

AMENDMENT TO RULES COMMITTEE PRINT

118-11

OFFERED BY MR. BOYLE OF PENNSYLVANIA

At the end of title VIII, add the following:

1 **SEC. ____ . ECONOMIC NON-DISCRIMINATION.**

2 (a) IN GENERAL.—Each entity that provides com-
3 mercial ground transportation to users of an airport shall
4 be subject to the same rates, fees, rentals, and other
5 charges as are uniformly applicable to all other such users
6 (including entities controlled by the airport) making the
7 same or similar physical use of such airport and using
8 similar facilities.

9 (b) ESSENTIAL NEXUS TO LEGITIMATE PUBLIC PUR-
10 POSE.—All rates, fees, rentals and other charges described
11 in subsection (a) shall—

12 (1) have an essential nexus to a legitimate pub-
13 lic purpose;

14 (2) be roughly proportionate to the impact the
15 physical use has on airport facilities; and

16 (3) be no greater than necessary to cover the
17 costs of such impact of the physical use.

1 (c) BURDEN OF PROOF.—An airport shall have the
2 burden of proving the instituting rates, fees, rentals and
3 other charges described under subsection (a).

4 (d) NONDISCRIMINATORY AND SUBSTANTIALLY COM-
5 PARABLE RULES, REGULATIONS, AND CONDITIONS.—
6 Each entity described in subsection (a) shall be subject
7 to such nondiscriminatory and substantially comparable
8 rules, regulations, and conditions and provided equivalent
9 access rights to the airport as are applicable or provided
10 to all such other entities which make the same or similar
11 physical use of such airport and use similar facilities.

12 (e) REASONABLE CLASSIFICATIONS.—An airport
13 shall be permitted to make reasonable classifications be-
14 tween entities described in subsection (a), except any clas-
15 sifications not rationally related to the safe operation of
16 the airport, such as those classifications based on pre-
17 sumed benefits derived, degree of economic harm to the
18 airport, or anti-competitive motives.

19 (f) REASONABLE JUSTIFICATION.—Neither the rules,
20 regulations and conditions applicable, or the access rights
21 provided to, an entity described in subsection (a) shall pre-
22 vent, restrict or distort such entity's ability to compete
23 with any other such entities, including the entities con-
24 trolled by the airport, without a reasonable justification
25 that benefits the public interest.

1 (g) CLASSIFICATION.—Classification or status as a
2 specific type of entity described in subsection (a) shall not
3 be unreasonably withheld by any airport provided a com-
4 mercial ground transportation user assumes obligations
5 substantially similar to those already imposed on other
6 such entities in such classification or status.

