



## **Federal Aviation Administration**

### **Questions/Answers on Grant Assurance 40, Access to Leaded Aviation Gasoline**

#### **1. Can a federally obligated airport prohibit sale/self-fueling of 100-octane low lead (100LL)?**

If 100LL was made available at an airport, any time during 2022, an airport owner or operator may not restrict or prohibit the sale of, or self-fueling with, 100LL.

An airport sponsor may not take action (or fail to take action) that would directly or indirectly prohibit or restrict access by airport users to 100LL. This includes but is not limited to adopting or changing municipal codes, airport rules and regulations, minimum standards, leasing policies, permits, licenses, and airport planning actions. An airport sponsor's actions shall not result in unreasonable or unjustly discriminatory requirements (including fees) that have the effect of restricting a service provider or an operator from acquiring, storing, transporting, dispensing, or selling 100LL, as the case may be (commercially or self-service).

#### **2. What about banning 100LL at an airport that discontinued prior to 2022?**

Prohibition of an FAA authorized fuel at a federally obligated airport may place the sponsor in violation of Grant Assurance 22, Economic Nondiscrimination or 23, Exclusive Rights.

Long-held FAA policy and precedent is that airport sponsors are not required to offer any particular or specific aeronautical service, including fueling. However, that discretion does not extend to airport sponsors banning the use or sale of FAA authorized fuels. Likewise, a sponsor must also reasonably consider a proposal by an existing or potential aeronautical user seeking to provide services at the airport.

#### **3. What airports does Section 770 and Grant Assurance 40 apply?**

Section 770 creates a statutory grant assurance that applies to all airport sponsors that accept federal airport development grant funding as of the date the updated grant assurances are published in the Federal Register and/or as included as a condition in a grant agreement already entered into by the sponsor with the FAA.

#### **4. Do any of the high-octane unleaded fuels meet the criteria in Section 770?**

No. As of April 2025, there is no fuel that meets the criteria of 47107(22)(B)(i) and (ii). For example, a fuel would have to be authorized for all aircraft and no fuel has been authorized for the rotorcraft fleet. The FAA will provide additional information when the criteria is met.

#### **5. How will the FAA enforce the grant assurance?**

Education is the primary tool for achieving sponsor compliance with all grant assurances. In order to maintain Airport Compliance Program integrity, FAA personnel may participate in limited oversight to detect recurring deficiencies, system weaknesses, or prohibited actions by sponsors. After education, investigation and resolution of complaints are the most prominent compliance program tools. For Grant Assurance 40, specifically, Congress included a civil penalty option to be considered during any alleged violation investigation.