Compliance Basics

§ “Compliance” means compliance with the Grant Assurances.

§ Latest Grant Assurances are attached to the grant in 2014.
You and Your Grant Assurances

§ There are 39 of these assurances
§ Generally last 20 years for public sponsors
  (sometimes forever, useful life, or 10 years for private )
§ Airport Improvement Program “gives out” the money
§ Airport Compliance Program “oversees” the money
  ü Part 16 Complaints
  ü Inspections
  ü Other remedies
Grant Assurances

§ Grant Assurance #19 says you must use your airport as an airport

§ Grant Assurance #5 says you must preserve the airport, and not give away any rights

§ Grant Assurance #24 says you will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible

§ And the Revenue Use Policy requires you charge FMV for non aeronautical uses of airport property
Major Compliance Issue

§ Land Use (Aeronautical vs Non Aeronautical)
  § Land use inspections
  § Hangar Use Policy
§ Land Releases
  § Non Aeronautical land use
  § Interim use
  § Concurrent use
  § Disposal
So What is “Aeronautical”? [FAA Order 5190.6B, Appendix Z]

aer·o·nau·ti·cal ac·tiv·i·ty – any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations.
Aeronautical vs. Nonaeronautical

§ Aeronautical use
   § **Must** be on the airport to accomplish the activity.
   § Subject to reasonable charges.

§ Nonaeronautical use
   § Does **not** have to be on the airport to accomplish the activity.
   § Must charge fair market value for use of the airport.
Land Use

§ The airport is its own kingdom.
  § The airport land is NOT City/County land for any use.
  § The Exhibit “A” is the document that details what land is airport land. Check out the new Exhibit “A” SOP.

§ Check the airport layout plan for future of airport lands.
  § The vacant land could be for a future crosswind runway.

§ Airport property is DEDICATED to aeronautical uses.

§ Land use issues are the biggest reason airports are found in non compliance.
Land Use Inspections

§ In May 1999, the GAO released the report, “General Aviation Airports: Unauthorized Land Use Highlights Need for Improved Oversight and Enforcement”. This report highlighted the need for the FAA to increase its efforts to monitor airports for unauthorized use of land.

§ In response to this report, the FAA began conducting land use inspections at 18 selected airports each year, at least two in each of the nine FAA regions.

§ We do one inspection in Minnesota every other year.

§ In 2014 we inspected Southwest Minnesota Regional Airport.

§ The inspections are reported to Congress annually.
Federal Register clarifying hangar use was out for comment.
Comment period was extended to October 6, 2014
Over 2000 comments were received
www.regulations.gov
FAA-2014-0463
Land Releases

• Any property, when described in a grant or defined by an airport layout plan (ALP) or listed in the Exhibit “A” property map, is considered to be “dedicated” or obligated property for airport purposes. If any of the dedicated property is not needed for present or future airport purposes, a land release or concurrent use approval from the FAA is required.
But Don’t Forget

- Interim use does not exceed five years.
- A request to use aeronautical land for nonaeronautical purposes that exceeds three years should be subject to concurrent use guidelines.
- Capital improvements which may preclude recapture of the land on short notice means the use is not interim.

[FAA Order 5190.6B, 22.6]
Summary

• Preserve the airport land
• Read your grant assurances
• When in doubt call the ADO
Compliance Basics

• Questions?