

# 2004 AIRLINE COMPETITION PLAN UPDATE

Submitted for the  
**Minneapolis-St. Paul International Airport**



On behalf of the  
**Metropolitan Airports Commission**

February 22, 2004

## **INTRODUCTION**

Under the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, or “AIR-21”, large and medium hub airports that meet a certain threshold of concentration are required to submit competition plans. The Minneapolis-St. Paul International Airport (“MSP” or “Airport”) meets the standards set out in AIR-21, as it is a large hub airport with more than 50% of its traffic served by a single carrier, Northwest Airlines. In 2001, MAC filed an update to its 2000 Airline Competition Plan to present its ongoing efforts to expand airport facilities necessary for vibrant competition and to secure competitive air service in its major markets. The efforts described in the 2001 Update largely represented MSP market conditions and efforts prior to September 11, 2001. The purpose of the 2004 Update will be to provide information pertaining to post September 11 market conditions at MSP as well as MSP’s post September 11 efforts to foster competition. Therefore, the Metropolitan Airports Commission (MAC) hereby submits this update to the 2000 Airline Competition Plan and 2001 Update.

### **I. AVAILABILITY OF GATES AND RELATED FACILITIES**

#### **A. Number and identity of any air carriers that have begun providing or stopped service**

In December 2001, locally based Sun Country Airlines ceased operations after nearly 20 years of successful operations at MSP. The effects of a slumping economy and September 11 took a significant toll on Sun Country’s ability to sustain operations and essentially forced the carrier into Chapter 11 bankruptcy.

In February 2002, Sun Country was successfully acquired and reorganized by MN Airlines, Inc. Regularly scheduled service re-started in February 2002 to Las Vegas, Denver, Dallas, Phoenix, Orlando, San Francisco, Seattle, Los Angeles and other cities throughout the western United States. As of the submission of this Update, Sun Country continues to grow and expand MSP operations utilizing MSP’s Humphrey Terminal.

In March 2002, MSP proudly introduced the commencement of operations by the regional affiliate of Midwest Express, Midwest Connect. Midwest Connect operates the Fairchild/Dornier 328JET aircraft seating 32 passengers with four daily departures to Milwaukee and four daily arrivals from Milwaukee.

In March 2002 and May 2002, the Mesa Air Group commenced operations as US Airways Express and Frontier Jet Express. Operations as US Airways Express involve the 50 seat Bombardier Canadair Regional Jet with one daily departure and arrival from Pittsburgh. Operations as Frontier Jet Express involve the 50 seat Embraer ERJ145 Regional Jet with one daily departure and arrival from Denver.

In June 2003, Trans States Airlines commenced operations as American Connection and US Airways Express operating the 50 seat ERJ-145 aircraft. Daily operations include roundtrip service to St. Louis and Pittsburgh.

In October 2003, Chautauqua Airlines commenced operations as US Airways Express providing daily roundtrip service to Pittsburgh utilizing 50 seat ERJ-145 aircraft.

In January 2004, Atlantic Southeast Airlines commenced operations as Delta Connection providing daily roundtrip service to Dallas-Fort Worth utilizing the 50 seat Bombardier CRJ-200. This represents a new city not previously served by Delta Air Lines from MSP. Additionally, American Eagle commenced operations as American Connection providing roundtrip service to Dallas-Fort Worth utilizing 70 seat Bombardier CRJ-700 aircraft.

In February 2004, Horizon Air commenced operations as Frontier Jet Express providing daily roundtrip service to Denver utilizing the 70 seat Bombardier CRJ-700 aircraft.

MAC is in ongoing discussions with non-incumbent domestic and international carriers. Depending on a recovery of the U.S. and worldwide economy in general and the airline industry in particular, two low-fare domestic airlines have indicated significant interest in commencing service to MSP in 2004. MAC staff is aggressively pursuing two international flag airlines, each of whom have indicated an interest in MSP for future expansion.

MAC's competitive marketing initiatives have included direct, face-to-face presentations of pertinent economic and demographic data as well as the development of partnerships with strategic business groups, both domestic and international. As the world economic situation and MAC financial environment improves, MAC is well positioned to complete the process of inaugurating new, competitive domestic and international air service at MSP by virtue of regular, ongoing meetings and contacts with air carrier decision makers. MAC staff has in the past participated in bilateral Open Skies discussions and taken pro-active leadership positions in appropriate pro-competitive industry activities. Upon improvement of MAC's financial position, MAC staff plans to participate in future Open Skies discussions.

#### **B. Number of new gates that have been built or are now available**

On June 1, 2002, MAC celebrated the opening of Concourses A and B as well as the expansion of Concourse C within the Lindbergh Terminal. Concourse A is a 14-gate concourse designed to accommodate 50 passenger or less regional jet aircraft. Concourse B is a 16-gate concourse designed to accommodate 50 passenger or less regional jet and propeller driven aircraft. The Concourse C expansion resulted in the opening of 6 additional gates designed to accommodate 85 passenger or less regional jet aircraft. All of the new gates included the installation of jetbridges capable of accommodating various regional jet aircraft.

In December 2002, further expansion to Concourse C resulted in the addition of one A-320 sized gate and 4 additional CRJ sized gates. See Exhibit A1 for a graphic depiction of the gate assignments effective December 2002.

These new gates are leased by Northwest Airlines. Through completion of the First Amendment to the Airline Operating Agreement and Terminal Building Lease between MAC and Northwest, Northwest is obligated to accommodate other Airlines' regional propeller aircraft operations on Concourse A and B. In the event Northwest fails in this obligation, MAC has the right to cancel Northwest Airlines' lease for up to two (2) gates. This Amendment and associated information was previously provided in response to questions raised by FAA from review of the 2001 Update.

**C. Number of gates that have been converted to common use status**

Upon opening the Humphrey Terminal in May 2001, 4 of the 8 gates were designated as common use. Today, all 8 gates of the terminal are designated as common use and are available to accommodate the operations of charter, new entrant, and incumbent airline operations. The Humphrey Terminal Operating Procedures, attached as Exhibit B, govern operations from the terminal. Upon sufficient air carrier demand, the terminal is easily expanded to open two additional gates (construction of which is 50% complete, only final fitout is required) planned to be operated in common use fashion.

**D. Gate Utilization**

Budget constraints encountered the past 2 years and of late prevent MAC from preparing formal gate utilization reports previously submitted to FAA in previous Updates that were generated through the assistance of consultants. It is important to note that the lack of this report did not adversely impact MAC's ability to accommodate the operations of new entrant carriers Midwest Connect, Mesa Air Group, Trans States Airlines, Chautauqua Airlines, Atlantic Southeast Airlines, American Eagle, Horizon Air or the planned expansion of Frontier Airline's service in April 2004 (described further under E. below). MAC maintains a solid grasp on the utilization of gate facilities through monthly observance of operations reports submitted by each carrier. Use of these reports helped identify the presence of under-utilized Gate E5 planned for assignment to Frontier Airlines (described further under E. below). Midwest Connect has been successfully accommodated by Northwest Airlines on Concourse B. All other carriers have been successfully accommodated by their host airlines on Concourse E. In the event that formal gate utilization reports are necessary to accommodate the operations of a new entrant or expanding incumbent, MAC is prepared to take the steps necessary to generate such reports.

**E. Accommodation of new entrants and incumbent carriers seeking to expand at the airport and resolution of any access disputes.**

MAC was proud to announce the addition of Midwest Connect in March 2002. Recruitment efforts to attract new entrant carriers to MSP remain active. In addition to Midwest Connect, all of the regional carriers identified in Section I.A. of this Update have been accommodated since filing the 2001 Update.

The most notable expansion by an incumbent carrier is that of AirTran Airways. In October 2003, AirTran introduced service to a 2<sup>nd</sup> city from MSP, Orlando, and as a result currently operates 12 daily operations, 4 more than was operated in August 2001. AirTran has also provided information regarding the operation of Boeing 737-700 and 800 aircraft from MSP in 2004 with the intention of adding a 3<sup>rd</sup> city from MSP and increasing overall daily operations to 20.

In November 2003, American Airlines commenced non-stop service to Miami, a new city from MSP for American.

In April 2004, United Airlines is planning to commence non-stop service to Washington-Dulles, a new city from MSP for United.

MAC is currently working with Frontier Airlines for the lease of Gate E5 and associated facilities to Frontier as a result of Frontier's planned expansion in April 2004. Frontier currently operates three daily departures to Denver and Frontier's expansion involves doubling the amount of daily departures to six and the introduction of twice daily non-stop service to LAX. The Short-Term Gate provision of the Airline Agreement assisted MAC's ability to reclaim underutilized Gate E5 from American Airlines for the benefit of Frontier. See Exhibit A2 for a graphic depiction of the gate assignments effective March 2004 reflecting Frontier's lease of Gate E5.

Most of MSP's incumbent air carriers have been slowly rebuilding their schedules to pre – September 11<sup>th</sup> levels. For example, American Trans Air reduced activity to 6 daily operations shortly after September 11<sup>th</sup> and has recently rebounded activity to 12 daily operations, 4 more than was operated in August 2001.

The Airline Operating Agreement and Terminal Building Lease (Agreement), controls the types of uses that air carriers may make of airport facilities. If an air carrier is not using its space according to the terms of the Agreement, MAC may direct the air carrier to correct the situation. MAC's Executive Director is given considerable discretion in resolving conflicts concerning use of airport facilities. There have been no complaints filed with MAC by any air carrier related to any restrictions to access or use of any MSP gates or facilities.

## **II. LEASING AND SUBLEASING ARRANGEMENTS**

The bottom line on availability of capacity at MSP is that MAC has heavy jet, regional jet, and propeller aircraft gate capacity available now to new entrants and expanding incumbent carriers via the Humphrey Terminal and a number of short-term gates available in the Lindbergh Terminal. Forty-one additional gates designed to accommodate regional sized and medium sized jet aircraft opened on Concourses A, B, and C in December 2002.

FAA was provided the Term Sheet and subsequent Amendment to the Agreement outlining Northwest's obligation to take, use, and pay for the 41 gates as part of the 2001 Update. With the exception of converting the Humphrey Terminal to 100 percent common use, there have been no other contractual changes between MAC and the carriers regarding utilization of MSP.

### III. PATTERNS OF AIR SERVICE

As a major hub airport for Northwest Airlines and a spoke for most of the major air carriers, MSP has air service to virtually every market in the world. MSP's top O&D market is Chicago (with service to both O'Hare and Midway) with 1,234 daily passengers travelling in that market during 2002. On an airport-by-airport basis, MSP's top O&D markets are shown below. Please note the comparison in rank from 2001 to 2002 and the noticeable reduction in the amount of daily passengers.

Daily Passengers (2002)	2000 Rank	Market/Airport	Daily Passengers (2001)	2001 Rank
1234	1	Chicago	1673	1
795	2	Los Angeles	933	3
789	3	Phoenix	976	2
780	4	New York	744	6
693	5	Orlando	846	4
598	6	Denver	746	5
594	7	San Francisco	741	7
540	8	Atlanta	597	9
513	9	Las Vegas	687	8
491	10	Washington D.C.	590	10
432	11	Dallas	563	11
362	12	Tampa	296	19
358	13	Boston	438	12
331	14	Seattle	425	13
303	15	San Diego	318	16
298	16	Philadelphia	302	18
293	17	Detroit	411	14
248	18	St. Louis	286	20
191	19	Milwaukee	312	17
188	20	Kansas City	333	15

In addition, MSP passengers continue to enjoy an extensive charter market. During the 2003-2004 charter season, charter carriers serving MSP offered flights to a wide range of markets. These included three of MSP's top O&D markets (Orlando, Phoenix and Las Vegas) as well as Acapulco, Cancun, Cozumel, Fort Lauderdale, Fort Myers, Honolulu, Grand Cayman, Ixtapa, Mazatlan, Montego Bay, Nashville, Puerto Plata, Puerto Vallarta, Reno, and Sarasota.

Overall, the total number of markets MSP has nonstop service to remains constant at approximately 125.

#### **IV. GATE ASSIGNMENT POLICY**

All policies and procedures described in the 2000 Airline Competition Plan remain unchanged.

#### **V. GATE USE REQUIREMENTS**

There have been no changes in requirements for signatory status, lease requirements, common use gate priorities, gate use monitoring, or the calculation of rental rates and common use fees.

#### **VI. FINANCIAL CONSTRAINTS**

The continued harsh economic status of the airline industry has had some affect on various components of MSP's 2010 Plan, most notably a two-year deferral in the completion of new runway 17-35. All of the planned gate construction at the Lindbergh and Humphrey Terminals has been completed. Despite the current financial constraints, MAC feels that facilities are available for service expansion by incumbents (see Frontier and AirTran examples described in Section I.) or potential new entrants as the U.S. economy and financial stability of the airlines continues to improve.

#### **VII. AIRPORT CONTROLS OVER AIRSIDE AND GROUNDSIDE CAPACITY**

There have been no changes in MSP's rates and charges policy. The MII clause was invoked in 2002 and 2003 and in both instances MII approval was granted for the projects requiring such approval. Specifically, the projects requiring MII approval were: Runway 12L, 12R, and 35 Cat. II/IIIa. Systems Installation, Air Traffic Control Tower Relocation Feasibility Study, and Runway 30R Safety Area Improvements.

#### **VIII. AIRPORT INTENTIONS TO BUILD OR ACQUIRE GATES THAT WOULD BE USED AS COMMON FACILITIES**

As discussed earlier, the Humphrey Terminal has been converted to 100% common use. Two gates within in the Humphrey Terminal are partially completed. When sufficient demand warrants the completion of the two gates, they will operate as common use gates.

#### **IX. RESPONSE TO ISSUES RAISED IN FAA COMMENT LETTER IN RESPONSE TO ORIGINAL COMPETITION PLAN**

- A. With respect to accommodation on Northwest International gates, please describe how the MAC has implemented the gate allocation protocol and whether any requesting airlines have not been accommodated there.**

The Airline Operating Agreement and Terminal Building Lease, Article III.C., Use of the International Arrivals Facility (IAF) (attached as Exhibit C), clearly describes prioritization and utilization of the IAF and associated gates for international arrivals by airlines. To date, all airlines requesting access to the International arrival gates located on Concourse G have been accommodated. Icelandair can be considered a good example of a foreign flag carrier being accommodated under the requirements of this provision with one daily service to/from Reykjavik, Iceland.

- B. Please relate whether you are referring to the arbitration clause of Article XII of the Airline Operating Agreement or to some other process with respect to your complaint resolution process; explain the timetable for an arbitration under this article, if pertinent, or for another dispute resolution process; and describe whether or how the arbitration (or other dispute resolution process) has been used in the past. Additionally, please submit a copy of the airport rules and regulations you are relying on.**

There have been no instances requiring MAC to rely on Article XII of the Airline Agreement to resolve any complaints. However, in the event a dispute arises, MAC will rely on the contents of this Article for guidance as well as the various Ordinances governing operation of MSP and the entire MAC Airport System as a whole. Rather than submitting a copy of each Ordinance (most are lengthy), please review Exhibit D identifying each Ordinance.

- C. Please respond to the concerns described in (B) above in the context of resolving complaints about subleasing and ground handling. We encourage you to consider use of a dispute resolution system.**

There have been no complaints related to subleasing and ground handling. In the event basic MAC involvement is not capable of resolving any complaints to the satisfaction of both parties, MAC plans to utilize the contents of Article XII of the Airline Operating Agreement and Terminal Building Lease.

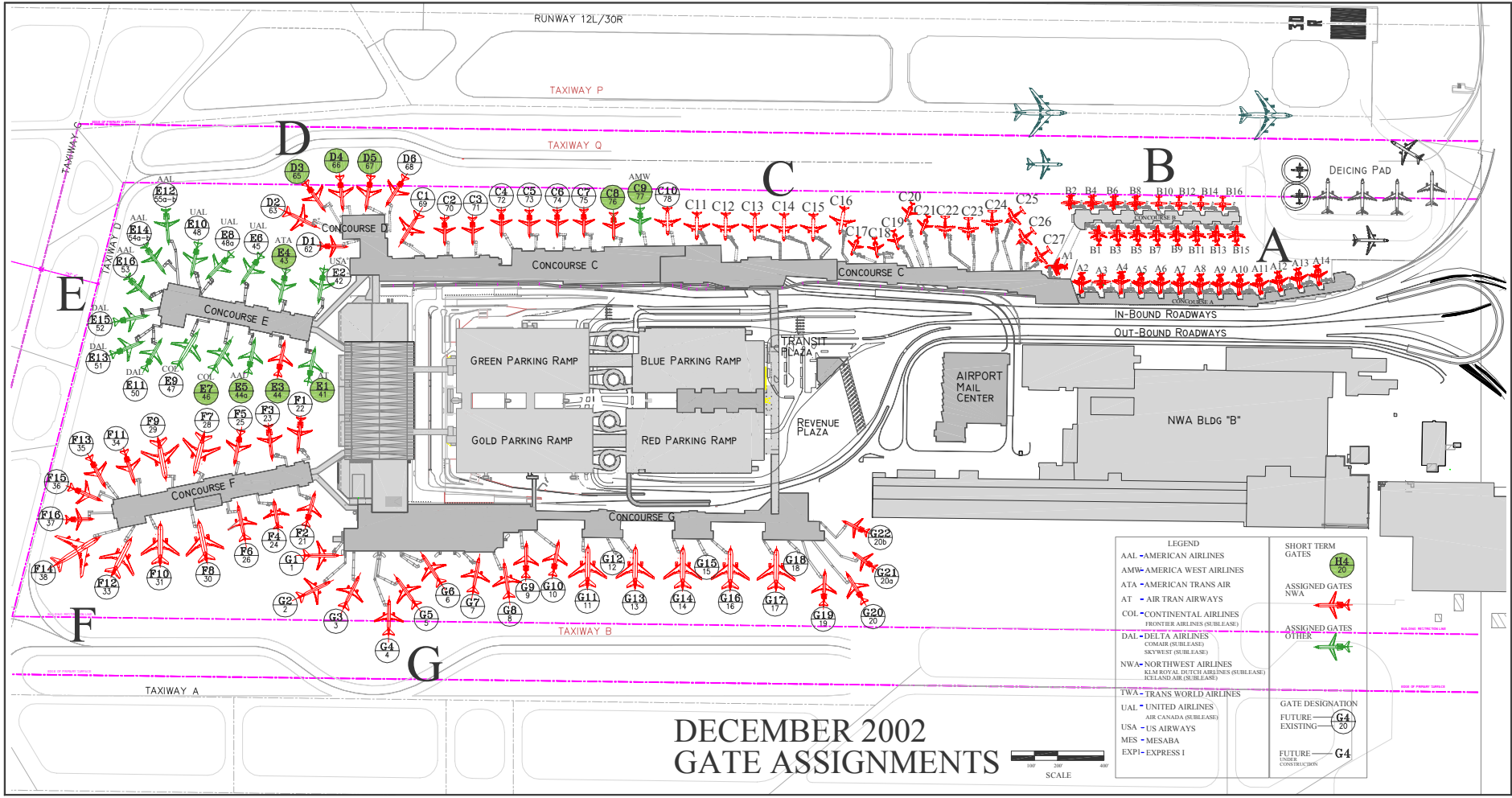
MAC will continue to consider establishment of a formal dispute resolution system and is prepared to implement such system when necessary. At this time, MAC does not deem establishment of a formal dispute resolution system necessary.

- D. Gate Assignment Policy - MAC is encouraged to notify potential new entrant carriers in a timely and uniform manner, consistent with your notification of incumbent carriers of new gate availability. In addition, we suggest your adoption of a fair and transparent gate assignment protocol for all gates so that any interested carrier may be given a fair opportunity to gain access to the Airport.**

Gate availability, primarily at the Humphrey Terminal, is widely known by all incumbent carriers and new entrant carriers through the efforts of MAC's Air Service Business Development Department. MAC strives to introduce new entrant carriers to MSP and to foster the expansion of incumbent carriers. Thus far, no complaints have been received from either incumbent or new entrant carriers regarding denial of access to any facilities at MSP.

MAC has and will continue to adequately accommodate the needs of both incumbent and new entrant carriers alike. The availability of Short Term Gates and the Humphrey Terminal, thoroughly described in the initial Competition Plan and 2001 Update, position MAC to easily accommodate any and all requests. The accommodation of carrier requests for gates and other facilities is in MSP/MAC's best interest so as to help reduce MSP's reliance on the fortress hub dominance of one carrier, Northwest Airlines.





# DECEMBER 2002 GATE ASSIGNMENTS



LEGEND	
AAL - AMERICAN AIRLINES	
AMW - AMERICAN WEST AIRLINES	
ATA - AMERICAN TRANS AIR	
AT - AIR TRAN AIRWAYS	
COL - CONTINENTAL AIRLINES (FRONTIER AIRLINES (SUBLEASE))	
DAL - DELTA AIRLINES (COMAR (SUBLEASE) SKYWEST (SUBLEASE))	
NWA - NORTHWEST AIRLINES (KLM ROYAL DUTCH AIRLINES (SUBLEASE) IRELAND AIR (SUBLEASE))	
TWA - TRANS WORLD AIRLINES	
UAL - UNITED AIRLINES (AIR CANADA (SUBLEASE))	
USA - US AIRWAYS	
MES - MESABA	
EXPI - EXPRESS I	
SHORT TERM GATES	
ASSIGNED GATES NWA	
ASSIGNED GATES OTHER	
GATE DESIGNATION	
FUTURE EXISTING	
FUTURE UNDER CONSTRUCTION	

**Metropolitan Airports Commission**  
 600 5th Avenue, St. Louis, Missouri, 63102  
 314-425-3000

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PROJECT NORTH  
 TRUE NORTH

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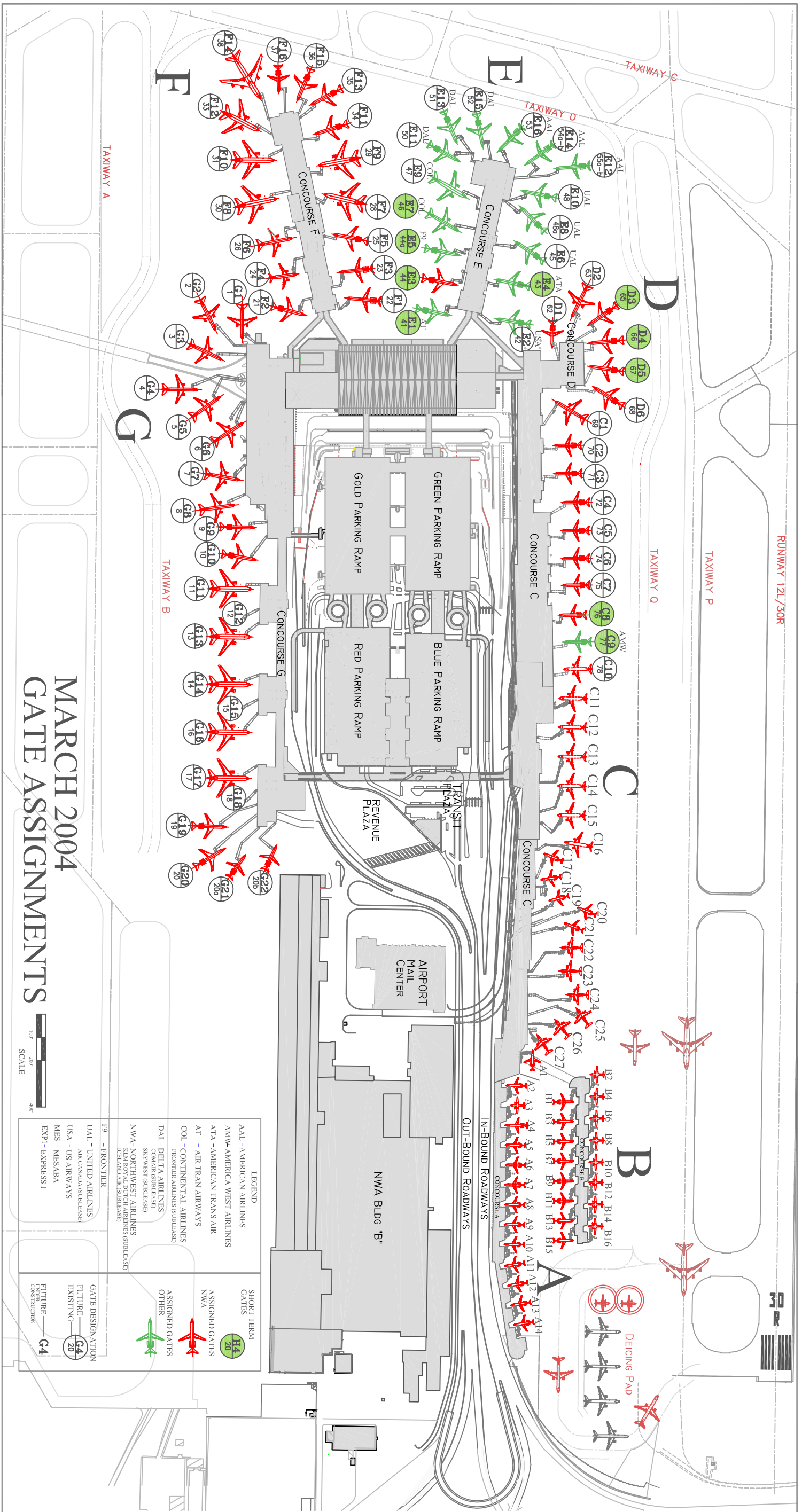
Project No: **2002-004-00**  
 Title: **2002-004-00**  
 Date: **03-13-02**  
 Author: **Grant/C2002/00**

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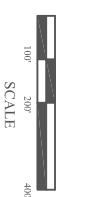
Drawing No: **1800-004-00**  
 Revision: **1**  
 Date: **03-13-02**  
 Author: **Grant/C2002/00**

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Drawing No: **DEC 2002 GATE ASSIGNMENTS**  
 Updated **5/2/02**



# MARCH 2004 GATE ASSIGNMENTS



LEGEND	
AAI - AMERICAN AIRLINES	SHORT TERM GATES
AMW - AMERICAN WEST AIRLINES	ASSIGNED GATES
ATA - AMERICAN TRANS AIR	NWA
AT - AIR TRAN AIRWAYS	OTHER
COL - CONTINENTAL AIRLINES	ASSIGNED GATES
FRONTIER AIRLINES (SUBLEASE)	OTHER
DAL - DELTA AIRLINES	COMAIR (SUBLEASE)
SKYWEST (SUBLEASE)	NWA - NORTHWEST AIRLINES
KIM ROYAL DUTCH AIRLINES (SUBLEASE)	KELAND AIR (SUBLEASE)
P9 - FRONTIER	
UAL - UNITED AIRLINES	GATE DESIGNATION
AR CANADA (SUBLEASE)	FUTURE - G4
USA - US AIRWAYS	EXISTING - 30
MES - MESA BIA	
EXPI - EXPRESS 1	

**Metropolitan Airports Commission**  
 1400 - 484 - 00  
 201 - 556 - 1312  
 201 - 556 - 2022 (Fax)

**PROJECT NORTH**  
 PROJECT SOUTH

**Legend**  
 ASSIGNED GATES  
 OTHER  
 GATE DESIGNATION  
 FUTURE - G4  
 EXISTING - 30

**MARCH 2004 GATE ASSIGNMENTS**  
 Updated 2/19/04

**HUMPHREY TERMINAL**  
**OPERATING POLICIES AND PROCEDURES**

Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis Minnesota 55450

**Effective September 1, 2002**

**HUMPHREY TERMINAL OPERATING POLICIES AND PROCEDURES  
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**HUMPHREY TERMINAL  
OPERATING POLICIES AND PROCEDURES**

It is the policy of the Metropolitan Airports Commission (“MAC”) to review and evaluate all proposals for Airline service at the Airport and to determine those facilities that are available and best suited to the proposed operation of the applicant Airline. The Humphrey Terminal is a common use facility. MAC’s goal is to maximize utilization and optimize operating efficiency of the Humphrey Terminal to foster both existing and new competitive air service at MSP and to serve the public interest.

**SECTION 1.0 DEFINITIONS**

- 1.1 Airline. An entity that operates or is seeking to operate an air transportation business at the Airport.
- 1.2 Airport. Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the supervision, operation, direction and control of the Metropolitan Airports Commission, and located in the County of Hennepin and State of Minnesota.
- 1.3 Commission. The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.4 Common Use Terminal Equipment ("CUTE"). Certain items of equipment provided and owned by the Commission for Airline or tenant use as approved by the MAC.
- 1.5 Discontinue Date. Date upon which service for a specific flight shall terminate.
- 1.6 Effective Date. Date upon which service for a specific flight shall commence.
- 1.7 Federal Inspection Service ("FIS"). Those agencies of the United States government including Customs, Immigration, Public Health, Agriculture and Fish & Wildlife.
- 1.8 FIS Facilities. The facilities and area associated with or used by agencies of the United States government for the inspection of passengers and their baggage, and to exercise their responsibilities with respect to movement of persons and property to and from the United States.
- 1.9 Humphrey Terminal. The terminal located at 7150 Humphrey Drive of the Airport, together with any additions and/or changes thereto, and include any

## EXHIBIT B

Remote Ramp designated by MAC for use by Humphrey Terminal Airlines.

- 1.10 Humphrey Terminal Agent. The operator designated by the Commission who, under agreement with the Commission, has the responsibility to manage, direct, supervise and to otherwise control all aircraft operations to, at or from the Humphrey Terminal, and who shall conduct such operations from offices therein in accordance with these policies and procedures as amended, and under the supervision and direction of the Commission.
- 1.11 MAC. The Metropolitan Airports Commission. Any references to the concurrence, approval or consent of MAC, shall mean the concurrence, approval or consent of MAC's Executive Director or any individual designated by the Executive Director as having responsibility for the management, operation or maintenance of the Humphrey Terminal.
- 1.12 New Entrant. Airline that has not previously served the Airport. New Entrant applies only to an Airline proposing regular, year-round service for flights with minimum frequency of 6 Operations per week (frequency means same time of day and day of week). Airline will be considered a New Entrant for its first 12 months of service at the Airport.
- 1.13 Operation. An aircraft arrival to or departure from the Humphrey Terminal incident to the carrying of passengers.
- 1.14 Passenger Loading Bridge. Motorized bridge attached to the terminal building, used for the enplaning and deplaning of passengers.
- 1.15 Remote Ramp. Whatever area that MAC designates for remote aircraft parking for Humphrey Terminal Airlines. Because of construction and congestion, this area is subject to change at MAC's discretion.

**SECTION 2.0 TERMINAL USE PROCEDURES**

2.1 Use of Terminal

All areas and appurtenant facilities of the Humphrey Terminal shall be used only for the purpose of conducting those activities necessary for processing passengers and movement of persons and property to and from aircraft. Other uses of the Humphrey Terminal are prohibited without prior written approval of MAC. MAC may charge a fee for any use of the Humphrey Terminal other than that which is stated in this section. The Humphrey Terminal shall be limited to passenger flights only, except for the carrying of cargo or mail incidental to the carrying of passengers, according to MAC Ordinance 95, or as amended.

The placement, storage or distribution of any item including signage, newspapers, magazines, advertisement, banners, brochures or furniture in the Humphrey Terminal is prohibited without prior written approval of MAC. Parties wishing to exercise First Amendment rights under MAC Ordinance 58, or as amended, regulating certain constitutionally protected expression, must contact the MAC.

2.2 Vehicle and Equipment Parking

Vehicle or equipment parking is strictly prohibited on roadways adjacent to the Humphrey Terminal. Vehicles or equipment not parked in designated areas may be issued a citation and towed away at vehicle owner's risk and expense. Only ground handling equipment and aircraft maintenance vehicles incidental to the servicing of aircraft operations may be positioned on the ramp adjacent to gates. Parking of vehicles or equipment in bag rooms or lav bay is strictly prohibited.

2.3 Required Documentation for Airline Use of Humphrey Terminal

Airlines requesting use of the Humphrey Terminal shall submit current DOT Airline certification and insurance documentation, which must be received by or on file with MAC before Airline may use the Humphrey Terminal and before gate or facility assignments will be made to the Airline. Airlines shall also provide copies of (a) their emergency/safety procedures, (b) names and telephone numbers of key operations personnel and maintenance personnel, and (c) local or toll free passenger information telephone numbers.

2.4 No Exclusive Use

No Airline or tenant has exclusive use of the Humphrey Terminal or portions thereof including but not limited to gates, passenger loading bridges, ticket counters, FIS facility, bag processing areas and devices, curbside check-in or the



## EXHIBIT B

CUTE at the Humphrey Terminal, except for areas such as office space under exclusive lease.

### 2.5 Ground Handling

Airlines may ground handle their own aircraft or passengers with their own employees and equipment. All other providers of ground handling or passenger services must have written authorization from MAC, which at its sole discretion will determine the need for such services and the ability/capacity of the Humphrey Terminal to support those services.

### 2.6 Aircraft Parking

All aircraft parking, including overnight parking, shall be restricted to those areas approved by MAC. At the direction of MAC, the Humphrey Terminal Agent shall assign the location and positioning of all aircraft parking to ensure safety and compliance with all Airport and FAA rules. Aircraft parking on Humphrey Terminal gates is strictly prohibited unless prior approval is obtained from MAC. Exception: Airlines holding a Priority Gate Assignment may park their own aircraft on their Priority Assigned Gate only if/when that gate is not needed for flights by other Airlines as approved by MAC. Aircraft parked on Priority Assigned gates as provided by this exception are not subject to aircraft parking fees. Aircraft parking fees shall be as stated in the applicable MAC Ordinance or as amended.

### 2.7 Aircraft Deicing

All aircraft deicing (i.e., spraying of glycol) shall be restricted to areas designated by MAC for deicing and shall be performed only by those Airlines and/or ground handling companies authorized by MAC. Aircraft deicing on the Humphrey Terminal gates is strictly prohibited unless otherwise approved by MAC.

### 2.8 Aircraft Fueling

Only those having written authorization from MAC may perform aircraft fueling at the Humphrey Terminal. All aircraft positioned at gates must be fueled using the fuel hydrant system, except as otherwise approved by MAC.

### 2.9 Aircraft and Vehicle Maintenance

Aircraft maintenance is prohibited at the Humphrey Terminal and surrounding areas including gates and Remote Ramp unless otherwise approved by the MAC.

## EXHIBIT B

Airlines may conduct no aircraft maintenance from the gates except pre-departure or post-arrival maintenance incidental to the immediate operation of aircraft that does not disrupt normal operations on the gate or surrounding areas

Airlines with Priority Gate Assignment may, on their assigned gate, conduct minor aircraft maintenance that does not disrupt normal operations on that gate, adjacent gates or surrounding areas. This is further defined as aircraft maintenance that will not delay the immediate removal of the aircraft from the gate. Aircraft maintenance of fuel, hydraulic or other hazardous fluid related systems are prohibited.

In all cases, aircraft engine run-up is strictly prohibited at any time.

Vehicle maintenance and/or maintenance of ground support equipment of any kind is prohibited at the Humphrey Terminal or surrounding areas.

### **SECTION 3.0 ASSIGNMENT AND SCHEDULING OF GATES AND SHARED FACILITIES**

#### 3.1 Common Use Facilities

All gates, shared areas, and appurtenant facilities shall be operated as common use facilities under the jurisdiction of MAC, which shall have final authority over their allocation scheduling and operation in accordance with the policies and procedures set forth herein.

MAC's goal is to maximize utilization and optimize operating efficiency of the Humphrey Terminal and to foster both existing and new competitive air service at MSP and to serve the public interest. MAC will allocate and schedule the use of gates and shared facilities using the following policies and procedures, which may be changed by MAC.

#### 3.2 Priority Gate Assignment

##### A. Eligibility

Airlines having both (a) at least 1200 Operations on all gates at the Humphrey Terminal in the previous twelve months, and (b) at least 60 Operations per month on gates at the Humphrey Terminal in the previous twelve months ("Minimum Operations Requirements") are eligible for Priority Gate Assignment. Exception: At its sole discretion, MAC may waive the Minimum Operations Requirements and award Priority Assignment to a New Entrant Airline.

## EXHIBIT B

Priority Gate Assignments are assigned first to the Airline having the most Operations (flights) in the previous twelve months, then to the Airline with the second most and so on until all eligible airlines are assigned a gate or all available gates are allocated, subject to the provisions of 3.2.C.1.

Airlines that do not meet the eligibility criteria will be considered “others” and assigned to gates with no Priority Assignment or in available time slots on gates with Priority Assignments.

### B. Gate Priority

Airlines awarded a Priority Gate Assignment will have scheduling priority on the gate to which the Airline has been assigned priority, subject to the following conditions.

1. Scheduling priority applies only to the gate to which Airline has Priority Assignment.
2. Airlines assigned a gate under the Priority Assignment hold no exclusive rights to that gate, the Humphrey Terminal or its operation.
3. Only flights of the Airline with a Priority Gate Assignment will be scheduled on that gate unless no other gate is available for flights by “others”.
4. Schedule changes or additions that affect flights of other Airlines on Priority-Assigned Gates will be effective as indicated below from the time MAC receives written notice of the change(s) unless other accommodations for the affected flights can be made earlier.

Changes equal to or less than :30 minutes are effective in 48 hours.

Changes greater than :30 minutes are effective in 28 days.

5. Priority Assignment shall be effective for one (1) year or until such reevaluation occurs under Section 3.2.C.2.
6. Priority Assignment is not transferable to another Airline.
7. Airline will pay for use of the Priority Gate according to Ordinance 95, or as amended.

### C. Procedure for Priority Gate Assignment

#### 1. Number of Priority Assigned Gates

The maximum number of Priority-Assigned Gates is limited to one less than the total number of gates at the Humphrey Terminal. At least one gate will be operated without Priority Assignment at all times. Only one gate will be assigned to eligible airlines under the Priority Assignment. The MAC may assign a second Priority Gate to an Airline if at the sole discretion of the MAC, the Airlines activity levels (flights) require such assignment.

#### 2. Annual Reevaluation

Priority Gate Assignments are valid for one year. MAC may reevaluate the Priority Assignments each calendar year, or more often as determined by MAC. Annual reevaluation will typically occur in April. Changes to Priority Assignment(s) shall be effective 120 days from date of written notice.

### D. Revocation of Priority Gate Assignment

During the Priority Gate Assignment period outlined in Section 3.2.B.5., Priority Assignment may be revoked for the following reasons effective upon delivery of written notice from MAC.

1. Airline Operations fall below the Minimum Operations Requirements found in Section 3.2.A.
2. Airline is delinquent in payment of passenger facility charges, fees or rents due to MAC or the Humphrey Terminal Agent.
3. Airline is in violation of any MAC ordinances, policies or procedures.
4. Airline regularly fails to operate within approved times.
5. Airline fails to use approved time slots for flights; this will result in loss of particular time slots if other Airlines desire such time slots.

### 3.3 Gates with No Priority Assignment

Gates with no Priority Assignment will be assigned on a first come, first serve basis based on the date and time the request is received by MAC. Airline may

## EXHIBIT B

continue to use assigned time slots if the day of week and time of day remain unchanged. Assignments may be revoked if Airline fails to use the assigned times. Requests for use of a gate with no priority must be received within the time frame specified in 3.5.A.

### 3.4 Future Priority Gate Assignments

All future changes to assignments shall be issued as an addendum to these Procedures. Changes to Priority Gate Assignments shall be effective 120 days from the date of written notice.

### 3.5 Scheduling of Flights

Use of all gates and terminal facilities must be approved in advance by MAC, which shall prepare schedules for their use. All scheduling shall have as its prime objective the goal of minimizing economic impacts delays or changes to original schedules to all Airlines arising from any necessary rescheduling. If a gate or Passenger Loading Bridge is inoperable or out of service, MAC will use its best efforts to accommodate the affected Airlines on other gates at the available times closest to the original flight times.

#### A. Spare Gate

A spare (unscheduled) gate will be maintained at all times to provide operational gate capacity necessary to manage daily changes in flight activity including delays, diversions and other unplanned events impacting gate schedules.

#### B. Airline Requests (Schedules) For Use of Gates and Facilities

All requests for use of gates and other facilities must be received by MAC no less than 30 days and no more than 120 days prior to the Effective Date of the proposed flight(s). Each flight must include all the information required in Section B below. Requests submitted less than 30 days before the Effective Date shall be accommodated on a space available basis.

#### C. Required Information – Flight Schedules

Schedules must include all of the following information for each flight. Incomplete requests (schedules) will be rejected and will delay assignments until required information is received. All schedules must be submitted in a format acceptable to MAC which may include electronic formats compatible with MAC's Common Use Terminal Equipment

(CUTE) System.

- Effective Date
- Discontinue Date
- Flight number(s)
- Arrival/departure time (local time for MSP Airport)
- Aircraft type and number of passenger seats
- Origin/destination airport
- Aircraft identification (tail number)
- Connecting flights or turn flight designation, where applicable
- Code share flight designation, where applicable

MAC may require other flight/schedule information prior to completing assignments necessary to assist in the resolution of scheduling conflicts and prioritization.

D. Gate and Bag Claim Permissible Occupancy Time

Following are the approved/permissible gate and bag claim occupancy times (Minutes) for aircraft by category. Aircraft categories are as defined by MAC Ordinance 95 or as amended. Alternative occupancy times may only be approved by MAC.

	<u>Gate Arrival or Departure Only</u>	<u>Gate Turn</u>	<u>Bag Claim</u>
Category I	30	40	30
Category II (typically narrow body)	45	60	35
Category III (typically wide body)	75	90	45

E. Ticket Counters Assignment and Permissible Occupancy Time

1. Assignment

Ticket counters are shared space and will be assigned by the MAC or Humphrey Terminal Agent according to the procedures herein. Cost for use of the ticket counters are included in the facility use fees. Airlines will be assigned the same ticket counter positions whenever possible. Ticket counter positions assigned to an airline will be contiguous whenever possible. Airlines holding Priority Gate Assignments will have first preference of ticket counters.

2. CUTE System

MAC provides a CUTE system at ticket counters, curbside check and gate podiums. All Airlines utilizing the Humphrey Terminal must use the CUTE system. Each Airline is responsible for obtaining and controlling its own boarding pass and bag tag stock, which shall meet MAC-specified standards. Airlines may not use (log-in) more computers than they are assigned ticket counters and gates.

3. Occupancy Times

Following are the approved/permissible assignments of ticket counters and occupancy times for aircraft by category. Alternative assignments and/or occupancy times may be approved only by MAC.

	<u>Positions</u>	<u>Occupancy time (Hrs.)</u>
Category I	2	1.0
Category II	4	3.0
Category III	6	4.0

F. Resolution of Scheduling Conflict

When scheduling gates, MAC shall attempt to resolve conflicting demands through amiable negotiations and mutual cooperation of affected parties in which reasonable and objective solutions will be sought. If all other methods to resolve conflicts set forth in these procedures are unsuccessful. Notwithstanding the priorities set forth in Section 3.2 the following will be used to establish priority.

1. On all FIS-accessible gates: international arrival and corresponding departure. International arrival is defined as an arriving flight requiring use of the FIS Facility. For further information see Section 5.1.
2. Flights of New Entrant Airline. New Entrants will first be assigned to gates where no Airline has been assigned Priority, where possible. A New Entrant shall receive priority on only one gate unless otherwise approved by MAC
3. Airline with greatest number of flights at the Humphrey Terminal in the past 12 months.

## EXHIBIT B

4. Airline with highest on-time performance at the Humphrey Terminal in the past 12 months according to MAC records.

### G. Schedule Changes

1. MAC reserves the right to make minor schedule changes to flights on all gates. Minor Schedule Changes are defined as changing a flight time by up to 15 minutes in either direction or moving a flight to another gate. Changes of more than 15 minutes must be mutually agreed to by MAC and affected Airlines.
2. Schedule changes are subject to gate and ticket counter availability and gate priority rules set fourth in Section 3.2.B.4.

### 3.6 Flight Delays

Aircraft that do not have an approved gate assignment (i.e., diversion) or arrive at the terminal more than 15 minutes late for their gate assignment shall be considered "Delayed." Delayed flights will be reassigned on a space/gate available basis. Such reassignment(s) shall not interfere or otherwise cause delay to other flights operating on-time. Delayed flights waiting more than :30 minutes for reassignment shall be reassigned/accommodated on the next available gate and given highest priority over all other flights including on-time flights.

### 3.7 Notification of Flight Delays

All Airlines shall advise the Humphrey Terminal Agent and FIS representative (where applicable), at the earliest opportunity, of any flight delays, schedule changes, emergencies, or other matters affecting Operations at the Humphrey Terminal.

### 3.8 Fifteen Minute Minimum Flight Separation

There shall be no less than fifteen minute separation between the assigned use of each gate, except as approved by MAC.

### 3.9 Use of Passenger Loading Bridge Required

All Passenger Loading Bridges are property of MAC. Except as otherwise approved by MAC, all gate assignments shall be made so as to ensure the use of a Passenger Loading Bridge attached to the Humphrey Terminal (except Category I aircraft) for the enplaning and deplaning of passengers.



## **EXHIBIT B**

Airline is responsible for providing Passenger Loading Bridges operator(s) and shall ensure all such operators are properly trained and qualified to operate each gate Passenger Loading Bridge. All persons shall operate Passenger Loading Bridges according to manufacturer specifications. Only those persons having been trained by the Humphrey Terminal Agent, Manufacturer, or other MAC approved trainers are authorized to operate passenger-loading bridges. The Humphrey Terminal Agent shall maintain a current list of all persons trained and approved to operate passenger-loading bridges. Airline is responsible for all damage to Passenger Loading Bridges while using the bridges and/or gates. See also Section 6.2.J.

### **3.10 Late Fees**

Any airline exceeding the occupancy times as stated above in Sections 3.3.1 and 3.3.2 are subject to penalties (See Section 4.1).

## **SECTION 4.0 FACILITY USE FEES**

### **4.1 Facility Use Fees**

All Airlines will pay for the use of gates and other facilities per MAC Ordinance 95 or as amended. Airlines will be charged for each approved use of common gates and facilities whether or not they are actually used unless cancelled in writing at least ten (10) days in advance. All use of common facilities must be approved in advance by MAC.

## **SECTION 5.0 FIS FACILITY ACCESS**

### **5.1 FIS Facility Access**

The Federal Inspection Service (FIS) Facility is a common use facility managed by MAC. No Airline shall have exclusive, preferential or priority access or use of the FIS. A separate (per operation) use fee is charged for use of the FIS per MAC Ordinance 95 or as amended. Advanced written approval from MAC is required for all international arrivals requiring use of the FIS and is independent of all gate use assignments. MAC authorization for use of the FIS facility does not include U.S. Customs landing rights authority. MAC approval for use of the FIS shall be determined based on available FIS capacity and the following gate use priorities.

- A. Participation in the Advanced Passenger Information (API) system.
- B. Airline with greatest number of international arrival passengers at the Humphrey Terminal in the past twelve months.

C On-time performance of Airline's international arrivals at the Humphrey Terminal in the past twelve months based on MAC records.

5.2 FIS Gate Assignment and Landing Rights

Any airline requesting arrival clearance for FIS inspection must first obtain MAC approval for use of the FIS and a gate assignment subject to the procedures herein. FIS (Customs) landing rights approval DOES NOT entitle or guarantee an airline gate assignment, access to the FIS or use of the Humphrey Terminal.

**SECTION 6.0 TERMINAL APRON AND AIRCRAFT PARKING RAMP**

6.1 General

These operating policies and procedures are intended to provide guidance regarding issues not specifically addressed in tenant, Airline or company policies and procedures or manuals and to provide guidance regarding ramp operating conditions and multiple user situations. When a tenant, Airline or company policy or procedure is more restrictive, employees of that tenant, Airline or company must adhere to their respective policies or procedures.

A. Reporting of Incidents

All ramp incidents or accidents must be immediately reported to the Humphrey Terminal Agent or appropriate MAC department.

B. Identification

Airport-issued or Airport-approved badges must be worn and prominently displayed above the waist on the outer most garment at all times while in security areas, in accordance with MAC Ordinance 91, or as amended, and Airport Security Manual. Airport badges shall be used only for and while performing job duties.

C. Severe Weather

During severe weather, it is the discretion of the MAC to close the airport and to suspend Operations at the Humphrey Terminal. At such time, users and tenants of the terminal should proceed to designated severe weather locations inside the terminal. The MAC will advise the Humphrey Terminal Agent when it is safe to

resume Operations.

### 6.2 Ramp Operations

#### A. Foreign Object Debris (FOD)

It is the responsibility of the Humphrey Terminal Agent to ensure the terminal apron and ramp areas are free of FOD. Effective ramp FOD control however requires the cooperation and participation of all terminal and ramp users. All ramp and ground handling personnel should perform a visual inspection of the apron/ramp before and after each aircraft operation and remove FOD.

#### B. Hazardous Material Spills

All hazardous material spills including fuel(s) must be reported immediately to the MAC Communications Center or 911. If necessary, the Humphrey Terminal Agent emergency coordinators will take additional appropriate action per the Emergency Response Plan and Airline or tenant safety plan.

#### C. Jet Blast

It is recommended that all employees, vehicles and ramp equipment maintain:

- at least 250 feet behind a running aircraft;
- at least 20 foot perimeter away from the front of engine inlets;
- at least 10 feet either side of engines.

#### D. Power-backs

Power backs (reverse under thrust) are strictly prohibited from all Humphrey Terminal gates and ramp areas.

#### E. Engine Start

Starting or running of aircraft engines for maintenance purposes while aircraft is positioned at the gate is strictly prohibited, except as approved by the Humphrey Terminal Agent ramp supervisor.

Engine start-up during pushback is strictly prohibited except when approved by the ground handling crew via headset communication.

In all cases, engine speed shall not exceed idle RPM.

## EXHIBIT B

### F. Aircraft Handling and Ramp Personnel

Ramp employees shall not approach beyond any wingtip, nose, or tail section of any aircraft until the aircraft has come to a complete stop and the engine(s) have/has been shut down.

Visual confirmation of a “safe to proceed” environment shall be determined by observing that engine exhaust wake and/or propellers has stopped and that anti-collision light (red beacons) have been turned off.

### G. Vehicles and Equipment on Ramp

All unattended vehicles must have wheels chocked and have the engine shut off or have the parking/emergency brake set.

When so equipped, stabilizers on ramp vehicles (i.e. stairs, catering vehicles, lifts, etc.) must be fully extended when the vehicle is in use.

Never park or stage vehicles or equipment behind or under aircraft unless performing services or maintenance on the aircraft. Vehicles and equipment must never be parked or positioned under or within 25 feet of Passenger Loading Bridges or where subject to jet blast or engine ingestion.

Vehicles and equipment may be parked in designated areas only. Parking on the roadway (H) behind the terminal is strictly prohibited. Only ground handling equipment incidental to the servicing of aircraft operations may be positioned on the ramp adjacent to gates. Parking of vehicles or equipment in bag rooms or lav bay is strictly prohibited.

No motorized vehicles shall be parked in an enclosed area of the terminal with its engine running.

### H. Guide person(s)

A guide person should be utilized whenever vehicle or equipment operator has obstructed or limited view, backing or approaching an aircraft for servicing, or in confined or limited clearance areas. In addition, cabin service/high lift vehicles should also utilize a guide person when positioning to and from the aircraft.

If visual contact between the guide person and the vehicle/equipment operator is lost or clearance is questionable, the maneuver must be stopped immediately until visual contact is re-established and/or appropriate clearance is verified.

### I. Cargo/Baggage Movement

No cargo or baggage shall be transported on a belt-loader, baggage tug, tow tug, cargo loader or on top of bag carts. Cargo and baggage shall only be transported on/in equipment designed for that purpose.

### J. Passenger Loading Bridge and Air-Stair Operation

All jetbridges are the property of the MAC. Only those persons having been trained by the Humphrey Terminal Agent, Manufacturer, or other MAC approved trainers are authorized to operate jetbridges. The Humphrey Terminal Agent shall maintain a current list of all persons trained and approved to operate jetbridges.

All Passenger Loading Bridge operators shall:

Establish eye and/or voice contact with a ramp guide person to determine if the Passenger Loading Bridge is clear to move.

When the Passenger Loading Bridge is to be removed from an aircraft, the Passenger Loading Bridge operator will receive assistance from a guide person on the ground (ramp).

When removing the Passenger Loading Bridge or air-stair from aircraft, the operator must inform the aircraft crew or, in absence of crew, the aircraft mechanic to secure the doorway.

Operator shall ensure no one is on the step portion of the air-stair or outside Passenger Loading Bridge stairs prior to moving the stair or Passenger Loading Bridge. See also Section 3.9.

Aircraft ground power cables shall be attached to the cable hoist and raised to the up position when not connected to aircraft.

### K. Passenger Ground Boarding/Deplaning

Boarding and deplaning of passengers via the ramp (ground) is strictly prohibited except for Category I aircraft as defined in MAC Ordinance #95 or as amended. Advanced approval from the MAC or Humphrey Terminal Agent is required for ground boarding/deplaning and will only be granted in emergencies or if/when an alternative gate and the Passenger Loading Bridge are not available. Airlines performing ground boarding/deplaning must provide appropriate airline agents at all secure doors, the air-stair at the aircraft and no more than every 20 feet apart along the established path from the terminal to the aircraft. Airline is responsible

for establishing a safe and secure walking path from the terminal to the aircraft using orange safety cones or other approved safety devices spaced not more than ten feet apart and shall ensure that no vehicles or equipment crosses the path during ground boarding/deplaning.

### 6.3 Baggage Conveyor Operation

All employees working with or near baggage conveyor and carousel systems shall be trained in the proper operation of these systems, control features, emergency shut off devices, motion and height sensors, security access doors, resets and other operational features of the system(s).

Employees are prohibited from walking or riding on conveyor belts or carousels while it is in motion. Inactive belts, conveyors, carousels or tunnels are not to be used as employee rest areas. Only approved and certified technicians shall access the system controls and/or control panels. All lock-out/tag-out procedures shall apply.

### 6.4 Ramp Vehicle Operation

All employees required to operate ramp vehicles or equipment shall be properly trained on each respective unit prior to operating it without supervision. Additionally, all employees are required to have in their possession a valid driver's license and any required MSP Airport permits before they are allowed to drive on the Airport Operations Area (AOA), according to MAC Ordinance 82, or as amended.

## **SECTION 7.0 AIRCRAFT GROUND HANDLING AND PASSENGER SERVICES**

Complete Aircraft ground handling and passenger services for Airlines operating at the Humphrey Terminal are available to the Airlines by the Humphrey Terminal Agent through contractual agreement with MAC. Airlines requiring service, use of the Humphrey Terminal or information regarding current aircraft ground handling rates and charges, should contact the Humphrey Terminal Agent or MAC. While the Humphrey Terminal Agent holds no exclusive rights to perform these services at the Humphrey Terminal, MAC has designated and authorized the Humphrey Terminal Agent to perform ground handling and passenger services at the Humphrey Terminal because of the limited space and facilities available. Airlines may service their own aircraft or passengers with their own employees and equipment provided prior permission is obtained from MAC. Only entities with written authorization from MAC may perform these services.

**SECTION 8.0 HUMPHREY TERMINAL AND AIRPORT FEES AND CHARGES**

The following are Airport and Humphrey Terminal use fees (in U.S. Dollars) charged pursuant to MAC Ordinance 95 or as amended. Fees are collected by the Humphrey Terminal Agent at the Humphrey Terminal unless other payment arrangements have been provided and authorized by MAC. Contact MAC for current fee information (see Section 10.)

- Landing Fee
- Facility Use Fee
- Passenger Facility Charge (PFC)
- International Arrivals Facility Use Fee
- Aircraft Parking Fees

Aircraft ground handling, passenger services and other Humphrey Terminal Agent fees and charges are in addition to the above.

**SECTION 9.0 HUMPHREY TERMINAL MAINTENANCE**

9.1 Terminal Maintenance

MAC as owner of the Humphrey Terminal provides for the maintenance and janitorial service to the Humphrey Terminal, surrounding areas and appurtenant facilities. Areas under lease or use agreements with MAC will be maintained under the terms and conditions of the agreements.

9.2 Ramp, Taxiway and Roadway Maintenance

Humphrey Terminal ramp areas (excluding the fuel system), including the Remote Ramp and associated taxiway, roadway in front of the terminal building, and adjacent parking facilities shall be maintained by MAC.

9.3 Snow Removal

MAC shall provide for the removal of snow from all areas, including runways, taxiways, ramp areas, roadways, sidewalks and parking facilities.

**SECTION 10.0 ADMINISTRATION AND MANAGEMENT INFORMATION**

Metropolitan Airports Commission  
Humphrey Terminal Administration  
7150 Humphrey Drive  
Minneapolis, Minnesota 55450

Phone: (612) 726-5309

Metropolitan Airports Commission  
General Office  
6040 28<sup>th</sup> Avenue South  
Minneapolis, Minnesota 55450

Phone: (612) 726-8100



### C. USE OF THE INTERNATIONAL ARRIVALS FACILITY

MAC will control prioritization and utilization of the IAF and associated gates for international arrivals by Airlines providing International Regularly Scheduled Airline Service and may develop prioritization procedures not inconsistent with the terms of this Agreement. The provisions in this Section C. shall continue through December 31, 2015.

1. In order to use the International Arrivals Facility, AIRLINE must maintain its status as International Regularly Scheduled Airline Service. AIRLINE shall provide MAC a detailed written certification for each numbered element on Exhibit H, upon MAC's request. MAC retains the right to verify the status of AIRLINE and determine whether AIRLINE qualifies as International Regularly Scheduled Airline Service.
2. Gates G1 through G10 and associated passenger loading bridges, ramp access and lobby and baggage facilities on Concourse G currently leased by Northwest Airlines, Inc. (hereinafter referred to as "Northwest" or "Northwest Airlines") shall be made available for access to the International Arrivals Facility based on the following priority of use:
  - a. International Regularly Scheduled Airline Service as defined in Exhibit H.
  - b. Northwest or a Northwest Affiliated Airline domestic arrivals and departures.
  - c. Non-scheduled irregular or delayed international charter arrivals when the expected delay for the flight to use the Humphrey Terminal facility will exceed 90 minutes and the use of an IAF gate will not interfere with the scheduled use of that gate. Such interference shall be defined as the overlap of the non-scheduled use with the scheduled use such that the scheduled flight will have to be relocated to another concourse for its operation or will have to wait for a gate due to the unavailability of any gate. Use of an IAF gate by a non-scheduled flight is subject to Northwest's approval; such approval is not to be unreasonably withheld or delayed. Northwest shall designate an individual on site to give necessary approvals.
3. Northwest shall provide all Ground Handling at the IAF gates subject to air carrier self-handling rights contained in AIP grant assurances, at rates that do not exceed those specified in the Mutual Assistance Ground Service Agreement, and Northwest shall also provide reasonable access for air carriers to data and communications systems at gates G1-G10. Northwest shall be responsible for the operation and maintenance of security checkpoints, provided that

## EXHIBIT C

invoices for third party maintenance of security equipment shall be submitted directly to MAC for payment.

4. No Airline aircraft will remain on gates G1-G10 over two hours if a narrow-body or three hours if a wide-body. Northwest will coordinate any moving of aircraft with MAC's operations department, FAA and appropriate federal inspections agencies. No Airline aircraft will remain on gates G1-G10 beyond the times specified above if a gate is needed by another air carrier pursuant to the priority schedule set forth above.
5. AIRLINE, if it self-handles, or Northwest, if it provides Ground Handling to AIRLINE, on gates G1-G10, shall handle and dispose of all international waste on AIRLINE's aircraft in accordance with the requirements of the United States Department of Agriculture.
6. Northwest shall be responsible for all maintenance, repair, and operation of MAC jet bridges provided by MAC as part of the IAF. Northwest shall make the MAC jet bridges available for use by all users of the IAF without additional charge.

**EXHIBIT H**

**International Regularly Scheduled Airline Service Criteria**

As operator of the HHH Terminal and the Lindbergh Terminal IAF Facility, the MAC must have reasonable and clear criteria to allocate international charter flights to the HHH Terminal **and** international regularly scheduled flights to the Lindbergh Terminal IAF Facility. The principal purpose of the Lindbergh Terminal IAF Facility is to serve passengers making connections at MSP on a regularly scheduled basis. In addition, Gates G1-G10 of the Lindbergh Terminal will be utilized by Northwest regularly scheduled flights providing domestic connecting service when not used by carriers providing international regularly scheduled service. Therefore, in making the determination of whether an international non-stop passenger flight to MSP is a regularly scheduled flight or a charter operation for purposes of making terminal assignment, the MAC will supply the following criteria:

1. Does the international operation generally have passengers connecting at MSP on-line, inter-line or via code share, and the operational need for connecting facilities?
2. Is the carrier a signatory under the MAC use and lease agreement?
3. Does the carrier hold all necessary government approvals to operate international regularly scheduled service?
4. Is the carrier's international service primarily scheduled on a year-round basis or does it primarily offer seasonal service to different locations?
5. Are the carrier's schedules published each month in the Official Airline Guide and displayed in computer reservation systems? Are the fares regularly published by the Airline Tariff Publishing Company?
6. Does the carrier providing the service provide reservation services and create PNRs for the flights with its own employees?

International operations that meet these criteria overall shall be considered international regularly scheduled flights for use of the Lindbergh IAF. However, the failure to meet any one or more criteria shall not necessarily preclude the operation from being considered an international regularly scheduled flight. MAC's goal of optimizing overall airport operating efficiency shall be an important consideration.

**METROPOLITAN AIRPORTS COMMISSION - CURRENT ORDINANCES**

<b>ORD. NO.</b>	<b>DESCRIPTION</b>	<b>AIRPORT</b>	<b>HISTORY</b>	<b>EFFECTIVE DATE</b>
6	ZONING	Crystal Airport		September 2, 1952
7	ZONING	Lake Elmo Airport		September 10, 1952
10	RUNWAY USE NE/SW	WCF		May 6, 1957
11	RUNWAY USE NE/SW	WCF	Amends Ordinance 10	March 6, 1959
35	TRANSIENT AIRCRAFT OPERATIONS	WCF		February 29, 1968
37	PROFESSIONAL STRIKE BREAKERS	All Airports		January 16, 1970
38	JUVENILES ON AIRPORT PROPERTY	WCF		December 16, 1970
39	VIOLATION OF MAC ORDINANCES	All Airports	Amends Ordinance 12; Repeals Ordinance 36	
44	RADIATION MONITORING	All Airports		June 11, 1975
45	LOST PERSONAL PROPERTY	All Airports		May 1, 1975
47	CONSTITUTIONALLY PROTECTED EXPRESSION	All Airports		May 4, 1976
53	AIRPORT SECURITY	Secondary Airports		October 2, 1978
57	SUNDAY SALE OF INTOXICATING LIQUOR	WCF		August 1, 1981
58	CONDUCT ON AIRPORT PROPERTY	All Airports	Repeals Ordinance 27	January 31, 1983
64	ENVIRONMENTAL IMPACT FROM AIR NAVIGATION	WCF		May 30, 1985
65	CONFLICT OF INTEREST DISCLOSURE		Repealed Ordinance 42 & 46	May 30, 1985
67	AIRCRAFT TRAINING	WCF		August 15, 1986

**EXHIBIT D**

	<b>ACTIVITIES</b>			
71	<b>AUTHORIZATION OF NON-LICENSED PERSONNEL TO ISSUE CITATIONS</b>	<b>All Airports</b>	<b>Repeals Ordinance 69</b>	<b>September 18, 1989</b>
78	<b>MINIMUM STANDARDS</b>	<b>Reliever Airports</b>		<b>March 1, 1992</b>
80	<b>TRAFFIC LAWS</b>	<b>All Airports</b>	<b>Repeals Ordinances 59 &amp; 62</b>	<b>November 1, 1996</b>
81	<b>TAXICAB</b>	<b>WCF</b>	<b>Repeals Ordinance 79 as it relates to Taxicabs; Amended by Ordinance 98</b>	<b>June 1, 1997 September 1, 2003</b>
82	<b>AIR OPERATIONS AREA</b>	<b>WCF</b>	<b>Repeals Ordinance 74 Amended by Ordinance 98</b>	<b>September 1, 1997 September 1, 2003</b>
83	<b>MSP GROUND RENTAL RATES</b>	<b>WCF</b>	<b>Repeals Ordinance 75</b>	<b>October 1, 1997</b>
86	<b>ELECTRIC CART</b>	<b>WCF</b>	<b>Repeals Ordinance 68</b>	<b>July 1, 1998</b>
87	<b>RATES &amp; CHARGES</b>	<b>Reliever Airports</b>	<b>Repeals Ordinance 60</b>	<b>January 1, 1999</b>
88	<b>RENTAL AUTO FACILITY CHARGE</b>	<b>WCF</b>		<b>April 1, 1999</b>
90	<b>AIRCRAFT NOISE</b>	<b>WCF</b>		<b>January 1, 2000</b>
91	<b>AIRPORT SECURITY REGULATION</b>	<b>WCF</b>	<b>Repeals Ordinance 41</b>	<b>December 1, 1999</b>
92	<b>AIRPORT GATE REDESIGNATION</b>	<b>WCF</b>		<b>September 1, 2000</b>
93	<b>COMMERCIAL VEHICLES</b>	<b>WCF</b>	<b>Repeals Ordinance 85</b>	<b>July 1, 2000</b>
94	<b>BUILDING CODE</b>	<b>WCF</b>		<b>October 1, 2000</b>
96	<b>AIRFIELD USE AND HHH TERMINAL</b>	<b>WCF &amp; HHH</b>	<b>Repeals Ordinance 95</b>	<b>September 1, 2002</b>
97	<b>JET AIRCRAFT OPERATIONS</b>	<b>Flying Cloud</b>	<b>Repeals Ordinance 51</b>	<b>January 31, 2003</b>
98	<b>TAXICABS</b>	<b>WCF</b>	<b>Amends Ordinance 81</b>	<b>September 1, 2003</b>
99	<b>FIRE CODE</b>	<b>WCF</b>	<b>Repeals Ordinance 52</b>	<b>December 1, 2003</b>