denton Drive	E	E

- Existing Mockingbird Lane is expected to have low level of service prior to PAL E3 at Cedar Springs Road and at Denton Drive
 - LOS F at Cedar Springs Road
 - LOS E at Denton Drive



NOTES:
PAL = Planning Activity Level

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Demand/Capacity & Requirements Landside - Rental Car

RENTAL CAR FACILITIES	2013 Existing	PAL		
		E1	E2	E3
Ready/Return/Storage Areas				
Requirements	10.4 acres	14.1 acres	15.9 acres	17.9 acres
Surplus/ (Deficit)	-	(3.7) acres	(5.5) acres	(7.5) acres
Quick Turnaround (QTA)/Service Site				
Requirements	3.1 acres	4.1 acres	4.7 acres	5.3 acres
Surplus/ (Deficit)	-	(1.0) acres	(1.6) acres	(2.2) acres

NOTES:

PAL = Planning Activity Level

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Demand/Capacity & Requirements Land Use / Fixed Base Operators

Fixed Base Operators (FBO's) Gross Facility Requirements					Corporate/ Maintenance Hangars Gross Facility Requirements				
	Gross Facility Requirements (sq. ft.)					Gross Facility Requirements (sq. ft.)			
	Existing	PAL 01	PAL 02	PAL 03		Existing	PAL 01	PAL 02	PAL 03
Hangar	1,043,000	1,133,000	1,229,000	1,407,000	Hangar	891,000	891,000	1,090,000	1,243,000
Apron	2,799,000	3,019,000	3,281,000	3,752,000	Apron	1,594,000	1,594,000	1,943,000	2,224,000
Auto Parking and Circulation	910,000	919,000	999,000	1,141,000	Auto Parking and Circulation	786,000	786,000	960,000	1,096,000
Vacant/Open Areas	593,000	626,000	666,000	726,000	Vacant/Open Areas	327,200	327,200	399,300	456,300
Total (sq. ft.):	5,345,000	5,697,000	6,175,000	7,026,000	Total (sq. ft.):	3,598,200	3,598,200	4,392,300	5,019,300
Total (Acres):	122.7	130.8	141.8	161.3	Total (Acres):	82.6	82.6	100.8	115.2
Cumulative Net Increase	-	6.5%	15.5%	31.4%	Cumulative Net Increase	-	0.0%	22.1%	34.9%
Deficiencies (sq. ft.)	-	352,000	830,000	1,681,000	Deficiencies (sq. ft.)	-	0	794,100	1,421,100
Deficiencies (Acres)	-	8.1	19.1	38.6	Deficiencies (Acres)	-	0.0	18.2	32.6

FBO – Corporate Maintenance Hangers Gross Facility Requirements Summary Table (Acres)

	FBO Acres Required	Corporate / Maintenance Hangars Acres Required	Total Acres Required
PAL 01	8.1	0	8.1
PAL 02	19.1	18.2	37.3
PAL 03	38.6	32.6	71.2

- A split growth rate for forecasted based aircraft and aircraft operations was used to determine requirements for Corporate hangar and Maintenance facilities.
- Based aircraft growth rates were used to determine requirements for Fixed Based Operator facilities.

NOTE:

PAL = Planning Activity Level

Public Involvement

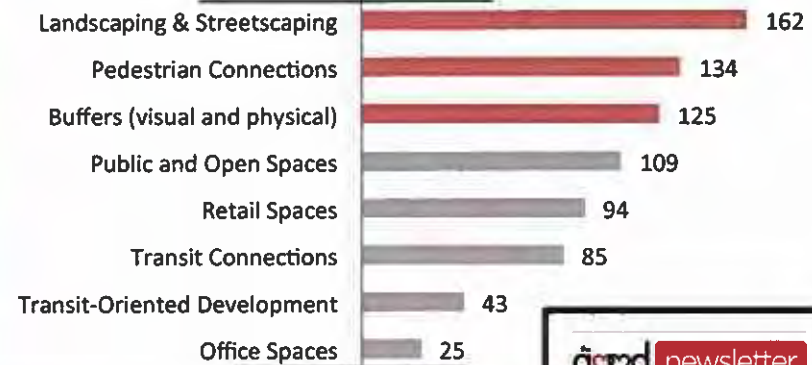
- The Good Neighbor Plan Initiative was created in 2012 to enhance the physical and economic development of the airport and its bordering communities

MEETING	NUMBER OF ATTENDEES
East Zone Residential Meeting (North) Shorecrest Estates, Cochran Chapel	14
East Zone Business Meeting	9
East Zone Residential Meeting (South) North Park	38
Dallas Love Field Airport Tenants Meeting	30
South Zone Business Meeting	10
South Zone Residential Meeting	2
West Zone Business Meeting	6
West Zone Residential Meeting	34
North Zone Residential Meeting	6
North Zone Business Meeting	7
TOTAL	156

OUTREACH EFFORTS INCLUDED:

- Door hangers
- Posters
- Phone calls
- Newsletters
- Email blasts
- Website
- Letters

Priorities of Interest



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Alternatives Development & Evaluation

DEFINITION

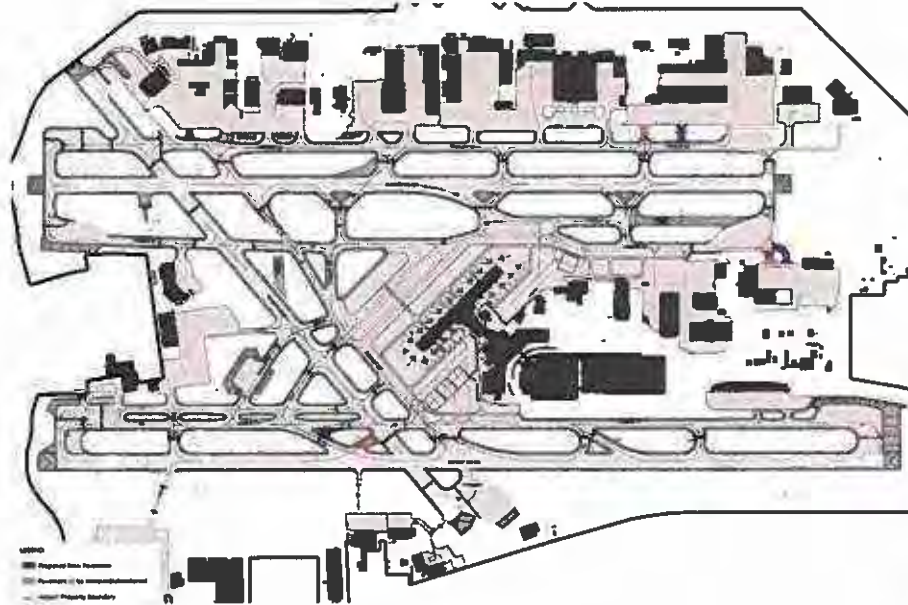
- Identification and evaluation of Airport development alternatives that
 - Satisfy future aviation demand over the planning horizon
 - Are responsive to the needs of the communities served by the Airport
 - Maximize revenue-generating opportunities while effectively managing land uses and development, and provides flexibility to accommodate the dynamic nature of the aviation industry

AREAS IDENTIFIED

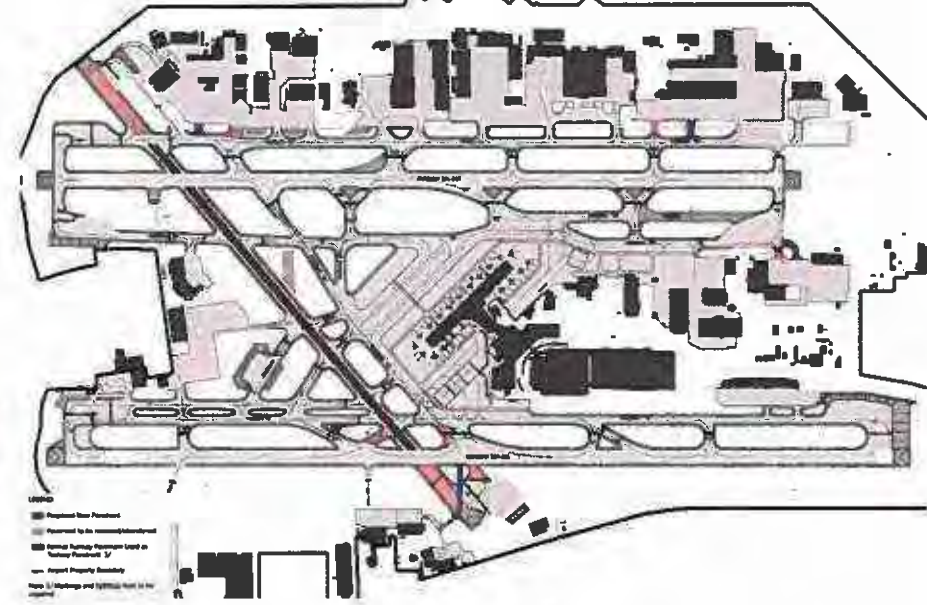
- Airside
- Landside
- Fixed Base Operators / Support Facilities

Airfield Alternatives: Runway 18-36

Runway 18-36



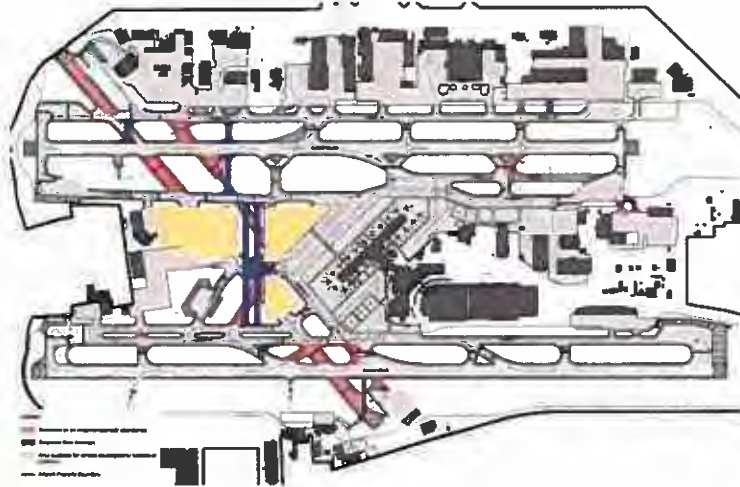
Runway 18-36 Converted Into a Taxiway



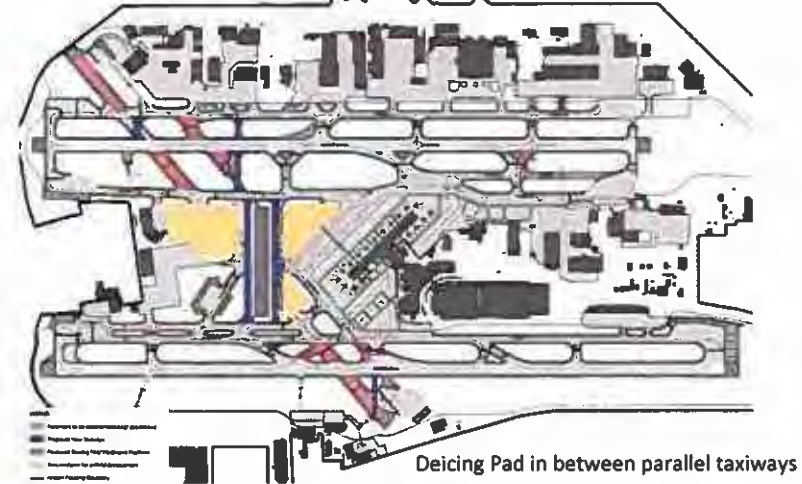
- As the current runway system is adequate to meet PAL O3 operational demand levels, the airfield alternatives focus on the reconfiguration of the taxiway infrastructure to comply with the current FAA design standards such as:
 - The modification of taxiways to reduce the potential for runway incursions
 - Other taxiway geometric modifications to optimize the airfield configuration

Airfield Alternatives: Midfield Dual Taxiways

Midfield Dual Taxiways – Alternative 1

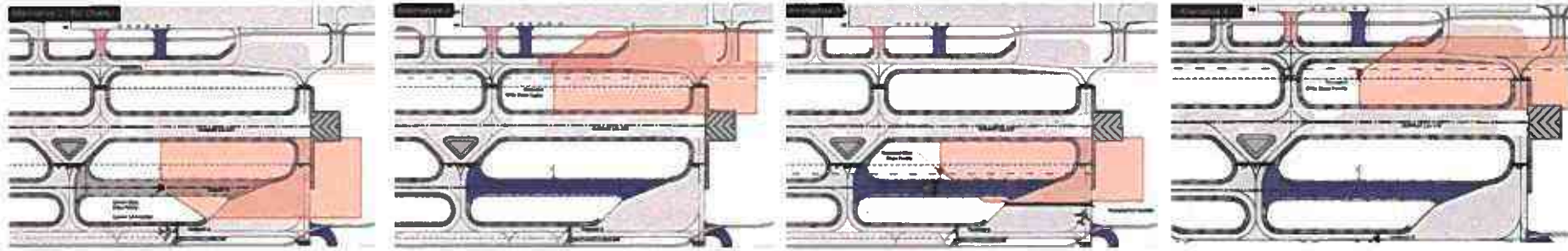


Midfield Dual Taxiways – Alternative 2



- If Runway 18-36 is decommissioned, a full reconfiguration of the mid-field taxiway infrastructure would reduce aircraft taxi distances while maximizing the amount of airport property that would be available for other facility development.
- To optimize the airfield layout and provide flexibility for future developments, mid-field dual parallel taxiways perpendicular to the runways are recommended.
- These dual parallel taxiways would also provide areas available for future aircraft parking, terminal development or other airfield developments.

Glideslope Facility Alternatives



- Opportunities to relocate the glideslope facility serving arrivals to Runway 31R have been considered in order to allow Taxiway M to become operational south of Taxiway B1

RUNWAY 31R GLIDESLOPE FACILITY RELOCATION ALTERNATIVES				
CRITERIA	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
Glideslope facility relocated	No	Yes	Yes	Yes
Lateral Separation between the glideslope facility and Runway 13L-31R centerline	400 feet	405 feet	268 feet	268 feet
Glideslope facility inside the Runway OFA	No	No	Yes	Yes
Taxiway M operational	No	Yes	Yes, but with restrictions	Yes
Largest Aircraft allowed on Taxiway M	None	ADG IV aircraft	ADG III aircraft	ADG IV aircraft
Impact on other taxiways	None	Yes: a section of Taxiway A is closed	No	Yes: glideslope critical area encroaches on Taxiway A

Landside Alternatives On-Airport Parking / Rental Car

Option 1



Development Includes:

- Parking

Option 2



Development Includes:

- Parking
- Rental Car – Ready/Return
- Separate Site – Rental Car QTA & Maintenance

Optional Development:

- Hotel

Option 3



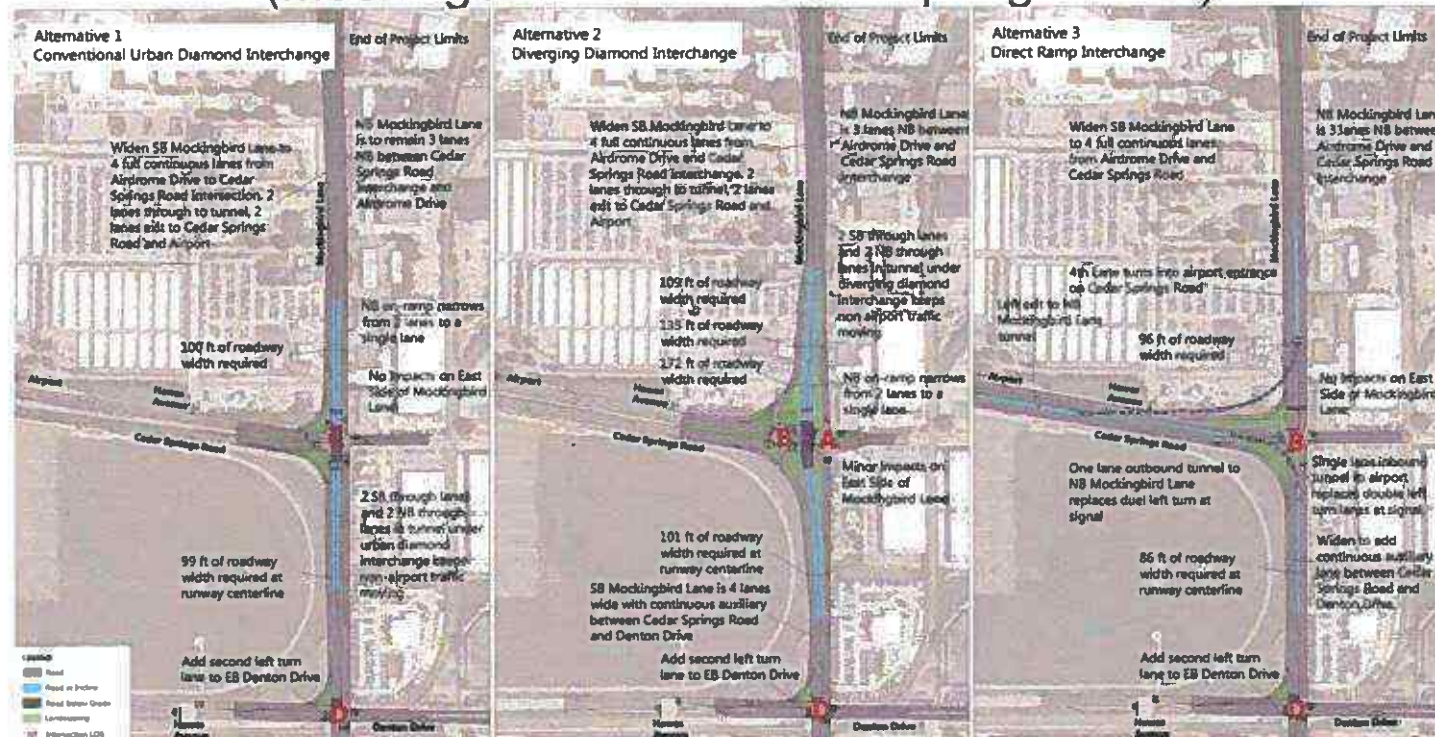
Development Includes:

- Parking
- Rental Car – QTA and Ready/Return

Optional Development:

- Hotel

Landside Alternatives Off-Airport Roadways (Mockingbird Lane - Cedar Springs Road)



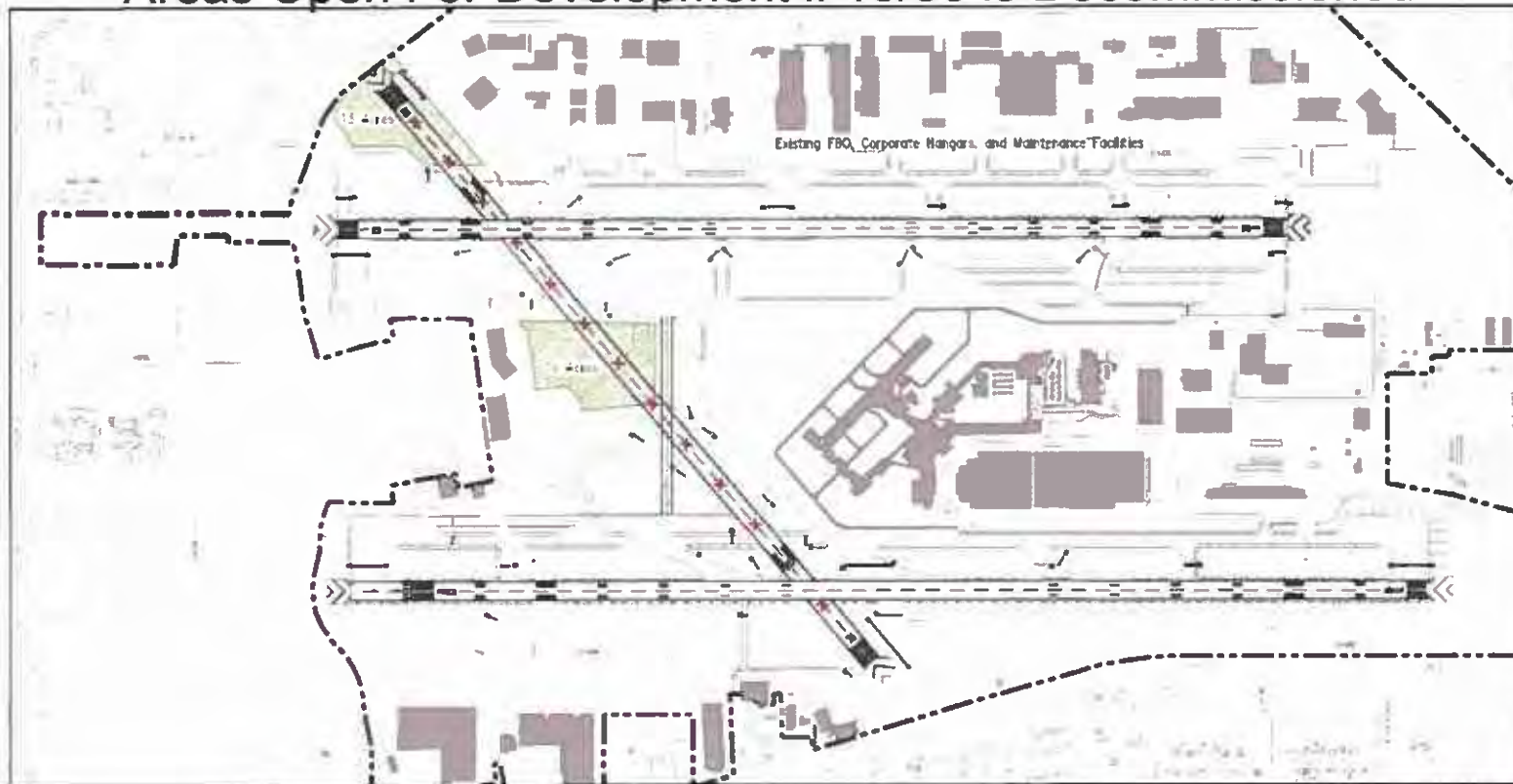
Level of Service (LOS) Descriptions

LOS	A	B	C	D	E	F
Condition	Excellent	Very good	Good	Fair	Poor	Failure
Description	Traffic is free flow, with low volumes and high speeds	Drivers have reasonable freedom to select their speed and lane of operation	Drivers become restricted in their ability to select their speed or to change lanes	Drivers have little freedom to maneuver and driving comfort levels are low	Roadway is operating at or near capacity	Forced flow operations where excessive roadway queuing develops

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Land-Use /Fixed Base Operators Alternatives

Areas Open For Development if 18/36 is Decommissioned



LEGEND

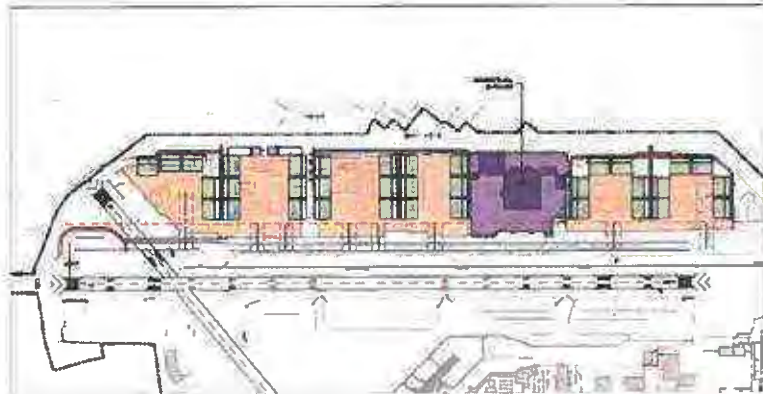
- Taxiway
- Taxiway Centerline
- Facility Expansion Area
- Property Line
- Runway to be decommissioned

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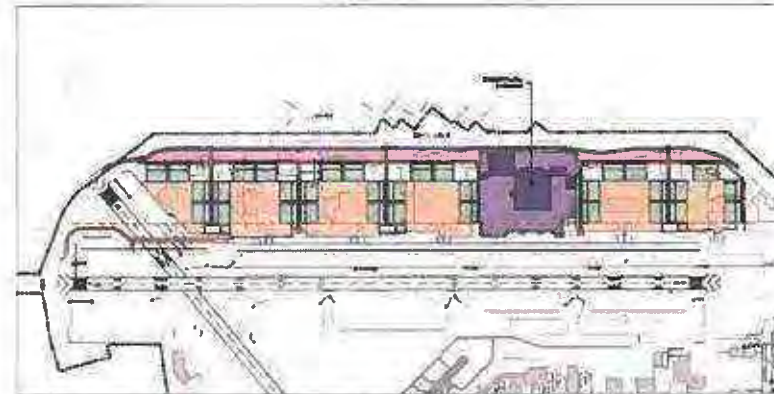
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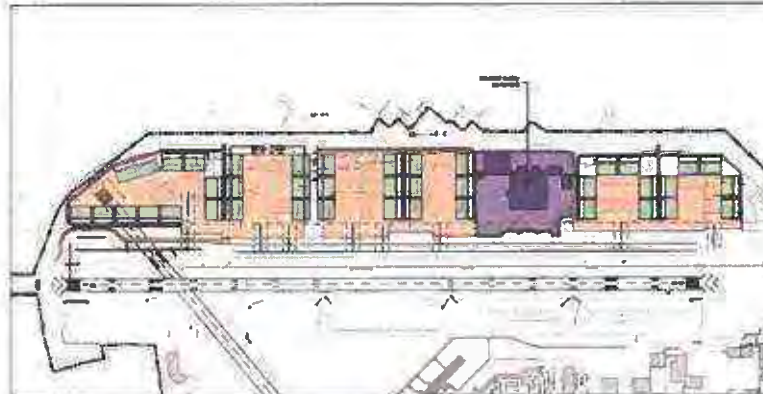
Fixed Base Operators Alternatives



East Side Alternatives – Option 2 with Runway 18-36 active



East Side Alternatives – Option 3 with Runway 18-36 active



East Side Alternatives – Option 2 if Runway 18-36 is Decommissioned



East Side Alternatives – Option 3 if Runway 18-36 is Decommissioned

LEGEND

- | | | | | | | |
|--------------------------|-------------|-----------------------|--------------|------------------------|---------------|-------------|
| Existing Buildings | Hangars | Vehicle Parking Areas | FBO Terminal | Part 77 BRL Setback | Bike Path | Taxiway OFA |
| Retail/Hotel Development | Apron Areas | DALFORT Facility | Sidewalk | Reassigned Patrol Road | Property Line | |

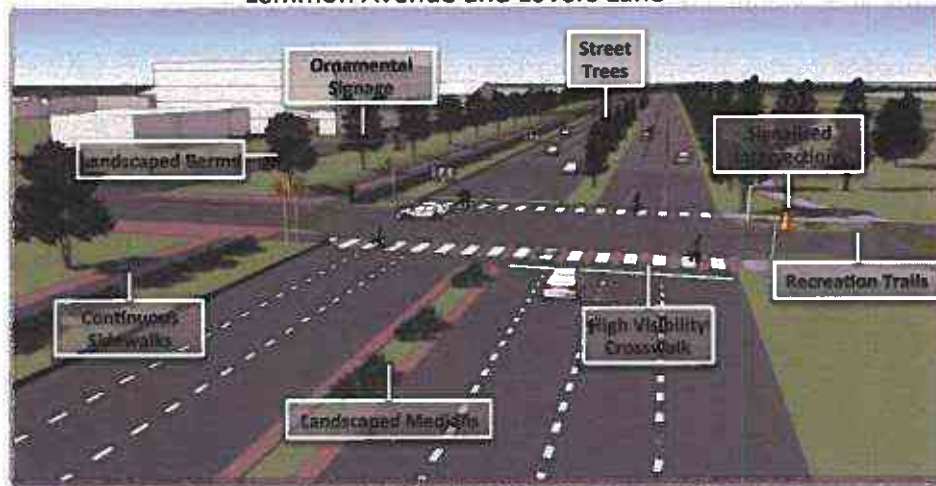
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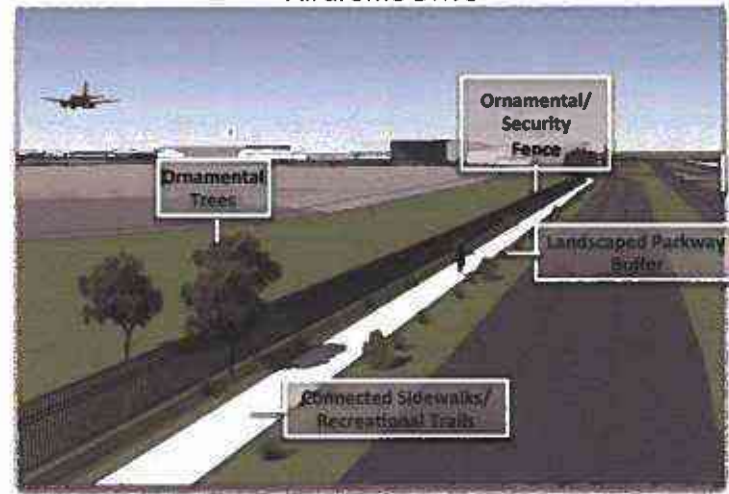
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Pedestrian Connections, Landscaping & Buffers

Lemmon Avenue and Lovers Lane



Airdrome Drive



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Next Steps

EVALUATE ALTERNATIVES

- Review Public Input (30 Days) LoveFieldMasterPlan@Dallascityhall.com
- Evaluate Options and Select Preferred Plan (45 days)
- Public Outreach Meeting #2 (Fall 2014)

IMPLEMENTATION AND DOCUMENTATION

- Finalize Financing and Phasing Plan (Fall 2014)
- Airport Layout Plan (ALP) (Fall 2014)
- FAA Final Review and Approval of ALP (TBD)

Public Comments

- Comments can be submitted through forms provided or by e-mail
LoveFieldMasterPlan@Dallascityhall.com
- WEBSITE: www.Dallas-LoveField.com

Appendix O

Dallas Love Field Master Plan Update – Public Outreach
Event #3 (March 19, 2015)





Dallas Love Field Master Plan Update Open House

March 19, 2015



Dallas Love Field

181354

Welcome to Public Outreach #3

- Open House format – no formal presentation will be conducted
- Informational boards are set up for your review
- City staff and consultants are available to answer your questions
- Comments can be submitted through forms at the Public Comment Station or by e-mail:

LoveFieldMasterPlan@Dallascityhall.com

- Website: www.Dallas-LoveField.com

What is an Airport Master Plan?

- A comprehensive study of an airport that defines the short, medium, and long-term plans to meet future aviation demand
- A strategic framework guiding future decision making and development actions



Why Prepare an Airport Master Plan?

- Ensure that the Airport will be able to accommodate future aviation demand
- Comply with Federal Aviation Administration (FAA) requirements to maintain an up-to-date Airport Layout Plan (ALP) depicting future developments
- Address environmental and social impacts of airport development projects
- Define financial resources needed to implement short, medium, and long-term Airport plans

Master Plan Process

INVENTORY

- Document Existing Conditions at the Airport

AVIATION FORECAST

- Forecast Passenger Enplanements
- Forecast Aircraft Operations
- FAA Review and Approval

DEMAND/CAPACITY AND FACILITY REQUIREMENTS

- Define Future Facility Needs
- Assess Ability of Existing Facilities to Meet Future Needs
- Determine Future Facility Requirements

ALTERNATIVES DEVELOPMENT AND PUBLIC INVOLVEMENT

- Prepare Alternative Concepts that Meet Future Requirements
- Solicit Public Input
- Conduct an Environmental Overview of Alternatives
- Evaluate Alternatives and Select Preferred Plan

IMPLEMENTATION PLAN AND DOCUMENTATION

- Define Financing and Phasing Plans
- Complete Airport Layout Plan
- FAA Review and Approval

Public Involvement

Outreach efforts organized to engage the public during the Master Plan Update Process:

- Ten Good Neighbor Plan Public Meetings (Fall 2012)
 - Engage residents and businesses to gather input on Airport perimeter areas
- Open House #2: July 10, 2014
 - Present the progress of the Master Plan Update and receive comments from the community
- **Open House #3: March 19, 2015**
 - Present results of the Master Plan Update and gather comments from the community

Dallas Love Field



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Love Field History



Love Field (DAL) opened in October 1917 as a military airfield

DAL opened to civilian use in 1927

The City of Dallas purchased DAL (167 acres) in 1928



U.S. Army Air Forces used DAL for World War II flight training

Lemmon Avenue Terminal



The Lemmon Avenue Terminal was built in 1953 as a part of Work Projects Administration

The Cedar Springs Terminal opened to airline service on January 20, 1958 – considered the most modern airport of its time

All airlines operated at DAL until DFW opened in 1974

Cedar Springs Terminal



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Master Plan Update Inventory

DEFINITION: A comprehensive data collection effort that provides an understanding of past and present facilities and activity at the Airport and forms the basis of the Airport Master Plan study

ON-AIRPORT AREAS:

- Terminal
- Airfield/airspace
- Roads/parking and transit
- Support facilities

OFF-AIRPORT ELEMENTS

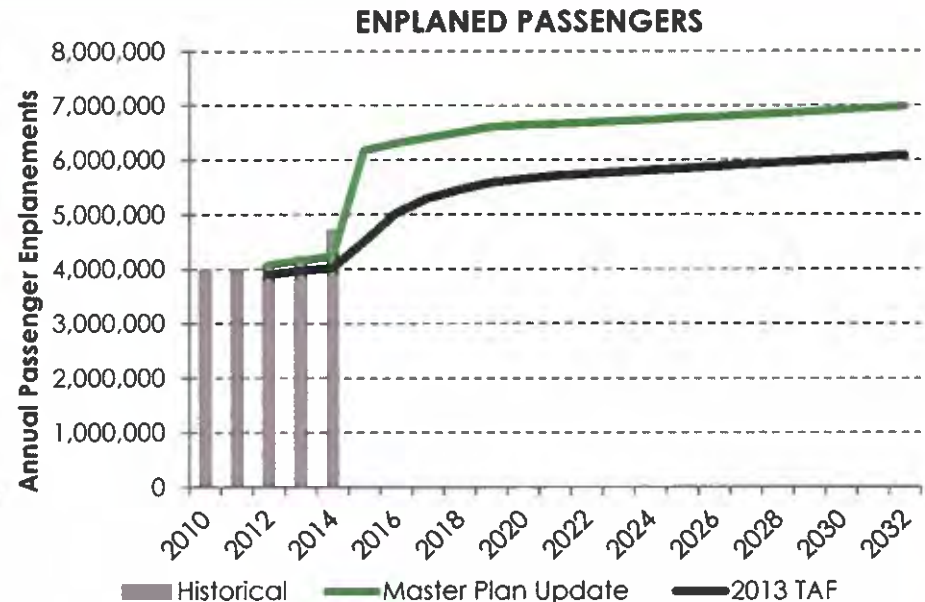
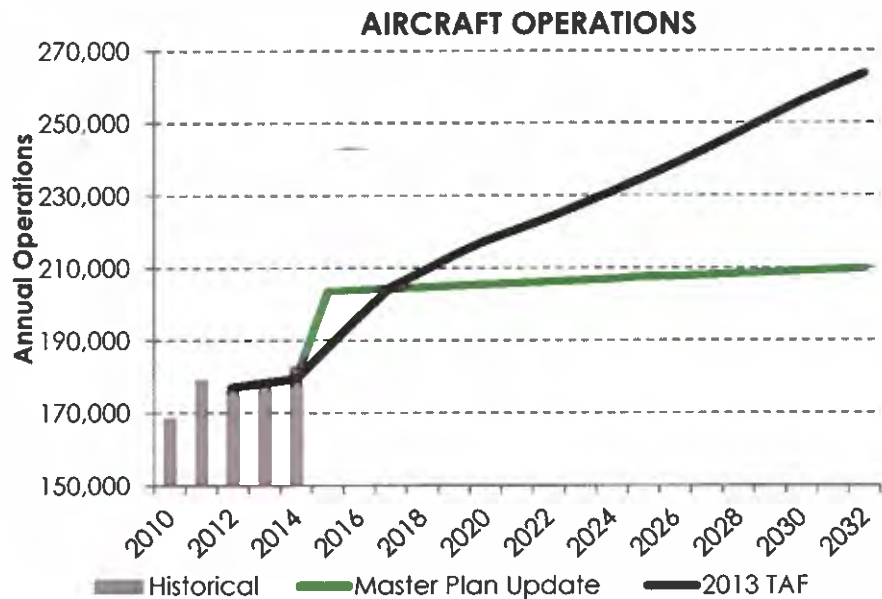
- Surrounding communities
- Regional transportation system

AVIATION ACTIVITY AND SOCIOECONOMIC HISTORICAL DATA

- Passenger activity (enplaned and deplaned passengers)
- Passenger characteristics (use of ticketing & baggage facilities, travel purpose, etc.)
- Aircraft activity (commercial and general aviation)
- Ground Transportation (auto parking, roadway traffic volumes)
- Transit-ridership

Aviation Activity Forecasts

DEFINITION: Projection of passenger enplanements and aircraft operations that is the basis for determining the requirements and timing for future developments



NOTES:

- The Passenger Enplanements are equal to half of the Annual Passengers
- The *Terminal Area Forecast (TAF)* is the official FAA forecast of aviation activity for U.S. airports and reflects a gradual adjustment of airline service
- The Master Plan Forecast reflects the rapid evolution to an expanded airline route structure at the Airport upon the expiration of the Wright Amendment restrictions



Planning Activity Levels (PALs)

DEFINITION: Operations and enplaned passenger activity corresponding to a specific demand level

AIRCRAFT OPERATIONS	
Planning Activity Level	Total Annual Operations
PAL O1	200,000
PAL O2	210,000
PAL O3	245,000

PASSENGER ENPLANEMENTS	
Planning Activity Level	Total Annual Enplanements
PAL E1	5.5 million
PAL E2	6.2 million
PAL E3	7.0 million

NOTE:

- The Passenger Enplanements are equal to half of the Annual Passengers

Demand/Capacity & Requirements

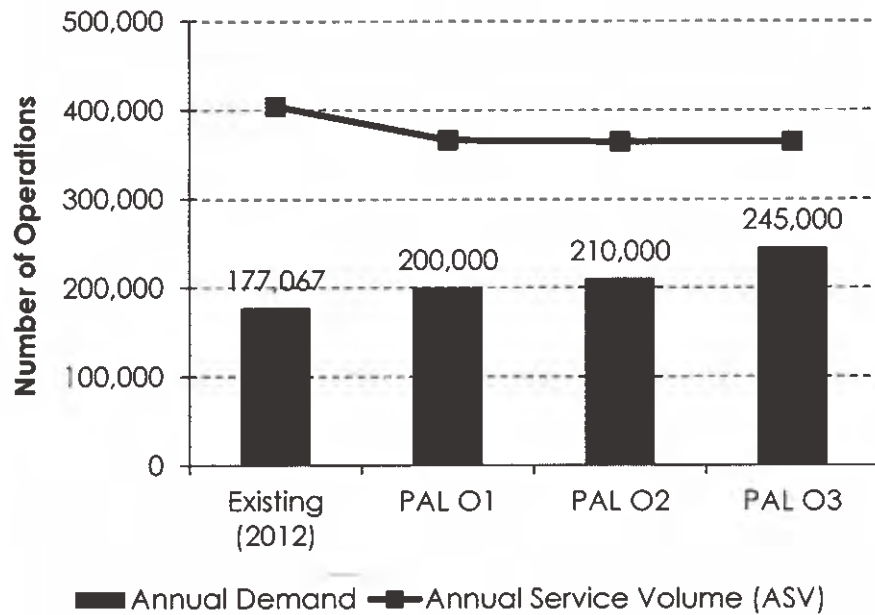
DEFINITION: Assessment of existing facilities' ability to accommodate future aviation demand and the identification of required facility modifications and developments

AREAS EVALUATED

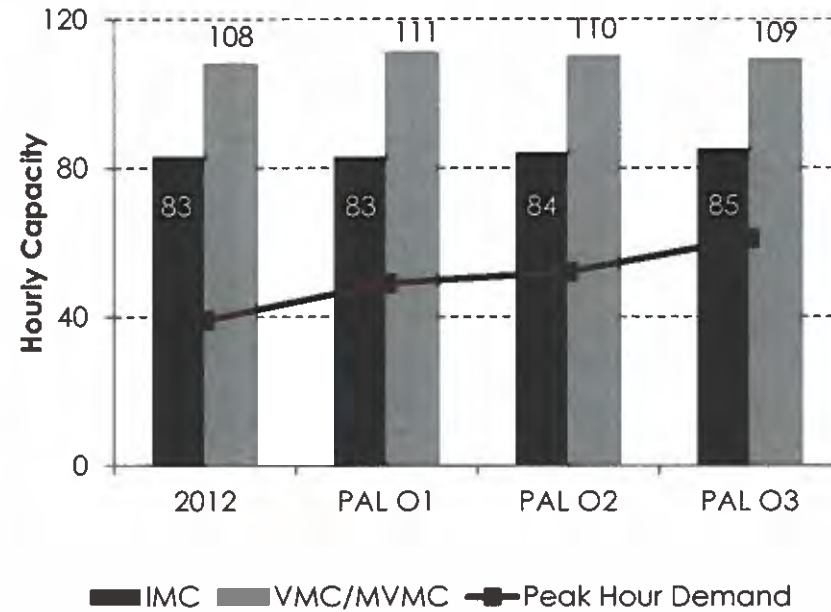
- Airfield
- Landside
 - On-Airport Parking
 - On-Airport Roadways
 - Off-Airport Roadways
 - Rental Car Facilities
- Support Facilities
 - Fixed Base Operators
 - Corporate/Maintenance Facilities

Demand/Capacity & Requirements Airfield

Annual Demand/Capacity



Hourly Demand/Capacity



- Annual Service Volume (ASV): an estimate of the annual airfield capacity
- The capacity of the existing airfield is adequate to accommodate future demand

NOTES:

- PAL = Planning Activity Level
- VMC = Visual Meteorological Conditions
- IMC = Instrument Meteorological Conditions
- MVMC = Marginal VMC



Demand/Capacity & Requirements

Landside: Airport Parking

- Parking requirements are calculated based on an all-inclusive Airport parking system in which on-Airport and off-Airport parking demands are highly correlated.

	2012 Baseline	PAL E1	PAL E2	PAL E3	
	Parking Capacity	Parking Spaces Required			
Design Day (typical busy week demand)	9,480	6,620	9,940	11,060	12,370
On-Airport (Garages A and B, Employee and Valet Spaces)	6,980	4,740	7,400	8,200	9,140
Off-Airport (The Parking Spot and Best Parking)	2,500	1,880	2,540	2,860	3,230
Surplus/(Deficit)	-	2,860	(460)	(1,580)	(2,890)
Peak Day (very busy holiday or special event)	9,480	7,350	10,920	12,180	13,620
On-Airport (Garages A and B, Employee and Valet Spaces)	6,980	4,970	7,710	8,560	9,530
Off-Airport (The Parking Spot and Best Parking)	2,500	2,380	3,210	3,620	4,090
Surplus/(Deficit)	-	2,130	(1,440)	(2,700)	(4,140)

NOTES:

- Valet requirements include 1,000 spaces as estimated by Department of Aviation
- Additional analyses have been initiated to evaluate post-Wright Amendment activity

Demand/Capacity & Requirements Landside: On-Airport Roadways



Note: AM Peak is from approximately 6:30 AM to 7:30 AM; PM Peak is from approximately 7:00 PM to 8:00 PM.

Level of Service (LOS)	Color on Exhibit	Condition	Description
A	Green	Excellent	Traffic is free flow, with low volumes and high speeds
B	Light Green	Very good	Drivers have reasonable freedom to select their speed and lane of operation
C	Yellow-Green	Good	Drivers become restricted in their ability to select their speed or to change lanes
D	Yellow	Fair	Drivers have little freedom to maneuver and driving comfort levels are low
E	Orange	Poor	Roadway is operating at or near capacity
F	Red	Failure	Forced flow operations where excessive roadway queuing develops

Demand/Capacity & Requirements

Landside: Off-Airport Roadways

Intersection	PAL E3 LOS	
	AM Peak	PM Peak
1 Lemmon Avenue and Airdrome Drive	C	C
2 Lemmon Avenue and Mockingbird Lane	C	C
3 Mockingbird Lane and Airdrome Drive	B	C
4 Mockingbird Lane and Cedar Springs Road	F	F
5 Mockingbird Lane and Denton Drive	E	E

Mockingbird Lane intersections at Herb Kelleher Way/Cedar Springs Road and Denton Drive are expected to experience a poor level of service prior to PAL E3

NOTES:

- LOS = Level of Service
- PAL = Planning Activity Level



Demand/Capacity & Requirements

Landside: Rental Car Facility

	Existing	PAL E1	PAL E2	PAL E3
Rental Car Ready/Return/Storage Areas				
Requirements (acres)	10.4	14.1	15.9	17.9
Surplus/ (Deficit) (acres)	-	(3.7)	(5.5)	(7.5)
Structured Rental Car Quick Turnaround Area (QTA)/Service Site				
Requirements (acres)	3.1	4.1	4.7	5.3
Surplus/ (Deficit) (acres)	-	(1.0)	(1.6)	(2.2)

NOTES:

- Additional analyses have been initiated to evaluate post-Wright Amendment activity. Updated requirements will be derived from this analysis
- PAL = Planning Activity Level

Demand/Capacity & Requirements

Support Facilities

Fixed Base Operators and Corporate/Maintenance Facility Requirements			
	Fixed Base Operator Facilities (acres)	Corporate/Maintenance Facilities (acres)	Total (acres)
Existing	122.7	82.6	205.3
PAL O1	130.8	82.6	213.4
PAL O2	141.8	100.9	242.7
PAL O3	161.3	115.2	276.5

NOTE: PAL = Planning Activity Level

- Based aircraft growth rates were used to determine requirements for Fixed Base Operator facilities
- Growth rates of forecast based aircraft and aircraft operations were used to determine requirements for corporate/maintenance facilities
- Facility requirements include hangar, apron, auto parking and circulation areas

Alternatives Development & Evaluation

DEFINITION: Identification, development and evaluation of Airport development alternatives that satisfy future aviation demand over the planning horizon; respond to the needs of the communities served by the Airport; and maximize revenue generating opportunities while effectively managing land uses and development, and providing flexibility to adapt to the dynamic nature of the aviation industry

AREAS CONSIDERED

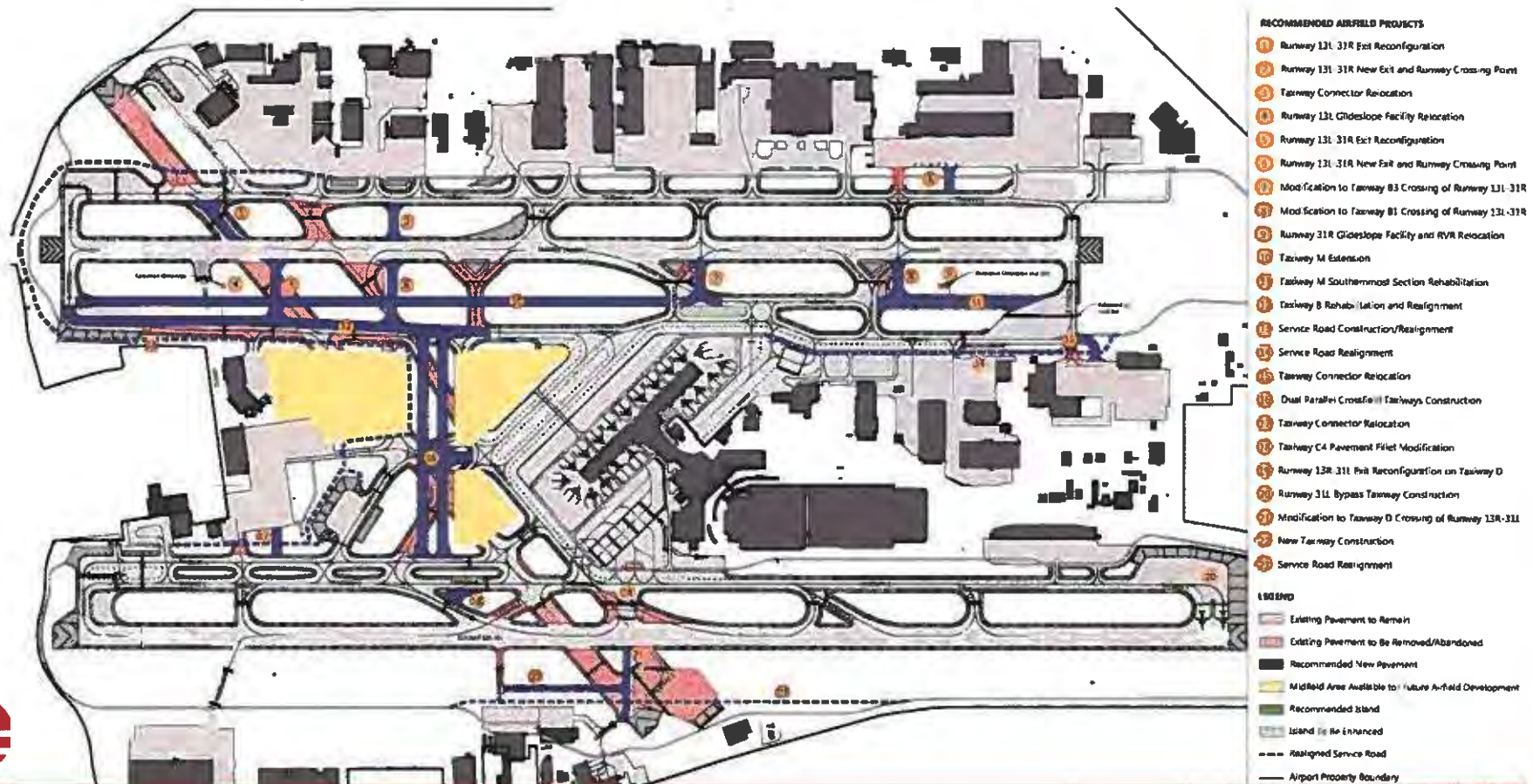
- Airfield
- Landside
 - On-Airport Parking
 - Off-Airport Roadways
 - Rental Car Facilities
- Support Facilities
 - Fixed Base Operators
 - Maintenance/Corporate Facilities
- Lemmon Avenue and Airdrome Drive Developments

PREFERRED ALTERNATIVE

- Several alternatives were developed and evaluated for each area considered

Airfield Preferred Alternative

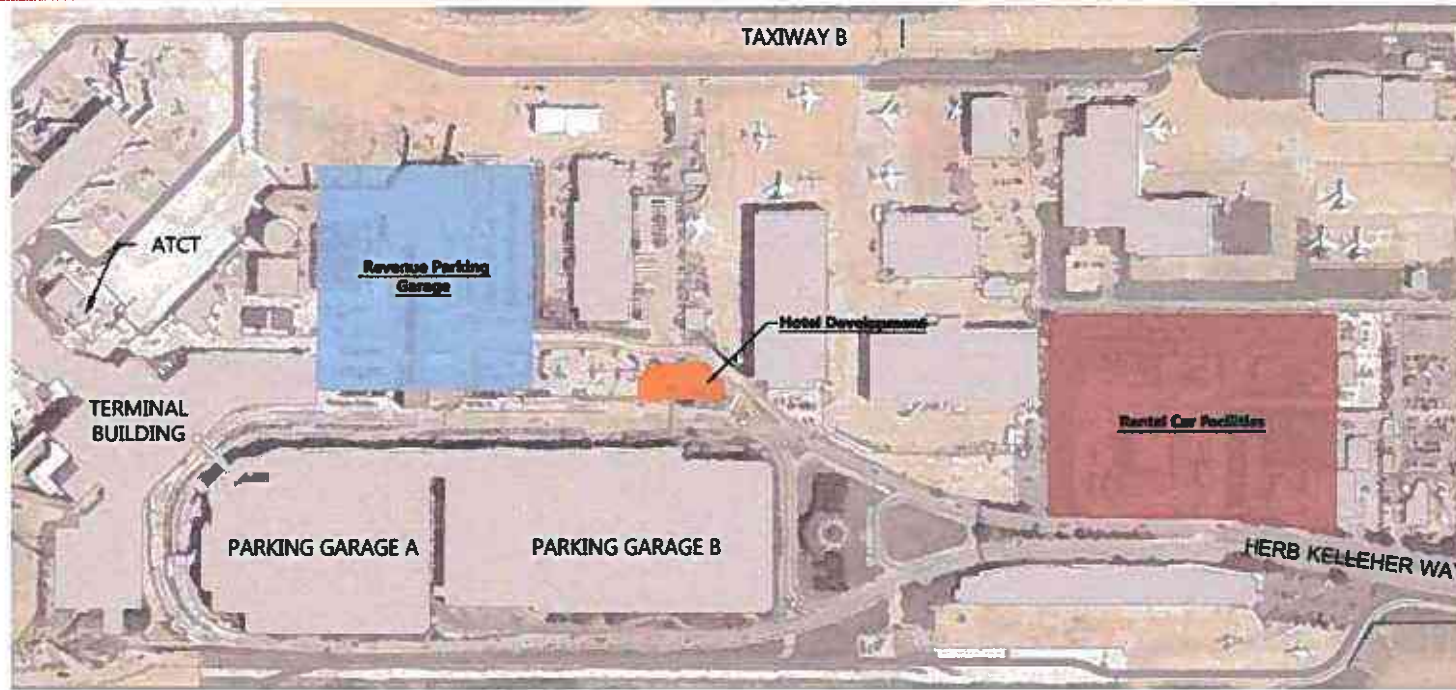
- FAA has issued a Finding of No Significant Impact for the decommissioning of Runway 18-36
- Current runway system is adequate to meet PAL O3 demand levels
- Airfield alternatives focus on reconfiguration of the taxiway infrastructure to comply with current FAA design standards



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Landside Preferred Alternative On-Airport Parking/Rental Car Facilities



Developments include:

- Revenue Parking Garage
- Rental Car Facilities
- Hotel (optional)

NOTE:

- Additional analysis has been initiated to evaluate post-Wright Amendment activity. Updated requirements and alternative concepts will be derived from this analysis

Landside Preferred Alternative Off-Airport Roadways

Preferred alternative will improve the Level of Service (LOS) during peak times at the intersections of Mockingbird Lane and:

- Herb Kelleher Way/Cedar Springs Road
- Denton Drive



Support Facilities Preferred Alternative

PHASE 1



As leases expire, the preferred alternative will be developed incrementally from Phase 1 to Phase 2 in response to market demand

LEGEND

- Existing Buildings
- Non-Aeronautical Development
- Hangars
- Apron Areas
- Vehicle Parking Areas
- FBO Terminal
- Sidewalk
- Bike Path
- Realigned Patrol Road
- Taxiway OFA
- Property Line

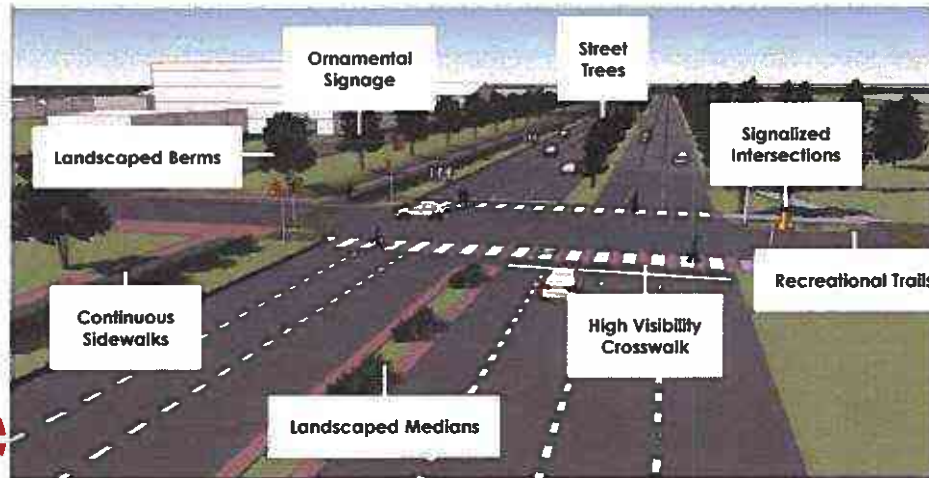
PHASE 2



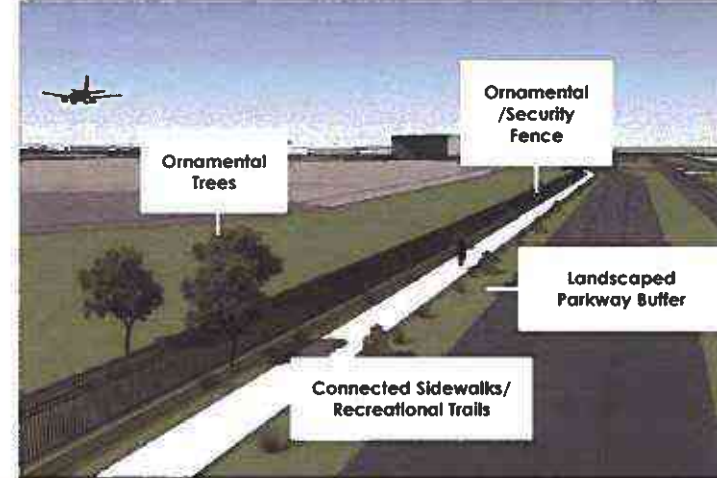
Pedestrian Connections, Landscaping and Buffers



Lemmon Avenue and Lovers Lane



Airdrome Drive

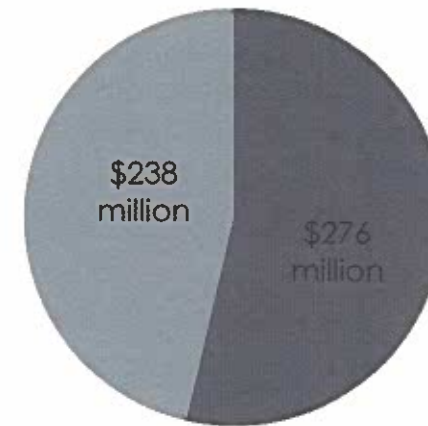


Financial Plan

- **Purpose:** demonstrate Airport's ability to fund the projects recommended in the Master Plan Update
- **Financial Plan Development Process**
 - Review Airport's financial structure
 - Analyze historical revenues and expenses
 - Develop a Capital Improvement Program (CIP) funding plan
 - Develop financial projections
 - Conduct sensitivity analyses
 - Analyze the financial feasibility by testing Airport's ability to cover the cost of the CIP

Capital Improvement Program (thru 2024)

\$514 million



■ Airfield Projects ■ Landside Projects

Airport Development Funding Sources

Airport Improvement Program (AIP)

- Administered by the FAA and funded through the Aviation Trust Fund (user taxes on airfares, air freight, and aviation fuel)
- Eligible projects generally include improvements related to preserving or enhancing airport safety, capacity, security, and environmental concerns
- Funding share for eligible projects at DAL:
 - 75% federal (FAA) share (grant)
 - 25% Airport share (grant match)

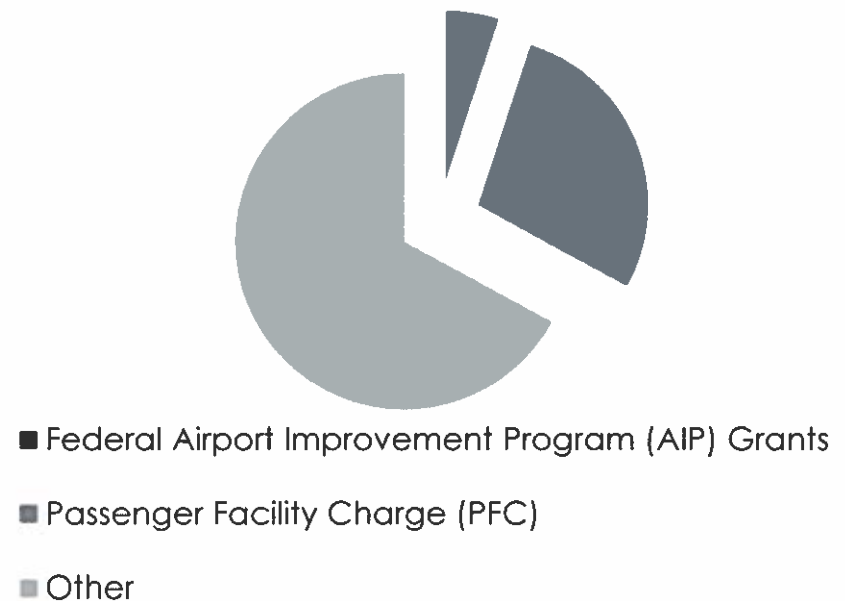
Passenger Facility Charge (PFC)

- PFC fees of up to \$4.50 can be collected for every enplaned passenger at commercial airports controlled by public agencies
- PFCs used to fund FAA-approved projects that preserve or enhance safety, security, or capacity; reduce noise; or increase air carrier competition

Other Funding Sources

- Long-term debt – Revenue and General Obligation bonds
- Short-term debt – Commercial paper, bank loans
- Private sector/third-party investment
- Airport cash flow – Funds available after paying for Airport's expenses

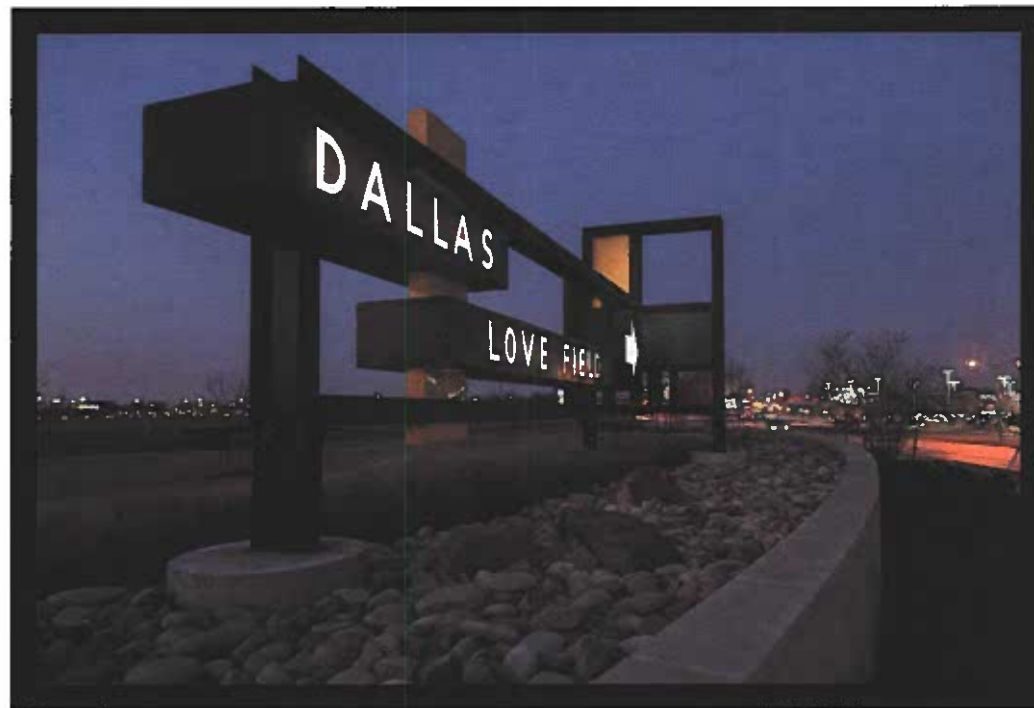
DAL CIP – Estimated Funding thru 2024



Final Steps

IMPLEMENTATION AND DOCUMENTATION

- Submit the Master Plan Update to the FAA for final review and approval of the ALP



Public Comments

- Comments can be submitted through forms provided or by e-mail
LoveFieldMasterPlan@Dallascityhall.com
- WEBSITE: www.Dallas-LoveField.com



RICONDO
& ASSOCIATES



Dallas Love Field

