Compliance Basics, Hanger Use, Abandoned Aircraft, Unmanned Aerial Systems
Airport Compliance

- Grant assurances are part of every project involving federally funding for NPIAS airports

- State funding for TASP only – non NPIIAS airports has parallel grant assurances

- Airport owners (sponsors), tenants, and users have rights and obligations

- FAA Order 5190.6B (September 30, 2009) grant assurances is guiding document
The 39 Grant Assurance Obligations

FEDERAL AIP GRANT ASSURANCES
The following list identifies the topics covered by the 39 standards (See Appendix 3 for a more complete and textual description):

1. General Federal Requirements
2. Responsibility and Authority of the Sponsor
3. Sponsor Fund Availability
4. Good Title
5. Preserving Rights and Powers
6. Consistency with Local Plans
7. Consideration of Local Interests
8. Consultation with Users
9. Public Hearings
10. Air and Water Quality Standards
11. Pavement Preventive Maintenance
12. Terminal Development Prerequisites
13. Accounting Systems, Audit, and Record Keeping
14. Minimum Wage Rates
15. Veteran’s Preference
16. Conformity to Plans and Specifications
17. Construction Inspection and Approval
18. Planning Projects
19. Operation and Maintenance
20. Hazard Removal and Mitigation
21. Compatible Land Use
22. Economic Nondiscrimination
23. Exclusive Rights
24. Fee and Rental Structure
25. Airport Revenue
26. Reports and Inspections
27. Use by Government Aircraft
28. Land for Federal Facilities
29. Airport Layout Plan
30. Civil Rights
31. Disposal of Land
32. Engineering and Design Services
33. Foreign Market Restrictions
34. Policies, Standards, and Specifications
35. Relocation and Real Property Acquisition
36. Access by Intercity Buses
37. Disadvantaged Business Enterprises
38. Hangar Construction
39. Competitive Access

You as the sponsor are obligated to follow grant assurances in your TxDOT contract for federal and state funds.
ATTACHMENT C

Part V ASSURANCES Airport Sponsors March 2011

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.

2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.

3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.
How Long Am I Obligated?

• Most contracts for improvements (runways, taxiways, lights, etc.) are for 20 years.

• Certain land grant or purchase agreements / contracts run as long as the land is part of the airport.
FAA / TxDOT Enforcement

- There is an informal resolution process, no formal paperwork, arbitrate between the parties by FAA compliance office.
- **FAR part 13** describes rules of practice to investigate alleged violations – this is an informal but documented process.
- **FAR part 16** is the formal process – sometimes leads to formal legal determination by the FAA Administrator.

*Airport sponsors that do not meet compliance standards can lose future federal or state funding*
So, What if I Have a Problem?

- If you cannot resolve an issue concerning grant assurances, consider the following:
  
- Contact TxDOT planning for compliance questions. FAR Part 13 determination starts with written comments from the sponsor, tenant, or concerned citizen.
  
- We ask for as many of the facts concerning the issue as possible and what end results are desired…
So, What if I Have a Problem?

- TxDOT, for state compliance issues and as an agent for the FAA for federal compliance, will review, research, meet, discuss, etc. and issue a finding in writing to the interested parties.

- Issues of disagreement between parties which do NOT involve compliance are usually local issues. TxDOT will render any assistance but will not use the Part 13 process – only advise.
So, What if I Have a Problem?

• TxDOT / FAA compliance represent the interest of the public money invested. TxDOT and the FAA airport development and compliance offices will assist the sponsor and tenants equally in resolving compliance concerns.

• TxDOT and the FAA ADO have a partnership with the sponsor for airport development however in compliance disputes TxDOT must treat all parties equal in resolving the issue.
So, What if I Have a Problem?

- When a determination is given by TxDOT, either the sponsor or other party(s) may ask for a second FAR part 13 review or file for a formal determination under FAR part 16.

- The process for grant assurance compliance is one of advise and consent by TxDOT and the FAA ADO. When reviewing an issue, TxDOT and the FAA will define the intent and limits for compliance to the parties involved rather than dictate exactly what steps the sponsor or other party need to take. Most compliance issues have several possible acceptable solutions.
The Assurances

Of the 39 assurances, generally those that require day-to-day management include:

4. Good title
5. Preserving Rights and Powers
11. Pavement Preventive Maintenance
13. Accounting, Audit, Record Keeping
19. Operations and Maintenance
21. Compatible Land Use
22. Economic Nondiscrimination
23. Exclusive Rights
24. Fee and Rental Structure
Assurance 19, Operations and Maintenance

Maintaining the infrastructure – RAMP funds are a good way to keep up.

Temporary Airport Closures – may be permitted under certain circumstances – build out or repair / temporary obstructions / aeronautical activity events with FAA concurrence.

Airspace Evaluation – oeaaa.faa.gov web site is the process for construction on the airport or within 20,000* feet of the closest runway.
Sponsor must make the airport available for aeronautical activity. All parties seeking to provide aeronautical services must be reasonably accommodated. Rates and fees need NOT be exactly equal among all tenants – if Sponsor can show a sound accounting principle for differences – examples:

- Prime vs. secondary locations for FBOs
- Airport-based aeronautical services vs. “drive-on” operators
**Assurance 23, Exclusive Rights**

Sponsor may not mandate any tenant or transient purchase fuel, supplies, or services from the Sponsor run operation or any tenant service provider.

Sponsor may exercise a **Proprietary Exclusive Right** to be the sole provider of services on their airport; this right may NOT be contracted out or sublet.

Sponsor may not permit one tenant to lease or tie up all airport property – Sponsor must respond to a request to lease space or property on the airport in a timely manner – otherwise this is a form of exclusive right.
Assurance 24, Fee and Rental Structure

Rates – sponsor needs to structure rates to adjust for inflation & costs. FAA recommends 5 year adjustment minimum.

Lease Duration, Sponsor owned Structures – FAA recommends 20 years maximum, often month-to-month

Lease Duration, Ground Lease Only - Only of sufficient duration to amortize tenant’s cost of the structure. FAA discusses up to 30 years (GA 38)

Reversion of Property – tenant titles property to sponsor at the end of term – NOT required by law or GA, but can be a good business move in some cases
Guideline for Sponsors - Airworthiness / Aeronautical Activity

02/13/2013 supersedes all previous

What is aeronautical activity?

Synopsis: For an aircraft to be safe for flight ("flyable aircraft") involves three considerations:

1. Correct and valid certificates, documents, and equipment, in the aircraft or available (see attachment one for a full list).
2. An annual or condition or progressive maintenance inspection completed and released by an appropriate authority that the aircraft is in a condition safe for flight.
3. A determination by the pilot in command that the aircraft is in a condition safe for flight.

(Note: ultralight aircraft operating within the limits of FAR 103 have no certificates, maintenance, or record keeping required by the FAA. FAR 103 ultralights are aeronautical activity and may operate on public use airports)
Aeronautical activity defined - any of the following - 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. Activities within this definition, commonly conducted on airports, include, but are not limited to, the following:

TxDOT considers permanent or long term residence on airport property as non aeronautical use and the sponsor must take steps to move this person off of airport property. If the privately owned hangar owner or tenant does not exceed the limits given here or the definition of residential property given above, and the hangar is used 85% or more (determined by square footage) for aeronautical activity, then this become a local issue for the city or county to regulate this non aeronautical activity. If a privately owned hangar meets the "non-permanent residence" and "85% guideline" for aeronautical activity then any additional non aeronautical use of the hangar that is within local sponsor guidelines usually means this hangar meets the test for aeronautical activity.
Abandoned Aircraft

Texas Transportation Code, Chapter 22, County and Municipal Airports
SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 22.901. DISPOSAL OF ABANDONED AIRCRAFT. (a) A local government that is unable to determine the ownership of an aircraft that has been located for more than 90 days at an airport owned by the local government may petition a district court for the county in which the aircraft is located to determine the ownership of the aircraft if: the local government has provided notice in the same manner as provided by Section 683.012 for notice of an abandoned motor vehicle

TRANSPORTATION CODE, TITLE 7. VEHICLES AND TRAFFIC
SUBTITLE H. PARKING, TOWING, AND STORAGE OF VEHICLES
CHAPTER 683. ABANDONED MOTOR VEHICLES
SUBCHAPTER B. ABANDONED MOTOR VEHICLES: SEIZURE AND AUCTION

Sec. 683.012. TAKING ABANDONED MOTOR VEHICLE INTO CUSTODY: NOTICE.
The Aviation Division helps cities and counties to obtain and disburse federal and state funds for reliever and general aviation airports. Included in the 300-airport Texas Airport System Plan (TASP), the division also participates in the FAA State Block Grant Program, through which it implements a federal improvement program for general aviation airports. The division operates a fleet of state-owned aircraft for the transportation needs of state officials and employees.

David Fulton serves as director. Contact us with questions or comments.

Projects and Funding
- Aviation Projects
- Aviation Capital Improvement Program
- Routine Airport Maintenance Program (RAMP)
- Airport Pavement Management Program

Airports
- Texas Airport System Plan
- Texas Airport Directory
- Airport Rules and Standards
- Guidebook for Managing Small Airports
- Guideline for Sponsors - Living Areas in Hangars
- Guideline for Sponsors - Use of Hangars on Public Airports

Flight Information
- Flight Sharing

Outreach
- Texas Aviation Advisory Committee
- 2013 Aviation Art Contest
- Wingtips Newsletter
- Adopt-an-Airport

Resources
- FAA Report - General Aviation Airports: A National Asset

31st Annual Aviation Conference
- Registration
- Agenda
FAA places UAS in three categories:

1. **Public** (government agency) **aircraft**
2. **Civil aircraft**
3. **Model aircraft** – registered, not regulated, may **not** be for commercial purposes.

<table>
<thead>
<tr>
<th>Hobby or recreation</th>
<th>Not hobby or recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flying a model aircraft at the local model aircraft club. Taking photographs with a model aircraft for personal use.</td>
<td>Receiving money for demonstrating aerobatics with a model aircraft.</td>
</tr>
<tr>
<td>Using a model aircraft to move a box from point to point without any kind of compensation. Viewing a field to determine whether crops need water when they are grown for personal enjoyment.</td>
<td>A realtor using a model aircraft to photograph a property that he is trying to sell and using the photos in the property’s real estate listing.</td>
</tr>
<tr>
<td></td>
<td>A person photographing a property or event and selling the photos to someone else.</td>
</tr>
<tr>
<td></td>
<td>Delivering packages to people for a fee.</td>
</tr>
<tr>
<td></td>
<td>Determining whether crops need to be watered that are grown as part of commercial farming operation.</td>
</tr>
</tbody>
</table>
NPRM 2015-0150 - UAS Ops

New FAR 107 Proposed:

• **Limits**: < 55 lbs / day VFR (3 SM viz) / unaided visual line of sight only / one UAS per operator / max 100 knots* / controlled airspace requires ATC permission / operator stationary (except on water) / preflight required / may NOT operate over persons except crew / TSA must “vet” operator / operator required to hold FAA issued operators permit / operator must pass knowledge test every 24th month / minimum age 17 / any accident must be reported within 10 days to FAA
• **UAS Requirements:** Airworthiness cert NOT required / FAA registration IS required / N number must be displayed largest possible

• **Microlight Category:** mUAV - max 4.4 lbs, 400’ AGL / may operate over persons in class G / operator would self-certify knowledge test areas – **ARC formed 2/2016.**

• **Model Aircraft:** Part 107 rules would NOT apply to model aircraft as defined / FAR 101 (balloons, rockets) to be modified to prohibit endangering NAS
**UAS – Bottom Line**

- UAS that are registered or operating on a Certificate of Authorization ARE aeronautical activity BUT to operate from or over your airport, specific authority to do so must be issued by the FAA.

- Model aircraft are NOT aeronautical activity relative to your airport and may only operate from the airport under special circumstances (open day, air show, etc.) – However, current law provides model UAS need only advise the airport management to operate within 5 miles of the airport........
FAA revising policy for hangar use on publically funded airports
If principal use is aeronautical activity, then other limited use permitted

Only final assembly of aircraft will be permitted
May not reside in hangar

Comment period closed October 4, 2014 – final rule date unknown

regulations.gov – search FAA-2014-0463
Airport Compliance

• Questions?

• Comments?

• Good Ideas?