



U.S. Department
of Transportation

**Federal Aviation
Administration**

Memorandum

Subject: **Compliance Guidance Letter 2003- 1
Regional Land Releases Report**

Date: November 23, 2003

From: AAS-400

Reply to
Attn. of:

To: AAS-400 and Regional Compliance Specialists

I - SUMMARY: This Compliance Guidance Letter (CGL) sets forth the method and format by which Airports Division field offices will report, annually, all releases of federally-obligated airport property to AAS-400.

II - RESPONSIBILITIES: FAA Regional Airports offices, with the assistance of Airports District Offices (ADO) offices will be responsible for compiling a listing of land releases and submitting this listing to AAS-400. AAS-400 is responsible for compiling the listing of airport land releases and writing the report to Congress.

III - BACKGROUND & AUTHORITY: Senate Report No. 106-55, dated May 27, 1999, directed the Federal Aviation Administration (FAA), within 6 months of passage of the Department of Transportation and Related Agencies Appropriations Bill for 2000, to conduct on-site surveys of all airports with land acquired with Federal assistance, and to report to Congress: (i) the scope of unauthorized use of such land inconsistent with the applicable Federal obligations; and (ii) the extent of FAA-approved release of such land from the applicable Federal obligations.¹

Ascertaining the *scope of unauthorized use of airport land* is determined from the results of each region's annual land use inspections. The procedures for conducting land use inspections and reporting the results to AAS-400 is discussed in CGL-2002-1, dated May 15, 2002.

The extent of *FAA-approved land releases* from the applicable Federal obligations will be determined from the Region's annual listing of land releases and is discussed herein.

IV - DEFINITION OF LAND RELEASES: For the purpose of this CGL, the definition of a Land Release mirrors that definition issued in CGL 2003-02 "*Procedures for Public Notice for a Change in Use of Aeronautical Property*." Pursuant to Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), now codified 49 U.S.C. §§47107(h), 47125, 47151, and 47153, FAA provides an opportunity for public notice and

¹ See CGL-2002-01 "*Regional Land-Use Inspections Program - Unauthorized Use of Airport Property*" for guidance related to land-use inspections and unauthorized use of airport property.

comment prior to releasing a sponsor from Federal obligations regarding land, facilities and improvements used or depicted on an Airport Layout Plan for aeronautical use where the release would affect the aeronautical use of the property, including certain releases for which notice is not expressly required by Section 125.

The public notice requirements applies to release of (1) land acquired for an aeronautical purpose (except noise compatibility) purpose with federal assistance under 49 U.S.C. §47107(c)(2)(B); (2) land provided for aeronautical purpose under 49 U.S.C §47151; (3) land Conveyances of the United States Government for aeronautical purposes under 49 U.S.C. §47125 and (4) Un-obligated land with federally financed airport improvements. Releases from the obligations in these four types of properties are the ones to be reported in the Regional Land Releases Report.

V - REQUIRED LAND RELEASE INFORMATION: Listings of airport releases must contain the following information for each release:

1. **Airport Name and Identifier:** Identify the airport both by its name and by location identifier.
2. **Property in Question:** As short description of the property in acreage, location at airport, federal fund used, and its general function, i.e. current aeronautical to non-aeronautical use.
3. **Requested Obligation to be Released:** This section should include a short description of the specific obligation(s) the sponsor seeks to be released from.
4. **Purpose for Release:** This section should include a short description addressing the purpose(s) for the request for release, including justification demonstrating the net benefit to the airport.
5. **FAA Action:** This section should, with a short statement, state whether the request for release was granted or denied and the reasons for such a decision.
6. **Date:** Effective date of the release.
7. **Special Conditions:** Describe any special conditions attached or associated with the release.

VI - REGIONAL LAND RELEASES REPORT: Within 120 days after the end of the fiscal year in which the releases took place, the regional office that approved the releases must forward a copy of the Regional Land Releases Report t to AAS-400.

Charles "Skip" Erhard



File: CGL 2003-01

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ATTACHMENT 1 - Sample Report

LAND RELEASES REPORT – FY 2004

<i>Airport & ID</i>	<i>Property in Question</i>	<i>Requested Obligation(s) To Be Released</i>	<i>Purpose</i>	<i>FAA Action</i>	<i>Date</i>	<i>Special Conditions</i>
Newairport Texas (NAP)	Two parcels, 11 acres, Parcels purchased with AIP funds (1985)	Release from obligation to use property for aeronautical purposes	From current vacant grass land to industrial, the sale of property will generate airport revenue	<u>Approved:</u> It will benefit airport financially, does not conflict with existing or planned aeronautical function, it is compatible with the airport	10/12/01	For Sale with appraisal and at FMV Revenues go to airport No incompatible land uses: Part 77, Noise, Wildlife
Anytown Maryland (ANY)	1 parcel, 3 acres	Release from obligation 22a (make airport available as an airport for public use)	From current vacant brush/grass land to industrial, the sale of property will generate airport revenue	<u>Approved:</u> Proponent agreed that best use is long-term lease. Proposal was modified accordingly.	N/A	N/A
Jones City Indiana (JCI)	78 parcels 150 acres FAAP (1948) Surplus (1955)	Release from obligation to use property for aeronautical purposes	From current closed access road, tree and grass land to industrial, the sale of property will generate airport revenue	<u>Approved:</u> FAA approved long-term lease and not sale.	02/01/02	Long term 20- year lease, FMV, 5 y escalation. Revenues to airport No incompatible land uses: Part 77, Noise, Wildlife
Mycity Utah (MCU)	8 parcels 101 acres Surplus P.L. 81- 311(1953)	Release from obligation prohibiting the use of property as an industrial plan/factory	From current grass land to industrial, the lease of property will generate airport revenue	<u>Approved:</u> Long-term lease approved and waived the requirement prohibiting the industrial use.	11/11/01	Long term 15- year lease, FMV, 5 y escalation. Revenues to airport No incompatible land uses: Part 77, Noise, Wildlife