

Airport Compliance

Airport Compliance: Overview

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Federal Aviation
Administration



Objective

**Give a brief overview of Airport Compliance
and, the Airport Compliance Handbook
FAA Order 5190.6B.**



New Compliance Order

Overview: Objectives of New Order

- **Less reliance on institutional or personal knowledge**
- **Greater emphasis on detailed published guidance**
- **One stop shopping for compliance guidance, policy, and source documentation**



New Compliance Order

Objectives of New Order

- **Consolidating guidance into single document (with better appendix)**
- **Includes grant assurance references (revisions through March 2003)**
- **Organized by topic in accordance with Grant Assurances**



New Compliance Order

- Cites new law, policies and regulations that did not exist in 1989:
 - **New** law and Policy on Rates and Charges (1996)
 - **New** law and Policy on Airport Revenue (1999 & 2008)
 - **New** Part 16 Regulations (1996)
 - **New** Land Use Inspections (1999)
 - **New** ANCA and Part 161 Regulations (1990)
 - **New** Law on Airport Privatization
 - **More** Part 13.1 Complaint Process Info
 - Part 16 Determinations on website at:
<http://part16.airports.faa.gov>



New Compliance Order

Current Order

- 8 Chapters
- 8 Items in Appendix
- Restrictive on line searches – “paper based”
- Relies on “paper files” and personal knowledge
- Limited references, not self-contained

New Order

- 23 Chapters
- 28 Items in Appendix
- Appendix will be “e-based” (searchable) & easier for on line users
- Includes instructional materials for the “new employee”
- Improved guidance by referencing letters, documentation, graphs, pictures



New Compliance Order

Chapters

- Chapter 1 Scope and Authority
- Chapter 2 Compliance Program
- Chapter 3 Federal Obligations From Property Conveyances
- Chapter 4 - Federal Grant Obligations and Responsibilities
- Chapter 5 - Complaint Resolution
- Chapter 6 - Rights and Powers and Good Title
- Chapter 7 - Airport Operations
- Chapter 8 - Exclusive Rights
- Chapter 9 - Unjust Discrimination between Aeronautical Users
- Chapter 10 - Reasonable Commercial Minimum Standards
- Chapter 11 - Self-Service
- Chapter 12 - Review of Aeronautical Lease Agreements
- Chapter 13 - Airport Noise and Access Restrictions
- Chapter 14 - Restrictions Based on Safety and Efficiency Procedures and Organization
- Chapter 15 - Permitted and Prohibited Uses of Airport Revenue
- Chapter 16 - Resolution of Unlawful Revenue Diversion
- Chapter 17 - Self-sustainability
- Chapter 18 - Airport Rates and Charges
- Chapter 19 - Airport Financial Reports
- Chapter 20 - Compatible Land Use and Airspace Protection
- Chapter 21 - Land Use Compliance Inspection
- Chapter 22 - Releases from Federal Obligations
- Chapter 23 - Reversions of Airport Property



Grant Assurance Duration

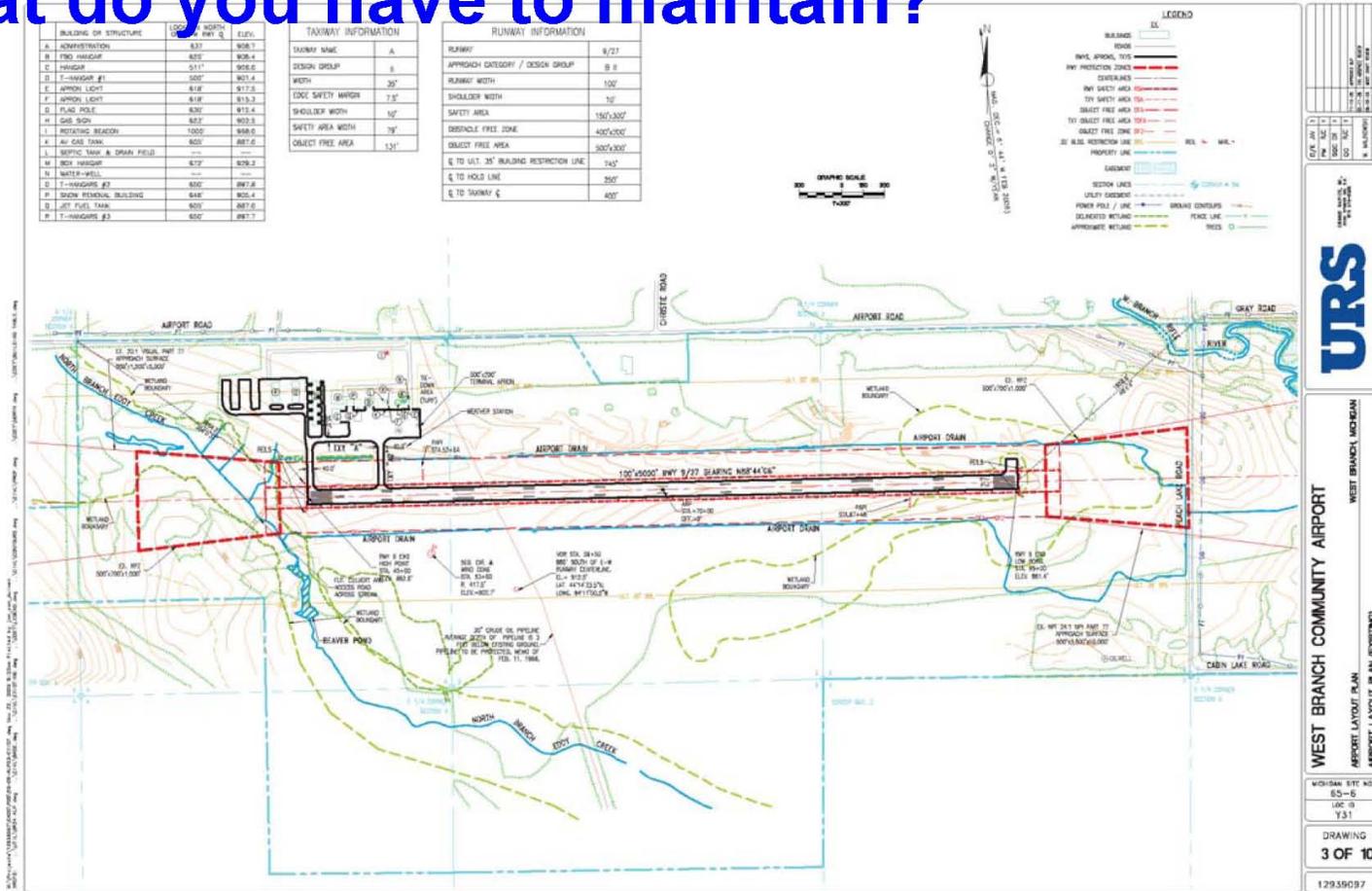
Public Sponsors

•Exclusive Rights, 23	No limit
•Airport Revenue, 25	No limit
•Real Property 4, 31, 35	No limit
•Assurances 1-3, 5-22, 26,29, 32-34, 36-39	Useful life not to exceed 20 years
•Planning	Life of project



Airport Operations

What do you have to maintain?



Airport Operations

What are the minimum requirements?

This applies to all airport facilities shown on the Airport Layout Plan (ALP) dedicated to aviation use by an instrument of transfer or federal grant agreement.

Essentially this means that the sponsor cannot discontinue maintenance of a runway or taxiway or any other part of the airport used by aircraft until the FAA formally relieves the sponsor of the federal maintenance obligation.





Airport Compliance: OVERVIEW

Wednesday February 22, 2012

Federal Aviation
Administration



Airport Operations

What are the minimum requirements?

- Issue NOTAM's for conditions that warrant
- Maintain a pavement preventive maintenance program
- Inspect Runways and Taxiways and common use areas frequently
- Maintain lighting and nav aids in safe and operable condition
 - Realign PAPI and VASI when necessary
- Maintain wind cones and segmented circles
- Inspect all drainage structures and drainage outlets



Airport Operations

What are the minimum requirements?

- **Snow Removal**

- If you have federally funded equipment you are expected to use it
- If you conduct snow removal operations you are expected to do it safely

(See AC 150/5200-C, Airport Winter Safety Operations)



Airport Operations

What are the minimum requirements?

- **Obstructions and Hazards**

- Must protect approaches by clearing, relocating, marking, lighting and mitigating airport hazards
- Sponsor must minimize wildlife attractants by keeping areas well drained and not creating areas that will attract wildlife
- Sponsor must protect their airport from incompatible land uses

- Landfills
- Residential



Airport Operations

What are the minimum requirements?

- Natural Disasters (Tornado, Earthquake, Hurricane, Flood)



Types of Temporary Closures

- **Hazardous Conditions**
- Aeronautical Events
- Nonaeronautical Events
- Partial Closure
- Limited Periods of Closure
- Total Closure



Aeronautical Events

- Air Shows
- Fly-ins
- Aviation Conventions/Open Houses

Events that PROMOTE Aviation



Aeronautical Events

- **Limit the period of the closure to the minimum time consistent with the activity**
- **Closure should be coordinated with tenants and well publicized in advance**
- **NOTAMs and markings**
- **No permanent obstructions/markings**
- **Plan for repairing any damage**
- **Sponsor is reimbursed for any additional costs incurred & should be mindful of its obligation to be self-sustaining**
- **Coordinate with FSDO, Air Traffic, TSA, etc.**



Air Shows

- **Require Certificate of Waiver or Authorization (FAA Form 7711-1)**
- **Must have a ground operations plan**
- **Must address numerous other issues such as guidelines, ARFF, public protection, fueling, etc.**



Non-Aeronautical Events

Policy

49 U.S.C. § 47107(a)(8)

“a proposal to close the airport temporarily for a non-aeronautical purpose must first be approved by the Secretary;”

Grant Assurance 19, Operation & Maintenance

“(the airport sponsor) will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.”



Temporary Closures for Non-Aeronautical Events

- **Car races/shows**
- **Radio controlled airplane events**
- **Fun runs/walks**
- **Concerts**
- **Festivals**
- **Rockets**



Non-Aeronautical Events

These events do not promote aviation!

Rarely will the FAA approve the total closure of an airport for a nonaeronautical event!!!



Non-Aeronautical Events

Is this a **NEW** policy?

**No! This has been the FAA's policy since
1961!**



Self-Service

- **Sponsor must allow an aircraft owner to perform their own:**

Maintenance

Repair

Fueling



- **Sponsor can impose reasonable rules:**

- Confining the use of hazardous materials to structures and areas able to meet environmental criteria
- Safe practices for fuel handling and storage
- Pay the same fuel flowage fees

Airport Revenue

- **Revenues paid to or due to the airport for the use of airport property.**
- **Also includes revenue from sale of property and resources and revenue from state and local taxes on aviation fuel.**



Airport Revenue

- Key points

- Revenue made at the airport must used to support airport
- Capital and Operating costs, Marketing, Lobbying, Attorney Fees, Central Services, and Repayment
- This grant assurance has no expiration



Review of Aeronautical Lease Agreements

- **FAA's interest in leases**
 - **Not required to be approved**
 - **Our review is to ensure compliance with grant assurances**
 - **Exclusive Rights**
 - **Term**
 - **Title**
 - **Escalation**
 - **Non-Discrimination**
 - **Subordination**
 - **Assignment Subletting**



Review of Aeronautical Lease Agreements

- **FAA's interest in leases**
 - **Contracts Involving an Entire Airport**
 - **Should be two separate and distinct agreements**
 - **Sponsor is still responsible**
 - **Sponsor must preserve control**
 - **Must be extremely careful not to grant an exclusive right**



Land Use Compliance Inspection

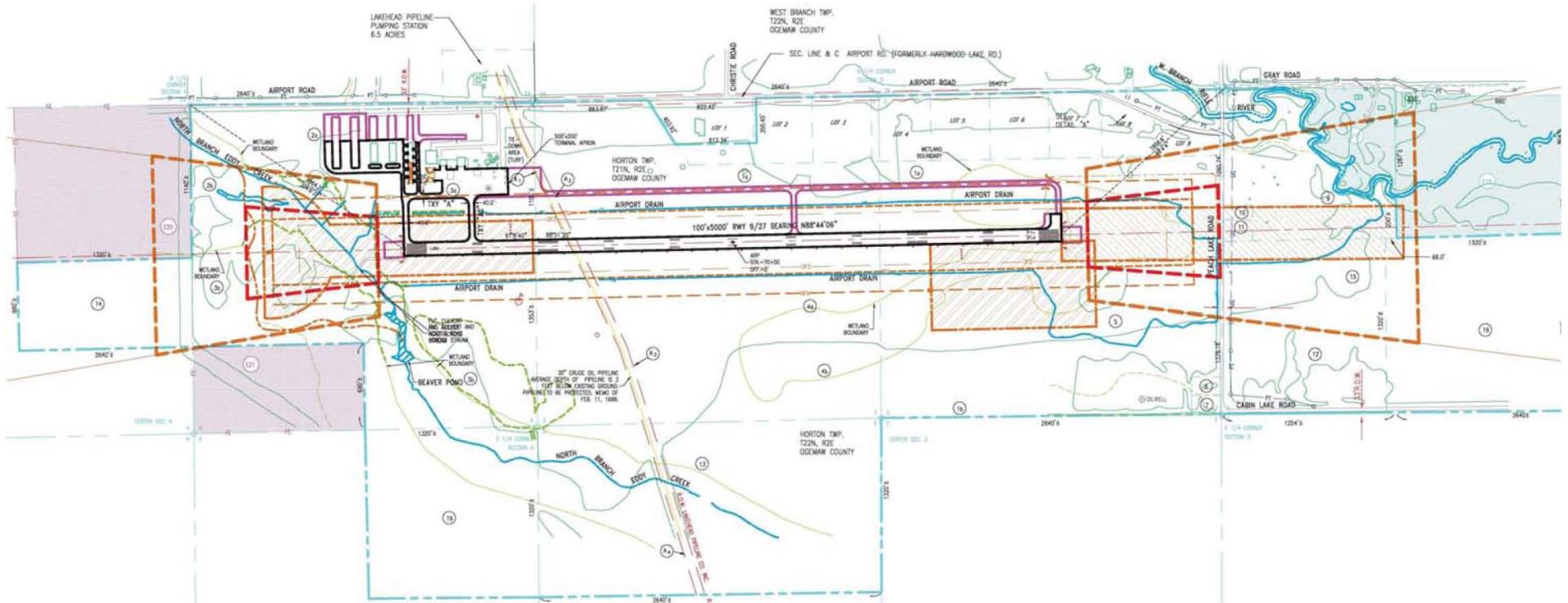
- 1999 Congress directed FAA to conduct
- **PURPOSE:**

The purpose of a land use inspection is to ascertain an airport sponsor's compliance with the terms of applicable Federal obligations incurred through grant agreements, surplus property, and non-surplus property conveyances dealing specifically with the **use of airport property**.

- Detroit ADO conducts at least one per year



What do we want to see?



EVERYTHING



Releases From Federal Obligations

- **Release” is defined as the formal, written authorization discharging and relinquishing the FAA’s right to enforce an airport’s contractual obligations.**
- **Concurrent Use of Aeronautical Property for Other Uses**
- **Interim Use of Aeronautical Property for Other Uses**
- **Release of property for from property for aeronautical use**
- **Disposals of Airport Real Property (sale)**



Concurrent Uses



These types of uses must be approved

For we would want to ensure compliance with distances in AC150/5300-13 Appendix 17

Is this allowed?

NO unless....

**A sponsor requests prior approval for
an interim non-aeronautical use.**



What type of uses?



Through the Fence Access

- Access granted to public airfield from private non-airport property.
 - Residential
 - Non residential



Through the Fence Access

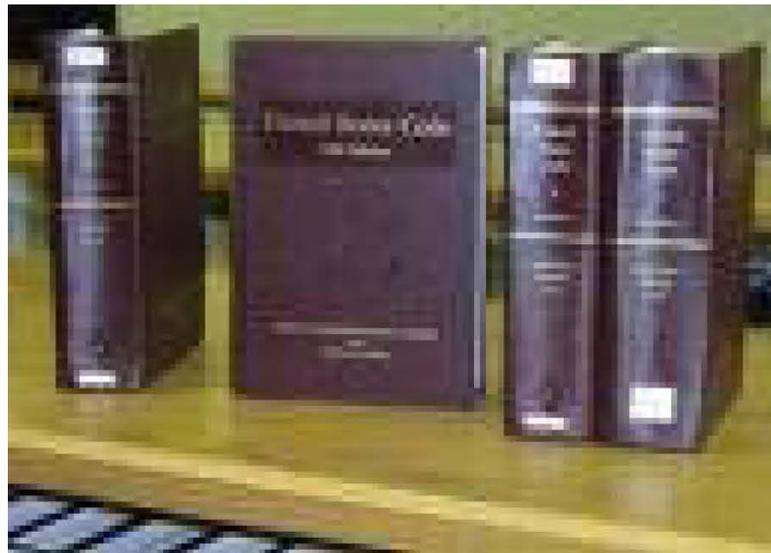
- An airport has **NO OBLIGATION** to permit **Through The Fence** access

It is discouraged by the FAA



Through the Fence Access

- **Can lead to violations of Federal Obligations**



Through the Fence Access

- **Economic Nondiscrimination**
- **Fee Structure/Self Sustaining**
- **Rights and Powers**
- **Exclusive Rights**



Through the Fence Access

- “If You Must” ...

Have an *Access Agreement*



Through the Fence Access

Access Agreement:

- **Subordinate to grant assurances**
- **Equalize on and off airport fees**
- **Off airport permittee is not protected by Federal Grant Assurances**
- **Have a limited term (expiration)**



Residential Through the Fence (RTTF)

FAA Reauthorization Bill has changed RTTF.

Stay Tuned!



Parachute Landing Areas – Not Always Welcome

- **FAA has received many informal and formal complaints from skydiving operators being denied access to federally funded airports.**
- **Airport sponsors have cited reasons of safety and/or efficiency as cause for denial of access.**
- **There are at least a dozen airports denying access to skydive operators.**



Restrictions Based on Safety and Efficiency Procedures and Organization

- Assurance 22 states that a sponsor will make its airport available to all types, kinds and classes of aeronautical activity. **Skydiving is considered an aeronautical activity.**
- Prohibitions and limits on activities are within a sponsor's proprietary power only to the extent that they are consistent with the obligation to not unjustly discriminate.



So what are we doing about it?

- **Developing FAA standards for parachute landing areas (PLA) on airports**
- **Developing a checklist that will be used by the ‘go team’ to evaluate whether a PLA can be sited on a particular airport**
- **Developing additional guidance to support the standards and checklist**



New Policy Under Development for Temporary Non-Aeronautical Airport Closures

To use a consistent and transparent decision making process using known factors derived from standardized submissions.

5 AREAS OF INTEREST:

- Impact to Aeronautical Use
- Risks and Liability
- Safety and Security
- Financial and Local Benefits
- Location and Use

Great Lakes Resource Bulletin 2012-01 Temporarily Closing an Obligated Airport for Non-Aeronautical Special Events



Airport Compliance Program

- **Commitments designed to protect the public's interest in civil aviation**
- **Ensuring Airport Airway Trust Fund investments serve their intended purpose**
- **AKA – “grant assurances” & “surplus property obligations”**



Resources

Airport Compliance Manual, FAA Order 5190.6B

http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/

For guidance contact

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