

Airport Compliance

Hangar Use Assurances Land-Use Inspections

Presented to: TXDOT Airports Conference Attendees

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**Federal Aviation
Administration**



Hangar Use Policy

Sponsors should have a program to monitor use of hangars and take measures to prevent unapproved non-aeronautical use of hangars

- Sponsors should ensure that length of time on a waiting list of those in need of a hangar for aircraft storage is minimized.
- Incorporating provisions in leases to adjust rental rates to FMV for any non-incidental non-aeronautical use of the leased facilities
- FAA personnel conducting inspections may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aviation use

The FAA may disapprove an AIP grant for hangar construction if there are existing hangars at the airport being used for non-aeronautical purposes.



Hangar Use Policy Take-away

Hangars are designated aeronautical facilities

Hangars can be used for non-aeronautical purposes
Requires PRIOR approval from FAA

Sponsors must charge FMV for non aeronautical use

Items stored in hangars cannot impede the movement of aircraft into or out of the hangar

Regardless of ownership – hangars cannot be used as a residence (exceptions outlined in Final Policy)



Hangar Use Policy

Sponsor **may obtain FAA approval in advance** for interim use of a hangar for non-aeronautical purposes on a month-to-month leasing plan

- Requires FAA Approval **PRIOR** to non-aeronautical use
- Must charge FMV for non-aeronautical use
- Sponsor must have up-to-date Information on hangar usage including aeronautical/non-aeronautical/vacancies/waiting lists
- Procedures for accepting new requests for aeronautical use; and
- Assurance that facilities can be returned to aeronautical use within 30 days notice when there is renewed aeronautical demand for hangar space.



Hangar Use Policy

Policy FAQ's on FAA website:

- http://www.faa.gov/airports/airport_compliance/hangar_use/

FOR MORE INFORMATION

- **Contact your ADO**
- **Contact the Regional Airport Compliance Officer**
 - Gary Loftus gary.loftus@faa.gov (817-222-5671)



GRANT ASSURANCES

- **#2 Responsibilities and Authority of Sponsors**
- **#5 Preserving Rights and Powers**
- **#11 Pavement Preventive Maintenance**
- **#19 Operation and Maintenance**
- **#22 Economic Nondiscrimination**
- **#24 Fee and Rental Structure**



#2 Sponsor Responsibility/Authority

- **Legal authority to apply for grants**
- **Normally incurs all liabilities related to the airport**
 - Negligence – operations and maintenance
 - Safety related
 - Sets insurance rate requirements for tenants
 - Employs airport staff/manager



#5 Preserving Rights and Powers

“...the sponsor of a federally obligated airport will not take or permit any action which would deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor.”



#11 Pavement Preventive Maintenance

“...the sponsor assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.”



#19 Operations and Maintenance

“...the airport shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation”.



#19 Operations and Maintenance

Generally, airport sponsors are required to carry out a continuing program of preventive maintenance and minor repair activities which will ensure that airport facilities are at all times in a good and serviceable condition for use in the manner they were designed to be used.

FAA Advisory Circulars are an excellent source of information and guidance for determining proper maintenance techniques, frequency and procedures



#19 Operations and Maintenance

Compliance with the maintenance obligation is considered satisfactory when the airport sponsor:

- 1) Fully understands that airport facilities must be kept in a safe and serviceable condition.*
- 2) Adopts and implements a sufficiently detailed program of cyclical preventive maintenance that in the judgment of the FAA is adequate to carry out this commitment.*
- 3) Has available the equipment, personnel, funds and other resources including contract arrangements to effectively implement its maintenance program*



22 Economic Nondiscrimination

“...the sponsor will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial activities offering services to the public at the airport



22 Economic Nondiscrimination

Aeronautical Use – any activity which involves, makes possible or is required for the operation of aircraft or which contributes to or is required for the safety of such operations.

- 1) pilot training*
- 2) aircraft sales/storage*
- 3) parachuting*
- 4) ultralight vehicle operations*
- 5) aircraft repair*
- 6) sale of aviation petroleum products*



22 Economic Nondiscrimination

Most complaints are related to this assurance

- 1) Reasonable and not unjustly discriminatory*
- 2) Negotiate in good faith*
- 3) Rates and Charges (see #1), All leases should contain escalation clauses (periodic adjustments)*
- 4) Minimum Standards (reasonable rules)*
- 5) Self-Service*
- 6) Airport Proprietary Rights in lieu of FBO arrangement*
- 7) May limit any type/kind of Aeronautical Use (process)*



24 Fee and Rental Structure

The airport sponsor 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 under the circumstances existing at the airport, taking into account such factors as the volume of traffic and economy of collection.



What is FAA looking for when there is a compliance issue?

1. The obligations are fully understood
2. A program is in place which, in FAA's judgment, is adequate to reasonably carry out these commitments
3. The sponsor satisfactorily demonstrates that the program is being carried out
4. Past compliance Issues have been addressed



What is the FAA response to airports not in compliance?

1. Insure sponsor fully understands obligations.
2. A program is in place which, in FAA's judgment, is adequate to meet these commitments.
3. The sponsor satisfactorily demonstrates that the program is being carried out.
4. Warning – (at time of visit and follow-up letter)
5. Pending Noncompliance – in danger of losing funding.
6. Noncompliance – Federal level decision, could elevate to this status anytime. Funding stopped.



Land Use Inspection

1. Mandate by Congress to inspect airports receiving federal funding.
2. Total review of all Land Use – maps/files/Ex A.
3. Review of ALP, all conveyance deeds.
4. Comparison evaluation of current vs old ALP.
5. Review all land acquisition & release documents.
6. Review all leases.
7. Land use compatibility.
8. Reports/follow-up/FAA HQ/Congress



For more information

- **Visit the websites**
 - FAA Airport Compliance Website -
http://www.faa.gov/airports/airport_compliance
- **Contact your Airport Planning representative at TXDOT**
- **Contact the Regional Airport Compliance Officer**
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Compliance Handbook: FAAO 5190.6B
faa.gov/airports/airport_compliance

