



## Court Upholds DOT Rules on Congestion Pricing

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On July 13, 2010, the U.S. Court of Appeals for the District of Columbia Circuit upheld the Department of Transportation's (DOT) amendments to the 1996 Policy Regarding Airport Rates and Charges. The amendments to the policy recognized a congested airport's power to: (i) include the cost of an airfield project under construction and the cost of a secondary airport in the rate base, (ii) impose a two-part landing fee to include a per-operation charge and a weight-based charge, and (iii) to impose the higher charges during peak periods. In *Air Transport Association v. DOT*, the court rejected each of petitioner's challenges to the amended policy. The court concluded, "As the airspace is used ever more intensively, it is unsurprising that the Department would update its approach to landing fees in an effort to relieve airport congestion. So long as it complies with the applicable statutes, its creativity should be welcomed on its merits, not spurned for its novelty."