



Federal Aviation Administration

Memorandum

Date: July 1, 2014

To: Regional Airport Division Managers, Airports District Office Managers, and Regional Compliance Specialists

From: Manager, Airport Compliance Division, ACO-100

Subject: ACTION: Compliance Guidance Letter 2014-01
**Procedures for Accepting and Investigating
14 CFR Part 13 Informal Complaints Alleging Violations of
Grant Assurance Obligations and Surplus Property Deed
Restrictions**

This Compliance Guidance Letter (CGL) sets forth FAA guidance for investigating and addressing compliance matters brought to the attention of Region/Airport District Office (ADO) personnel under *FAA Investigative and Enforcement Procedures*, 14 CFR § 13.1 (Part 13 or Informal Complaint Process). This CGL will focus on the process for investigating complaints alleging violations of grant assurance obligations and surplus property deed restrictions.

I. RESPONSIBILITIES

FAA Airports District Offices (ADOs) and Regional Airports Offices receive and investigate Part 13.1 Informal Complaints.¹ The Region/ADO shall attempt to resolve the issue(s) through the Part 13.1 Informal Complaint process, but will not issue a final agency decision. Only a 14 CFR Part 16 Formal Complaint filed through the Office of the Chief Counsel, or an agency initiated notice of investigation under Part 16, subpart D, may lead to a final agency decision subject to judicial review.

FAA Rules of Practice for Federally-Assisted Airport Proceedings, 14 CFR Part 16 (Part 16), is the process available to directly and substantially affected complainants seeking a final agency decision. The FAA Airports Compliance Division, ACO-100 conducts investigations under Part 16. These enforcement procedures were published in the Federal Register (61 Fed. Reg. 53998, October 16, 1996) and became effective on December 16, 1996.

¹ For the purposes of this CGL, state block grant program participants must implement the same actions as an FAA Airport District Office (ADO).

II. SCOPE

The informal complaint process is available for reporting statutory, safety, and regulatory violations to the Region/ADO. In addition, the FAA uses the informal complaint process to investigate allegations of an airport sponsor's violation of a federal obligation. An airport sponsor's federal obligations are outlined in various obligating documents such as grant agreements and surplus property deeds.

A. The Authority to Revoke, Deny or Withhold Airport Improvement Program Grants

Any request to suspend grant payments or withhold Airport Improvement Program grants as a result of a compliance action under Part 13 informal complaints or Part 16 formal complaints must be submitted to ACO-1 along with the appropriate documentation for concurrence. The documentation must include a description of the violation, and any action taken by the respective field office to bring the sponsor into compliance. ACO-1 will review the request in consultation with the respective Airports Division Manager and, ACO-1 will make a recommendation on the withholding of grant funds to the Director of Airport Planning and Programming (APP-1). APP-1's decision to withhold grant funds should be noted on ACO's Airports Grants Watch List.

B. 14 CFR § 13.1 Reports of Violations – The basis for FAA Region/Airports District Office personnel responding to reports of airport-related compliance matters is contained in *FAA Investigative and Enforcement Procedures*, 14 CFR §13.1 (Part 13):

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, as amended, the Hazardous Materials Transportation Act relating to the transportation or shipment by air of hazardous materials, the Airport and Airway Development Act of 1970, the Airport and Airway Improvement Act of 1982, the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or any rule, regulation, or order issued thereunder, should report it to appropriate personnel of any FAA regional or district office. [These statutes are now codified at 49 U.S.C. 40101, et seq., and 49 U.S.C. 47101, et seq.]

(b) Each report made under this section, together with any other information the FAA may have that is relevant to the matter reported, will be reviewed by FAA personnel to determine the nature and type of any additional investigation or enforcement action the FAA will take.

III. INFORMAL COMPLAINT EVALUATION PROCESS

A. General – Any allegation of a violation received by the Region/ADO shall be investigated under the rules prescribed by 14 CFR § 13.1. The Region/ADO will review each report of violation to determine whether the issues are within the

scope of FAA jurisdiction². If the Region/ADO's investigation determines that the airport sponsor may be in violation of a Federal law, regulation, or binding obligation, the Region/ADO will take appropriate action to bring the airport sponsor voluntarily into compliance before asking ACO-100 to initiate enforcement action. Conversely, if the investigation does not substantiate the allegation, then the parties will be advised that the complaint warrants no further FAA action. However, in either case, the complainant and the airport sponsor must be notified of FAA's initial conclusion(s).

B. Target Evaluation Period – Regions/ADOs are strongly encouraged to review, investigate and conclude each complaint within 120 days from receipt of the complaint. However, extenuating factors such as time required to obtain additional factual information, the complexity of the allegations, the need to coordinate with other offices within the FAA, and office workload requirements, etc. may preclude the investigating office from meeting this target deadline. Regions/ADOs are strongly encouraged to track and document the time needed to investigate and close informal complaints in writing.

C. Investigative Actions

1. Receipt of Complaint. The ADO, or, in some cases, the Regional Office, receives the complaint. Complainants are encouraged to initiate their complaints in writing. A telephone conversation may not capture all the details of the allegations. Investigating offices may use Sample Letter 1 and the recommended attachments at Q: National\ACO-100...to advise potential complainants about the Part 13.1 process.

The complaint should:

- a. Clearly identify the airport sponsor against which the allegations are made.
- b. Clearly identify the specific assurance(s)/surplus property deed restrictions alleged to have been violated.
- c. Provide a comprehensive, detailed description of the actions and/or inactions taken by the airport sponsor which result in the alleged violation.
- d. Provide, issue-by-issue, supporting arguments, information and documentation.

Complaints which are vague, lack the information specified above, or raise issues outside the scope of the Part 13.1 process should be returned to the complainant with a request for clarification and/or the additional information needed to initiate an investigation.

Complainants should be discouraged from filing complaints on behalf of another party. The complaint should come from the person directly affected

² See FAA Order 5190.6B, Chapter 2. Compliance Program.

by the airport sponsor's action/inaction. Third-party complaints may be inconclusive when the complaint alleges unreasonable or economic discrimination by the sponsor in business negotiations. Only third-party complaints alleging violations of 49 CFR §§ 23 and 26, related to civil rights cases may be pursued under the formal complaint process outlined under 14 CFR Part 16. Third-party complaints alleging any other violations are automatically dismissed under 14 CFR Part 16.

Complainants may request anonymity during an informal investigation. While the FAA will make every attempt to honor a complainant's request for anonymity, this may preclude the FAA from conducting a full investigation. Moreover, depending on the facts, the complainant's identity could be obvious to the airport sponsor.

2. Complaint Acknowledgement. Upon receipt of a complaint meeting the requirements outlined above, the investigating office must acknowledge its receipt to the complainant. Investigating offices may use Sample Letter 2 at Q:\National\ACO-100...to acknowledge receipt of the complaint. Complaints which are vague, lack the information specified above, or raise issues outside the scope of the Part 13.1 process should be returned to the complainant with a request for clarification and/or the additional information needed to initiate an investigation.
3. Review of the Allegations. The investigating office identifies the issues in the complaint that require investigation. Issues identified for investigation must fall within the scope of 14 CFR § 13.1. The investigating office should identify:
 - a. The applicable grant assurances and/or surplus property deed restrictions;
 - b. Applicable guidance contained in FAA Order 5190.6B, Airport Compliance Handbook; and
 - c. Similar complaints investigated under 14 CFR Part 16.
4. Notify the Airport Sponsor. Once the initial review is done by the investigating office, the airport sponsor should be notified of the complaint and asked to respond to each allegation. See Sample Letter 3 at Q:\National\ACO-100.... The investigating office should include a copy of the complainant's package as an enclosure to this letter. A copy of the complaint notification letter should be sent to the complainant. If the complainant has requested anonymity, do not include a copy of the complaint as an enclosure.

The Complaint Notification letter should request the airport sponsor to respond within 15 to 30 days from the date of the letter, depending on the urgency and/or complexity of the complaint.

5. Airport Sponsor Responds to the Complaint. The airport sponsor may:

- a. Request an Extension –The airport sponsor may request additional time to respond to the complaint in order to gather information (copies of leases, correspondence, minimum standards, etc.). Other factors such as staffing, unplanned events, etc. may affect the sponsor’s ability to respond. Any extension request must be submitted in writing by the sponsor to the FAA via email or hardcopy. When granting extensions of time, FAA staff should ensure the airport sponsor is aware of the need to respond in a timely fashion and avoid open-ended or unclear deadlines.
- b. Request a Meeting – In some cases the airport sponsor may request a meeting with the FAA to explain and resolve the allegations. Prior to the meeting date, ask the airport sponsor for a list of attendees. If the airport’s attorney will be present, advise the Regional Counsel’s office and determine if Regional Counsel should attend.
- c. Request Additional Information – The airport sponsor may contact the investigating office to request additional information or clarify the FAA’s expectations about the sponsor’s response. FAA staff will encourage the airport sponsor to respond to the complaint, in writing, in a timely fashion.
- d. Respond to the Complaint – The airport sponsor submits a timely written response to the investigating office with supporting documentation if requested or if necessary to investigate the complaint (leases, minimum standards, airport rules and regulations, correspondence, etc). The sponsor addresses each issue raised in the complaint.

6. Investigation. The investigating office should review the airport sponsor’s response and its obligating documents (such as grant agreements and surplus property deeds). The role of the investigating office is to separate the facts from any unsubstantiated allegations. To do this, the investigating office may take the following action(s):

- a. Site Visit – The investigating office may conduct an on-site airport visit (compliance inspection) to collect evidence or investigate allegations. The FAA may or may not notify the airport sponsor prior to conducting a site visit, depending on the complexity or sensitivity of the case.³ Site visits can be used to verify:
 - o That the sponsor is properly maintaining the airport, specifically:

³ In some cases, the investigating office may opt to initiate a site visit prior to notifying the airport sponsor of the complaint. Complaints which might warrant an immediate site visit without prior notice to the sponsor include allegations involving safety issues, misuse of AIP-funded equipment, potentially unsafe conditions, or fraud.

- Pavement condition
 - Markings
 - Lighting
 - Signage
 - Snow Removal Equipment (SRE) is being used for its intended purpose to clear snow.
 - General inconsistency with the Airport Layout Plan (ALP).
 - Appropriate aeronautical use of aeronautical facilities.
 - General attitude toward compliance matters.
- b. Discussions with the Parties – If the facts provided by the parties vary greatly, the investigating office may discuss this with the parties, separately or jointly, in order to establish the facts of the case.
- c. Obtain Additional Evidence – If specific statements made by a party lack clarity or supporting documentation, the investigating office may contact that party by letter or email to obtain additional evidence. Some complaints may require the investigating office to coordinate with the local Flight Standards District Office or regional Air Traffic Organization office to conduct a safety assessment of a proposed aeronautical activity at the airport.
- d. Mediation – In some cases, the investigating office may be able to assist the parties in resolving their dispute. If the facts do not support the allegations of noncompliance and the investigating office is able to identify possible options that might resolve the complaint in a manner that is satisfactory to both parties and consistent with the sponsor’s federal obligations, the investigating office may mediate the complaint or encourage parties to seek an independent outside mediator. Mediation should be conducted by someone with specific mediation training and/or experience.

D. Standard of Compliance - FAA Order 5190.6B, Airport Compliance Handbook, provides the standard of compliance to be used when investigating allegations of grant assurance violations. This is defined at ¶2.8.b:

A sponsor meets its commitments when:

- (1). The federal obligations are fully understood;
- (2). A program (e.g., preventive maintenance, leasing policies, operating regulations, etc.) is in place that the FAA deems adequate to carry out the sponsor’s commitments;
- (3). The sponsor satisfactorily demonstrates that such a program is being carried out; and,
- (4). Past compliance issues have been addressed.

E. Conclusion - Upon completion of the investigation, the investigating office will notify the parties of the conclusions reached by the FAA.

1. Compliance Dismissal Letter. If the investigation concludes that no further FAA action is warranted, the investigating office will send a Compliance Dismissal Letter. See Sample Letter 4 at Q:National\ACO-100....
2. Notice of Potential Noncompliance. If it appears that the airport sponsor may be violating its federal obligations, the investigating office will send a notice of potential noncompliance. This letter identifies potential violation(s), requests the airport sponsor take specific corrective action(s), and specifies a timeline for the corrective actions. See Sample Letter 5 at Q:National\ACO-100....

When applicable, the Compliance Dismissal Letter or Notice of Potential Noncompliance should address each allegation in the following format:

- a. Issue – State the issue or allegation raised in the complaint.
- b. Relevant Grant Assurance – Identify the applicable grant assurance and/or law. Outline any relevant FAA policies that might be applicable.
- c. Analysis – Discuss how the issue or allegation is supported or not supported by the facts of the case. Discuss whether the actions and/or inactions of the airport sponsor are consistent with their obligations and relevant FAA policies.
- d. Conclusion – State the investigating office’s conclusions with regard to the specific issue or allegation. State whether or not the airport sponsor may be in compliance with its obligations.

The Compliance Dismissal Letter or Notice of Potential Noncompliance must be read for clarity, content, facts and form.

Clarity. If any section is confusing to a second-party, that section must be revised to make it easily understandable upon a first reading.

Content. If the signer/reviewer is not convinced that the argument supports the findings, the language and facts presented will need to be strengthened. If it is not possible to make a stronger case for the conclusion drawn, the investigating office should review the findings with the Regional Compliance Specialist or ACO-100 to discuss whether a different conclusion should be drawn from the relevant facts.

Facts. Any quotes or dates should be supported with material facts and specific location.

Form. You may deviate from the basic format recommended in CGL, but be able to capture the important segments.

All Compliance Dismissal Letters and Notices of Potential Noncompliance should state that this is not a final agency decision subject to judicial review. It should also state that the complainant may file a formal complaint under 14 CFR Part 16 to pursue a final agency decision appealable to the courts of appeals.

IV. COMPLIANCE STATUS

A. General – The FAA uses the following types of compliance status to describe an airport sponsor’s efforts in meeting its federal obligations.

1. Compliance – The airport sponsor is meeting its federal commitments.
2. Conditional Compliance – The airport sponsor has been notified of compliance deficiencies and is willing to undertake corrective action within a timeframe the FAA determines to be appropriate based on the situation at that airport.
3. Pending Noncompliance – The airport sponsor has been placed in conditional compliance and the timeframe provided to undertake corrective action has expired, or, the airport sponsor refuses to take corrective action after being notified of conditional compliance. . The ADO and/or Regional Office must notify ACO-100 prior to describing an airport sponsor as pending noncompliance.

ACO-100 may recommend the ADO and/or Regional Office:

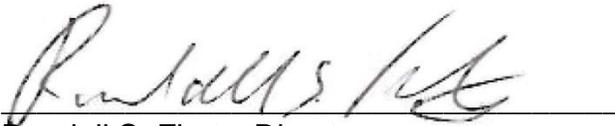
- a. Enter a high risk entry on the System Of Airport Reporting (SOAR) to elevate the risk level. This action may be taken by the ADO Manager or Project Manager.
 - b. Withhold review of an application for discretionary funding.
4. Noncompliance – The FAA has made a formal finding regarding compliance deficiencies through the issuance of a Director’s Determination, Final Agency Decision, or Hearing in accordance with 14 CFR Part 16. The FAA is withholding further federal financial assistance. Only ACO-100 may find an airport sponsor to be in noncompliance and default.

B. Airports Grants Watch List – ACO-100 will update and maintain the Airports Grants Watch List. This report shall identify the airport sponsors identified as conditional compliance, pending noncompliance, and noncompliance and default.

V. STALE COMPLAINT

An Informal Complaint that has been inactive for two or more years is considered stale. Any complainant who lacks the interest or abandoned their complaint is recognized as a stale complaint. Stale complaints may be archived or discarded with no follow-up. The Office of the Chief Counsel will not docket stale complaints for formal review under 14 CFR Part 16 unless the complainant can demonstrate recent substantial and

reasonable good faith efforts to resolve the disputed matter informally, and that there appears no reasonable prospect for timely resolution of the dispute.

A handwritten signature in cursive script, appearing to read "Randall S. Fiertz", written over a horizontal line.

Randall S. Fiertz, Director,
Office of Airport Compliance and Management Analysis

REFERENCES AND RESOURCES

- 14 Code of Regulations § 13.1, *FAA Investigative and Enforcement Procedures*
- FAA Order 5190.6B, *Airport Compliance Manual*, September 30, 2009
- Advisory Circular 150/5190-6, *Exclusive Rights at Federally Obligated Airports*
- Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*
- Notice of Policy and Procedures Concerning the Use of Airport Revenue (64 Fed. Reg. 7696; February 16, 1999)
- Grant Assurances:
http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf
- Airport Compliance Website: http://www.faa.gov/airports/airport_compliance/
- Part 16 Case File Search:
<http://part16.airports.faa.gov/index.cfm?page=CaseFileSearch.cfm>

Probable Part 13.1 Report
Preemptive Acknowledgment & FAA Procedural Advice

Dear Mr./Ms. Probable Complainant:

We understand that you believe **[Airport Sponsor]**, *owner and/or operator of [Federally Obligated Airport]* is not operating the airport in a manner consistent with the applicable federal obligations. This letter provides general information regarding the Federal Aviation Administration's (FAA) informal complaint process.

Before providing federal assistance for airport development, the FAA must receive certain assurances from the airport sponsor. A copy of the currently effective standard grant assurances is enclosed. Upon acceptance of an airport improvement grant by an airport sponsor, these assurances become a binding consensual obligation between the airport sponsor and the federal government. These assurances define the scope of the FAA's jurisdiction with respect to airport-related matters.

We recognize that individual airport users and airport operators may view these grant assurances differently. In many cases, airport users and airport sponsors can work together to identify a solution which is consistent with the sponsor's federal obligations and acceptable to both parties. In an effort to help you resolve your differences in a manner consistent with the applicable grant assurances and without direct FAA involvement, a summary of airport sponsors' and airport users' rights and responsibilities is enclosed.

When a difference of opinion between an individual and an airport sponsor regarding the latter's federal obligations cannot be resolved locally by the parties, the individual has the right to report his/her concerns to the FAA. All informal reports of alleged violations received by the FAA are addressed in accordance with 14 Code of Regulations § 13.1, *Reports of violations*. A copy of the applicable section of this regulation is enclosed.

Informal reports of alleged violations are primarily addressed through the FAA's review of written submissions. Therefore reports must:

1. Clearly state each alleged violation;
2. Identify the specific grant assurance(s) perceived to have been violated;
3. Provide a comprehensive, detailed description of the alleged violation, including the actions and/or inactions taken by the airport sponsor which result in the alleged violation;
4. Provide issue-by-issue supporting arguments, information and documentation; and

5. Include a summary of the actions you have taken to bring the perceived violation(s) to the attention of the airport sponsor and any efforts to resolve the issues directly with the airport sponsor.

Factually-accurate, supporting detail is essential for us to effectively evaluate each allegation and to determine the validity of each allegation. Please be advised that information and documents provided to the FAA are not considered confidential and are subject to public release under the Freedom of Information Act.

The Regional Compliance Program Manager and the Airports District Office (ADO)/State Block Grant Program Office investigate all informal reports filed in the **[Region]**. Allegations which do not fall within the scope of FAA jurisdiction or which lack sufficient clarity to permit evaluation will not be reviewed further. The remaining allegations will be investigated by the Region and ADO staff to determine whether further FAA action is warranted.

We will conduct our investigation of assurance-related allegations as expeditiously as possible to determine whether further FAA action is warranted. Please keep in mind, however, that the time required to conduct a thorough investigation of the alleged assurance violations depends on the complexity of the issues involved as well as the clarity of the facts and extent of the supporting documentation.

If you elect to file an informal report of alleged violations, you will receive an informal, preliminary determination setting forth the Region's position on the matter upon completion of the investigation.

If you have any questions, please feel free to contact **[name of employee at telephone number]**.

Sincerely,

State Block Grant Director
ADO Manager
Regional Manager

Enclosures:

- (1) Standard Grant Assurances
- (2) Airport Sponsor & Airport User Rights and Responsibilities
- (3) 14 CFR § 13.1

Part 13.1 Report
Complaint Acknowledgment

Dear Mr./Ms. Complainant:

On **[date]** we received your letter alleging that **[Airport Sponsor]**, *owner/operator* of **[Federally Obligated Airport]**, is in violation of its federal grant obligations.

Before providing federal assistance for airport development, the Federal Aviation Administration (FAA) must receive certain assurances from the airport sponsor. A copy of the currently effective standard grant assurances is enclosed. Upon acceptance of an airport improvement grant by an airport sponsor, these assurances become a binding contractual obligation between the airport sponsor and the federal government. These assurances define the scope of the FAA's oversight with respect to airport-related matters.

All informal reports of alleged violations received by the FAA are addressed in accordance with 14 Code of Regulations § 13.1, *Reports of violations*. A copy of the applicable section of this regulation is enclosed.

Your allegations and supporting information will be reviewed by the **[FAA Region Airports Division/Airports District Office]** staff. Those allegations which do not fall within the scope of FAA jurisdiction, or those which lack sufficient evidence to support investigation, will be dismissed without further action. The remaining allegations will be investigated. Upon completion of our investigation of these allegations, you will receive an informal, preliminary determination setting forth the Region's position on the matter.

We will conduct our investigation of assurance-related allegations as expeditiously as possible to determine whether further FAA action is warranted. Please keep in mind, however, that the time required to conduct a thorough investigation of the alleged assurance violations depends on the complexity of the issues involved as well as the clarity of the facts and extent of the supporting documentation.

This informal complaint has been assigned to **[name of employee]**. **[Name of employee]** can be reached at **[telephone number]**.

Sincerely,

State Block Grant Director
ADO Manager
Regional Manager

Enclosures:

(1) Standard Grant Assurances

(2) 14 CFR § 13.1

cc: Airport sponsor
Interested/Named Persons
Regional Compliance Specialist
ACO-100 Compliance Liaison

Part 13.1 Report
Airport Sponsor Complaint Notification

Dear Airport Sponsor:

This letter concerns the enclosed complaint from *Mr./Ms. [Complainant Name or an airport user]* filed under Federal Aviation Regulation (FAR) Part 13, *FAA Investigative and Enforcement Procedures* (14 CFR 13). *Mr./Ms. [Complainant Name or an airport user]* alleges that the **[Airport Sponsor]** of **[Federally Obligated Airport]** (Airport) is in violation of their Federal Grant Obligations as it relates to its operation of the Airport.

Please review this complaint and provide your response to the allegations and the status of any efforts to resolve this complaint. Please provide this information no later than [Date which is 15 to 30 days from date of this letter]

If you have any questions regarding the allegations, please contact **[name of employee at telephone number]**.

Sincerely,

State Block Grant Director
ADO Manager
Regional Manager

Enclosures:

(1) Informal complaint

cc: Complainant
Interested/Named Persons
Regional Compliance Specialist
ACO-100 Compliance Liaison

Part 13.1 Report
Compliance Dismissal Letter

Dear Mr./Ms. Complainant:

The Federal Aviation Administration (FAA) has completed its investigation of your allegations that the **[Airport Sponsor]**, *owner/operator* of **[Federally Obligated Airport]**, is operating the airport in a manner inconsistent with its applicable federal obligations.

To investigate this complaint, our office **[summarize the actions taken by the investigating office, i.e. reviewed the documentation included in the complaint, conducted a site visit, interviewed the parties, etc]**.

You alleged:

[issue]

You believe this is a violation of the following federal obligations:

[relevant grant assurance by number and title and/or relevant laws or policies]

Based on our evaluation of your allegations, we conclude the following:

[analyze the issue, explain how the allegation is not supported by the facts of the case, discuss how the action/inaction of the sponsor is consistent with its federal obligations, note any applicable precedent and/or FAA policy]

Based on the facts presented in this investigation, the **[Airport Sponsor]** does not appear to have violated **[applicable grant assurance]**.

Repeat this format boxed above for each allegation investigated.

Therefore, based on our investigation, the **[Region/ADO]** finds this matter warrants no further FAA action. This preliminary determination is not a final agency decision subject to judicial review. If you believe this office has erred, you may file a formal complaint under 14 CFR § 16, *Rules of Practice for Federally-Assisted Airport Enforcement Proceedings*.

If you have any questions, please feel free to contact **[name of employee at telephone number]**.

Sincerely,

State Block Grant Director
ADO Manager
Regional Manager

cc: Airport Sponsor
Interested/Named Persons
Regional Compliance Specialist
ACO-100 Compliance Liaison

Part 13.1 Complaint
Notice of Potential Noncompliance and Request for Corrective Action

Dear Airport Sponsor:

The Federal Aviation Administration (FAA) has completed its investigation of *Mr./Ms. Complainant's* allegations that the **[Federally Obligated Airport]** is being operated in a manner inconsistent with its applicable federal obligations.

To investigate this complaint, our office **[summarize the actions taken by the investigating office, i.e. reviewed the documentation included in the complaint, conducted a site visit, interviewed the parties, etc].**

The complaint alleged:

[issue]

The [Airport Sponsor] has the following federal obligations:

[relevant grant assurance by number and title and/or relevant laws or policies]

Based on our evaluation of the allegations, we conclude the following:

[analyze the issue, explain how the allegation is supported by the facts of the case, discuss how the action/inaction of the sponsor is not consistent with its federal obligations, note any applicable precedent and/or FAA policy]

Based on the facts presented in this investigation, the **[Airport Sponsor]** may be in violation of **[applicable grant assurance]**. We request **[Airport Sponsor]** develop a corrective action plan which **[explain what steps the airport sponsor needs to take to comply with the applicable grant assurance]**.

Repeat this format boxed above for each allegation investigated.

Your corrective action plan should be completed within **[reasonable time period determined by Region/ADO]** days from the date of this letter. Once the corrective action plan is approved by our office, please update the **[Region/ADO]** of the status of the corrective action plan at **[specified intervals]** prior to completion. Failure to take corrective action could result in the initiation of FAA enforcement action through the issuance of a notice of investigation under 14 C.F.R. Part 16, subpart D, *Special Rules Applicable to Proceedings Initiated by the FAA*.

This is a preliminary determination and is not a final agency decision subject to judicial review. If you believe this office has erred, you may contact **[name of Regional Compliance Specialist at telephone number]**.

If you have any questions, please feel free to contact **[name of employee at telephone number]**.

Sincerely,

State Block Grant Director
ADO Manager
Regional Manager

cc: Complainant
Interested/Named Persons
Regional Compliance Specialist
ACO-100 Compliance Liaison

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

Subpart A—Investigative Procedures

§ 13.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, as amended, the Hazardous Materials Transportation Act relating to the transportation or shipment by air of hazardous materials, the Airport and Airway Development Act of 1970, the Airport and Airway Improvement Act of 1982, the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or any rule, regulation, or order issued thereunder, should report it to appropriate personnel of any FAA regional or district office.

(b) Each report made under this section, together with any other information the FAA may have that is relevant to the matter reported, will be reviewed by FAA personnel to determine the nature and type of any additional investigation or enforcement action the FAA will take.

[Doc. No. 18884, 44 FR 63723, Nov. 5, 1979, as amended by Amdt. 13–17, 53 FR 33783, Aug. 31, 1988]

§ 13.3 Investigations (general).

(a) Under the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1301 *et seq.*), the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*), the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 *et seq.*), the Airport and Airway Improvement Act of 1982 (as amended, 49 U.S.C. App. 2201 *et seq.*, Airport and Airway Safety and Capacity Expansion Act of 1987), and the Regulations of the Office of the Secretary of Transportation (49 CFR 1 *et seq.*), the Administrator may conduct investigations, hold hearings, issue subpoenas, require the production of relevant documents, records, and property, and take evidence and depositions.

(b) For the purpose of investigating alleged violations of the Federal Aviation Act of 1958, as amended the Hazardous Materials Transportation Act, the Airport and Airway Development Act of 1970, the Airport and Airway Improvement Act of 1982, the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or any rule, regulation, or order issued thereunder, the Administrator's authority has been delegated to the various services and or offices for matters within their respective areas for all routine investigations. When the compulsory processes of sections 313 and 1004 (49 U.S.C. 1354 and 1484) of the Federal Aviation Act, or section 109 of the Hazardous Materials Transportation Act (49 U.S.C. 1808) are invoked, the Administrator's authority has been delegated to the Chief Counsel, the

Deputy Chief Counsel, each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel.

(c) In conducting formal investigations, the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel may issue an order of investigation in accordance with Subpart F of this part.

(d) A complaint against the sponsor, proprietor, or operator of a Federally-assisted airport involving violations of the legal authorities listed in §16.1 of this chapter shall be filed in accordance with the provisions of part 16 of this chapter, except in the case of complaints, investigations, and proceedings initiated before December 16, 1996, the effective date of part 16 of this chapter.

[Doc. No. 18884, 44 FR 63723, Nov. 5, 1979, as amended by Amdt. 13–17, 53 FR 33783, Aug. 31, 1988; 53 FR 35255, Sept. 12, 1988; Amdt. 13–19, 54 FR 39290, Sept. 25, 1989; Amdt. 13–27, 61 FR 54004, Oct. 16, 1996; Amdt. 13–29, 62 FR 46865, Sept. 4, 1997]