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D.C. Circuit Declines to Review DOT Decision on Dallas Love Field

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The DC Circuit has issued the first in what is expected to be several appellate court decisions concerning the allocation of scarce gates at Dallas Love Field. The court dismissed the petition for review filed by Southwest Airlines challenging a DOT letter that provided guidance to the City of Dallas on how it should allocate gate capacity. The court held that the DOT letter is not a final agency action and not, therefore, subject to judicial review. The court relied in large part on the fact that the FAA later initiated a FAR Part 16 administrative proceeding as evidence that the DOT guidance was not final agency action. The Firm represents the City of Dallas, who was not a party to this case but who is subject to the Part 16 proceeding.