



Federal Aviation Administration

Memorandum

Date: June 6, 2022 (Rev. 2/2/2023 to reflect Section 13.2)

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

From: Kevin C. Willis, Director, Office of Airport Compliance and Management Analysis, ACO-1 **KEVIN WILLIS** Digitally signed by KEVIN WILLIS
Date: 2023.02.02 11:35:39 -05'00'

Subject: ACTION: Compliance Guidance Letter 2022-02 - Procedures for Initiating and/or Accepting and Investigating 14 CFR Part 13 Informal Complaints Concerning Violations of Grant Assurance Obligations and Surplus Property Deed Restrictions.

INTRODUCTION

This Compliance Guidance Letter (CGL) replaces CGL 2014-01 and clarifies the Federal Aviation Administration (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 § 13.2 (Part 13 or Informal Complaint Process). This CGL will focus on the process for investigating complaints under the jurisdiction of the Airports Division related to allegations of violations of grant assurance obligations and Federal property conveyance deed restrictions. Additional guidance can be found in Chapter 5 of the current FAA Order 5190.6, *Airport Compliance Manual*. The CGL is meant to be used by personnel in the Regions/ADOs, including Compliance Specialists (CS), as well as State Block Grant State (SBGS) staff responsible for investigating informal complaints at SBGS airports.¹

I. CANCELLATION

This Compliance Guidance Letter (CGL) cancels CGL 2014-01, Procedures for Accepting and Investigating 14 CFR Part 13 Informal Complaints Alleging Violations of Grant Assurance Obligations and Surplus Property Deed Restrictions, dated July 1, 2014.

II. THE BASICS

What is an informal complaint under Part 13?

An informal complaint may be initiated under 14 CFR § 13.2, which describes the process for the filing of such complaint by any person who knows of a violation of a

¹ For the purposes of this CGL references to the ADO/RO will also refer to the SBGS

wide range of federal laws and regulations under the jurisdiction of the FAA. This CGL, however, is limited to discussion of the procedures for investigating matters under Section 13.2 that are under the jurisdiction of the FAA Airports Division. Matters under the jurisdiction of the FAA Airports Division include an airport sponsor's alleged violations of grant assurances, grant agreement special conditions, or Federal property conveyance deed restrictions, including any other violation of regulations, rules, policies, or orders. Hereafter, the matters under the jurisdiction of the Airports Division will be referred to as "airport obligations" or "Federal obligations". Unlike a formal complaint governed by 14 CFR Part 16 which has very specific filing and review processes, the process for reporting an informal complaint under Section 13.2 is not prescriptive.

Not every question, inquiry or scenario that an individual brings to the Region/Airport District Office's (ADO) attention is necessarily a reviewable complaint. Many tenants and aviation users may not be familiar with airport obligations and the situation may simply require clarification or education on these issues. Reviewable complaints include allegations that, if true, would constitute a violation of an airport obligation.

With regard to timing, there is no defined deadline for completion of a Section 13.2 investigation. However, most can be completed within 120 days or less. Complainants may file a Part 16 formal complaint while a Section 13.2 investigation is underway or after it has been concluded and a determination has been issued. If the complainant files a Part 16 complaint that makes the same allegations that are the subject of the ongoing Section 13.2 investigations, then the Section 13.2 investigation may be suspended in favor of the Part 16 investigation. After a determination has been reached in a Section 13.2 investigation, the complainant may file a Part 16 complaint for purposes of trying to obtain a different outcome, to seek a stronger enforcement response from the FAA, or to obtain a final agency decision that is subject to judicial review.

Who can file an informal complaint?

Anyone who is aware of or suspects a violation of a Federal obligation may file an informal complaint. The person or entity filing the complaint need not be directly affected by the alleged violation. In addition, the person or entity filing the complaint does not need to know which, if any, airport obligation has been violated, but should identify the airport and the details surrounding the complaint.

How does an informal complaint get filed?

The informal filing process under 14 CFR § 13.2 allows the reporting party to submit its complaint verbally or in writing (e.g., phone call, in-person conversation, letter, or email).

Who receives the informal complaint?

The complaint may be received by a Regional Office, ADO or ACO-100. If ACO-100 receives a complaint, it can provide general guidance regarding the process to the complainant, but should refer the complaint to the appropriate regional Compliance

Specialist (CS). If a Region/ADO receives a complaint about an airport in another region, it should refer that complaint to the appropriate regional office. When an ADO or regional office receives a complaint about an airport sponsor covered by a State Block Grant state, the FAA office should refer the complaint to the State Department of Transportation or aviation office. When an ADO receives an informal complaint it should notify the regional CS.

Who is responsible for handling the informal complaint?

Each Region and/or ADO is responsible for determining which personnel handles informal complaints. However, if a complaint includes allegations involving complex operational safety issues, other subject matter experts may be included in the discussion depending on the issue. In general, a condition, issue, or situation that can affect aircraft operations, including deviations from normal airport operations, can be characterized as an operational safety issue. Depending on the issue, assistance from other FAA personnel or Line of Business (LOB) may be necessary early in the process. These can include or involve Part 139 Safety Inspectors, the Flight Standards Division, or Air Traffic Control (ATC) specialists/functions. These entities should be able to assist in determining how to proceed. In addition, regional specialists, 600/620/ADO management, and ACO may assist in making the determination as to which FAA office should be contacted.

When should informal complaints be referred to other offices/agencies?

If complaints involve the following allegations they should be referred to the appropriate offices/agencies as detailed below:

- Alleged violations associated with civil rights should be referred to the FAA Office of Civil Rights, including allegations regarding Disadvantaged Business Enterprise (DBE)/Airport Concessions DBE (ACDBE) or Title VI Nondiscrimination & Airport Disability Accessibility Compliance issues.
- Complaints regarding the reasonableness of fees charged by the airport sponsor to the airline may be handled by the Department of Transportation (DOT) under 14 CFR Part 302. However, an air carrier may choose to file a formal complaint under 14 CFR Part 16 in lieu of Part 302.
- Complaints regarding violations of Federal aviation regulations governing the operation or maintenance of aircraft, and/or conduct aboard aircraft, should be forwarded to the appropriate Flight Standards District Office.
- Complaints regarding violations of regulations governing the transportation of hazardous materials should be forwarded to the Security and Hazardous Materials Safety Division.

- Complaints regarding an FAA employee's conduct in the scope of their duties, or otherwise, should be referred to the Associate Administrator for Airports.

When should Region/ADOs initiate investigations under Part 13 when a Part 13 Complaint has not been filed?

The Region/ADO may learn of possible violations of airport obligations from various sources. For example, Region/ADO personnel may obtain information from:

- personal observations of an airport and/or airport documentation,
- reports from FAA employees from other lines of business,
- NASA reports,
- safety hotline reports,
- whistleblower disclosures from airport employees, or
- news media or social media.

If after reviewing the information, the Region/ADO determines that an airport may have violated a Federal obligation it should initiate investigations under Section 13.2.

III. RESOLUTION THROUGH INFORMAL DISCUSSIONS

The Section 13.2 process is intended to help airport users and sponsors resolve issues in an informal and expedient manner without the need to elevate it to a formal Part 16 process. However, informal complaints may vary in terms of their complexity, scope, and the willingness of the parties to come to a resolution. In some cases, either the sponsor and/or the complainant may not understand the applicable obligations. Such a situation may be subject to a quick disposition. In other cases, the sponsor or the complainant may be uncooperative and unwilling to resolve violations or comply with the corrective actions proposed. Due to the broad range of informal complaints and the level of cooperation by the parties, the Section 13.2 process requires flexibility. While this guidance provides a suggested template for handling Section 13.2 complaints, it is not intended to foreclose other options.

When appropriate, the Regions/ADOs may attempt to resolve the complaint through informal discussion before initiating the more structured Section 13.2 process discussed in the subsequent section. This is encouraged to reduce workloads. In addition, resolving complaints through an informal discussion process may foster a positive and productive relationship between the complainant and the airport sponsor.

For cases in which the Region/ADO has decided to initiate an investigation where a Part 13 Complaint has not been filed the Region/ADO may also attempt to resolve the matter through informal discussions.

When to use informal discussions

Regions/ADOs should consider several factors to help decide when to attempt to resolve complaints/FAA initiated investigations through informal discussions. The factors are summarized below:

- **Complexity of the case** - if the case is fairly simple an informal discussion may be a more appropriate first step. However, if the case is complex (either from a legal or factual perspective), involves multiple grant assurances, and/or will require significant investigation, it may be appropriate to initiate the structured Section 13.2 process to ensure all the elements of the case are documented and investigated.
- **Level of controversy or emotion** - if there is little controversy in the complaint, informal discussions may be effective. However, if the complaint is controversial and the parties are argumentative, it may be appropriate to use the structured process. In either case, ADO/Regional management and ACO-100 should be notified of any highly controversial or emotional cases.
- **Willingness of the sponsor and complainant to resolve the issue quickly without a structured process** - if the sponsor appears willing to rectify any violations and respond to the complainant's satisfaction, the informal discussion method may be most efficient. In addition, a complainant may prefer to resolve the issue quickly through informal discussions rather than opening a structured Section 13.2 investigation. However, if the parties are unwilling to entertain a quick resolution to any violation, the structured process should be initiated.
- **Region/ADO judgment** - Each Region/ADO has a different level of experience in resolving cases through informal discussions as well as different levels of familiarity with the sponsor and the circumstances of the case. Ultimately, each Region/ADO should select the most efficient approach.

The Region/ADO may begin informal discussions, but end up following the structured Section 13.2 process if their attempts at resolving the issue are unsuccessful. In order to be prepared for this, the Region/ADO should take notes of relevant conversations. These notes should be recorded in the ACO Compliance Database.

If the complainant prefers to remain anonymous, the Region/ADO can still begin the informal discussion process by reaching out to the sponsor to inquire about the allegations and has no obligation to identify a complainant.

Informal discussion process

The informal discussion process has no prescribed method to follow. Informal discussions may include multiple conversations with the complainant and the sponsor, either individually or jointly, a review of submitted airport documents, and a site visit if

needed. *Ex parte* communications² are permissible. The goal is to come to an informal resolution that is mutually agreeable to the parties and that complies with the airport sponsor's Federal obligations. Alternative Dispute Resolution (ADR) and mediation are specific tools that may be used to assist in resolving the issue. However, these are not required and may not be available. Once satisfactory resolution has been achieved, the Region/ADO must still, if applicable, confirm that the sponsor has followed through with the required corrections.

Informal discussion documentation

Although resolving cases through informal discussion does not require all of the correspondence and documentation of the structured Section 13.2 process, the results should be documented in the ACO Compliance Database. The record of the complaint will serve to demonstrate that the issue was addressed and help to inform future Section 13.2 investigations. It will also provide a record of the airport sponsors compliance history. At a minimum, documentation of the initial complaint, any informal resolution, and/or the Part 13 decision should be added to the ACO Compliance Database. To facilitate reporting, a link to a fillable .pdf form (see [Sample Form 1](#)) is provided at the end of this CGL to record the basic information. The form should be completed and uploaded to the Compliance Database when the complaint has been dismissed or the corrective actions have been taken by the sponsor and the complaint is closed out. The file should also be stored in the appropriate ADMS file folder for that airport.

IV. PART 13 INFORMAL REVIEW PROCESS

If informal discussions did not resolve the matter to the satisfaction of both parties, or if the Region/ADO made the determination to move directly to the structured Section 13.2 process, the following steps should be followed as illustrated in the attached flow chart. You may click on the red italics in the flowchart to navigate to the section regarding each step or to the templates. For FAA initiated investigations, Region/ADO personnel should begin at step 3 (See Flow Chart on next page).

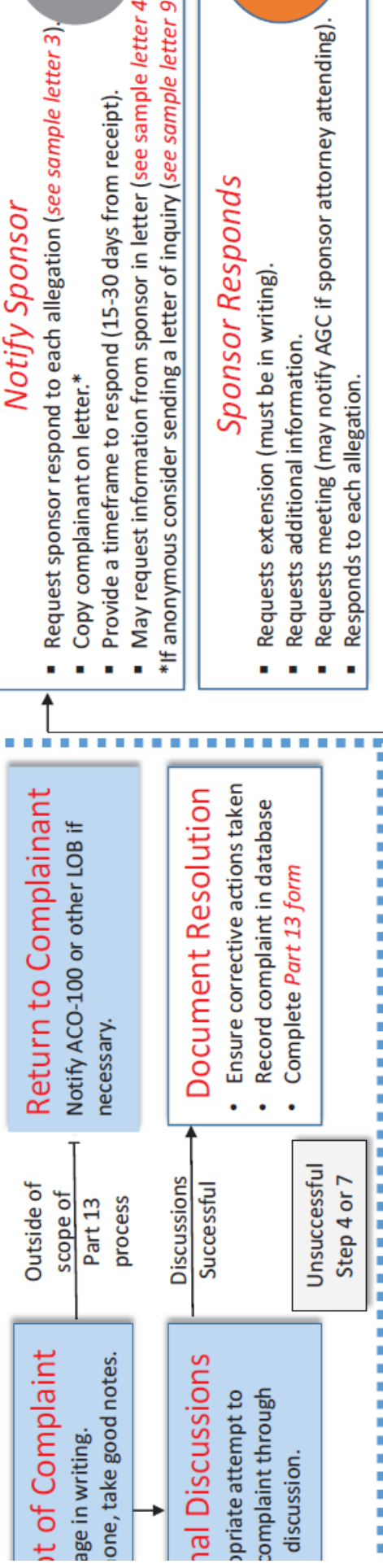
Step 1 - Complaint Review

The ADO, or, in some cases, the Regional Office, will review the complaint. Although not required, complainants are encouraged to initiate their complaints in writing. A telephone conversation may not capture all the details or documentation of the allegations (see [Sample Letter 1](#)) (click blue italic text to link to sample letter) to advise potential complainants about the process and to encourage them to provide detailed information in writing.

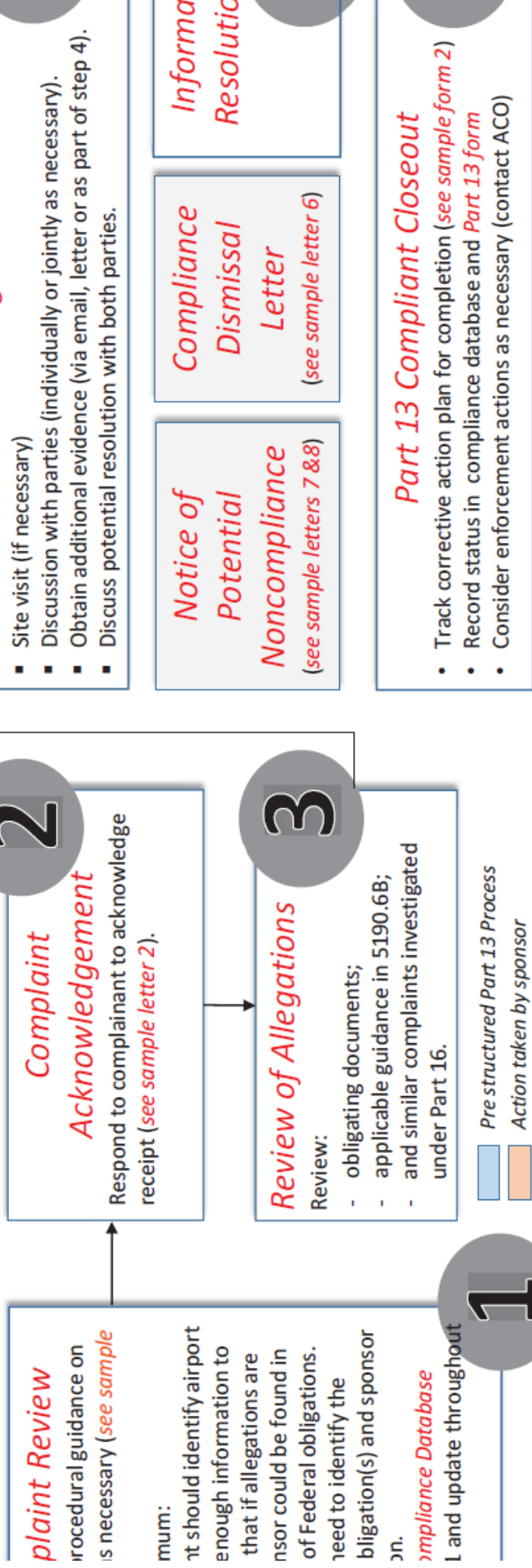
In order to be investigated, the complaint must, at a minimum, identify the federally-obligated airport in question and contain allegations that if substantiated, would constitute a violation of airport obligations. Note certain allegations, such as attempts to regulate safety or airspace, may also raise issues of Federal preemption in which case headquarters should be consulted.

² Ex parte communications is defined as communication with one party without the presence of the other party.

Informal Discussions



Structured Part 13 Process



Red italic text are hyperlinks to sections in the document or sample letters

Ideally, a complaint should:

- Identify the sponsor against which the allegations are made. If the complainant is not able to identify the sponsor, the airport name or LOCID should be included. The CS can look up the specific sponsor associated with that airport using FAA ARP's System of Airports Reporting (SOAR), if necessary. The CS should also review the airport to ensure that it is federally obligated. The FAA does not review complaints against airports that are not federally obligated. FAA Order 5190.2R provides information about Federal obligations at specific airports.
- Identify the specific airport obligations alleged to have been violated. The complainant may not know which airport obligation has been violated. If this is the case, the Region/ADO should review the complaint and identify which airport obligation may have been violated.
- Provide a comprehensive, detailed description of the actions and/or inactions taken by the airport sponsor that resulted in the alleged violation.
- Provide, issue-by-issue details, supporting arguments, information, and documentation. If the complaint is taken over the phone, the Region/ADO should request documentation to support the complaint.

Complaints that are vague, or lack the information specified above, should be returned to the complainant with a request for clarification and/or the additional information needed to initiate an investigation (see [Sample Letter 1](#)). If the complaint alleges violations outside of the jurisdiction of ARP, the Region/ADO should notify the complainant.

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 and the complainant should be made aware of this. Moreover, depending on the facts, the sponsor may figure out the complainant's identity anyway. Nevertheless, where anonymity is required, the Region/ADO should consider sending the sponsor a letter of investigation as described in Section VI below. (see [Section VI. Letter of Investigation](#)). Allowing anonymous complaints may encourage someone to make a complaint who otherwise would not, thereby providing the FAA with important information that it otherwise might not have obtained.

The complaint should be recorded in the ACO Compliance Database as a Part 13 complaint. Additional information should be added to the database throughout the process. This helps to provide a summary of the airport sponsor's compliance status.

If the complaint involves operational safety allegations, the CS should coordinate with the 600/620/ADO manager and/or ACO-100 to determine how to proceed. The CS may use their discretion in determining if the allegations are related to safety, but

should always err on the side of caution, and when in doubt should reach out to management to discuss any potential safety related complaints. The managers will assist the CS in deciding if other FAA LOB's should be involved as well.

Step 2 - Complaint Acknowledgement

Upon receipt of a complaint that meets all or most of the requirements outlined above, the investigating office must acknowledge its receipt of the complaint. Investigating offices may use [Sample Letter 2](#) to acknowledge receipt of the complaint. When the investigating office determines that the facts alleged raise issues outside of the scope of the Section 13.2 process and/or the jurisdiction of the Airports Division the complainant should be notified verbally or in writing.

Step 3 - Initial Review of the Allegations

The investigating office identifies the issues that require investigation. The investigating office should review:

- the airport obligating documents;
- airport reference documents, such as the Airport Layout Plan (ALP), and Capital Improvement Plan (CIP);
- applicable guidance contained in the most recent FAA Order 5190.6;
- and similar complaints investigated under 14 CFR Part 16.

The Region/ADO may also identify specific information, such as leases, minimum standards, and operating procedures that it will need from the sponsor to assist in the investigation. The request for this information may be included as part of Step 4 or at any time during the process.

Step 4 - Notify the Airport Sponsor

Once the initial review is complete, the investigating office should notify the sponsor of the matter and ask them to respond to each allegation (see [Sample Letter 3](#)). The investigating office should include a copy of the complainant's package, as an enclosure to this letter. The complainant should receive a copy of the notification letter. The notification letter should ask 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. If the complainant requests to remain anonymous or does not want to be involved in the investigation, the letter should not identify the complainant and the complainant need not be involved in the review or resolution of the issue.

It may be efficient for the Region/ADO to request information from the sponsor as part of the notification. [Sample Letter 4](#) provides a template for a letter that both notifies the sponsor and requests specific information to be included in the response.

Additional documentation such as copies of leases, minimum standards, operating procedures and/or other documentation that are relevant to the investigation may be requested as part of the notification step or later in the investigation, as the need arises.

Consistent with Grant Assurance 26, *Reports and Inspections*, airport sponsors are required to make all airport records and documents affecting the airport available to the FAA upon request. Nevertheless, there may be times during a Section 13.2

investigation where the investigating office determines the airport sponsor may be refusing to make requested documents available. If such an occasion arises, the investigating office may deem it necessary to provide a warning to the airport sponsor concerning the requirements of Grant Assurance 26 (see [Sample Letter 5](#)).

Step 5 – Airport Sponsor Responds

The airport sponsor may:

- ***Request an Extension*** - The airport sponsor may request additional time to respond to the complaint/FAA initiated investigation 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. When granting extensions of time, the 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. The extension should be documented in the compliance database.
- ***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, the FAA should ask the airport sponsor for a list of attendees. If the airport's attorney will be present, then the Region/ADO should advise the Regional Counsel's office and discuss if Regional Counsel should attend, as well, in person or by phone.
- ***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. The FAA staff should encourage the airport sponsor to respond to the complaint, in writing, in a timely fashion.
- ***Respond to the Complaint/FAA initiated investigation*** - The airport sponsor may submit a response to the investigating office within the recommended timeframe.

Supporting documentation such as leases, minimum standards, airport rules and regulations, correspondence, etc. may be included with the response. The sponsor should address each issue raised.

Step 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 determine the facts. To do this, the investigating office may take the following action(s):

- ***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

- ***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, to obtain clarification.
- ***Obtain Additional Evidence*** - If specific statements made by a party are unsupported or unclear, then 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 Flight Standards Division or Air Traffic Organization office to conduct a safety assessment of a proposed aeronautical activity at the airport. When necessary, the investigating office may also seek to obtain additional evidence from sources besides the two parties (e.g., witness statements from former airport employees, information/documentation from other individuals or entities that have had dealings with the airport).
- ***Informal Resolution*** - In some cases, the investigating office may be able to assist the parties in resolving their dispute by suggesting options that may resolve the complaint in a manner that is satisfactory to both parties and consistent with the sponsor's Federal obligations.

The structured Section 13.2 process should be as transparent as possible. Any correspondence including letters and emails should include both parties to the extent possible. In some cases, proprietary information or general information that does not directly impact the investigation may not be shared automatically. If a party requests all the information associated with the investigation, the Region/ADO should furnish this information. Deliberative discussions, however, may be withheld as necessary. And *ex parte* communications made for purposes of seeking resolution are permissible in a Part 13 proceeding.

During the investigation, the Region/ADO may find another area of noncompliance that is unrelated to the complaint. In this case, the Region/ADO should discuss this with the sponsor and seek resolution. Such issue shall remain separate from the current Section 13.2 matter. If the sponsor is not willing to voluntarily correct the issue and return to compliance, a separate investigation can be initiated.

Step 7 – Conclusion

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

- ***Compliance Dismissal Letter*** - If the investigation concludes that no further FAA action is warranted, the investigating office will send a

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.

Compliance Dismissal Letter (see [Sample Letter 6](#)).

- ***Complaint Resolution*** - At any time during the investigative process, the parties may reach a resolution. This agreement may be reached by the two parties with some or little FAA involvement. The Region/ADO should ensure that the agreement will put the sponsor in compliance with its Federal obligations and that any required actions are completed. The Region/ADO should request a copy of an agreement, if any, between the parties that addresses the resolution to be able to close out the complaint.
- ***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 violation(s), requests the airport sponsor take specific corrective action(s), and specifies a timeline for the corrective actions (see [Sample Letter 7](#)).
- When an investigation involves ***complicated compliance issues and/or highly controversial matters*** that have drawn considerable public attention or national policy implications, it is advisable for the investigating office to coordinate with ACO-100 prior to issuing a Notice of Potential Noncompliance and Request for Corrective Action, and/or a Compliance Dismissal Letter. ACO-100 will advise if further coordination is required and with whom.
- ***Notice of Potential Noncompliance and Request for Corrective Action/Compliance Dismissal Letter*** - At times, the investigating office will find the sponsor to be in violation of its Federal obligations based on some of the allegations in the complaint and yet find that the sponsor is not in violation of its Federal obligations with respect to other allegations in the complaint. In such cases, the ADO or Region will issue a Notice of Potential Noncompliance and Request for Corrective Action/Compliance Dismissal Letter explaining which allegations are preliminarily affirmed and which allegations are preliminarily dismissed (see [Sample Letter 8](#)).

Step 8 – Tracking/Closeout

The Section 13.2 process will result in a dismissal, informal resolution, or potential noncompliance. To definitively identify when the Section 13.2 complaint process has been completed, the following steps should be taken as part of the closeout. The case should be closed out if it is resolved through the informal discussion method or through the structured review process. The steps for closing out a Section 13.2 complaint process are:

- tracking/confirming that all corrective action plan items have been completed;
- updating the complaint/FAA initiated investigation in the ACO Compliance Database; and

- completing the *Part 13 form* and uploading it to the ACO Compliance Database and ADMS.

Corrective actions may take some time for the sponsor to complete. It may be prudent for the Region/ADO to track the action's status on a spreadsheet or SharePoint site. This will help to ensure that the sponsors are meeting their milestones for completion of the corrective actions. Examples of a corrective action tracking spreadsheet are provided in [Sample Form 2](#). If an airport sponsor is not completing their corrective action plan within the specified time frame or refuses to undertake the corrective actions, the Region/ADO should contact ACO-100. ACO can send a letter to APP requesting that Airport Improvement Program (AIP) funds be withheld until the sponsor undertakes its corrective actions and comes into compliance with its Federal obligations.

V. STALE COMPLAINT

An informal complaint that has been inactive for two or more years is considered stale. Any complainant who lacks interest or abandoned their complaint is recognized as stale. Stale complaints may be archived or discarded with no follow-up.

VI. LETTER OF INVESTIGATION

As stated above sometimes a complainant may want to remain anonymous or does not want to be involved in the investigation. Where the complaint (if substantiated) would disclose violations, then the Region/ADO may choose to send a letter of investigation to the sponsor (see [Sample Letter 9](#)). The letter of investigation can also be used for FAA initiated investigations. The letter of investigation should provide details on the allegations, the specific airport obligations that may have been violated, a request for information, and a request for the sponsor to respond to the allegations within 15 to 30 days. The Letter of Investigation should not identify the Complainant and the complainant need not be involved in the investigation or resolution of the issue. Once the Letter of Investigation has been dispatched, the CS should follow steps 5 through 8 as outlined above including, 5 - *Airport Sponsors Responds*, 6 - *Investigation*, 7 - *Conclusion*, and 8 - *Tracking/Closeout*.

Kevin C. Willis
Director, Office of Airport Compliance
and Management Analysis

Enclosures

REFERENCES AND RESOURCES

- 14 Code of Regulations [CFR] § 13.2, *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:
https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip-2020.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>
- Airport Compliance Database – <http://assettrack.faa.gov/>
- *Part 13 Closeout Form*
- *CAP Tracking Form*
- *Sample Letters* Note: word templates are accessed at Q:/ACO Guidance/Part 13 CGL Letter templates

Section 13.2 Record/Closeout

Significant Date(s): _____

Complainant Name: _____ or _____ Anonymous

Method of Delivery: _____

Sponsor Name: _____

Airport Name: _____

Region/ State: _____

General Description of Complaint:

Complaint Dismissed? Yes/No (circle one)

Potential Grant Assurance(s) Violated?

General Description of Response from Sponsor:

Resolution/Corrective Actions:

Date Corrective Action(s) Complete: _____

Keywords: (ex. Leases)

Compliance Specialist: _____

Automatically filled in if part of database

Region
ADO[illegible]

Probable Section 13.2 Report
Preemptive Acknowledgment & FAA Procedural Advice

Dear 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 contractual 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 § 13.2, *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 and 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 Airports Division and/or the Airports District Office (ADO)/State Block Grant Program Office investigate all informal reports filed in the **[Region]**. Allegations which fall within the jurisdiction of other lines of business within the FAA will be referred accordingly. Allegations which otherwise do not fall within the scope of the FAA Airports Division 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 unless you and the sponsor agree to reach an informal resolution resolving the matter.

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) (3) 14 CFR § 13.2

SAMPLE LETTER 2**Section 13.2 Report
Complaint Acknowledgment**

Dear 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 § 13.2, 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 Airports Division jurisdiction, or those which lack sufficient evidence to support investigation, will be referred to the appropriate FAA offices or 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 unless you and the sponsor agree to reach an informal resolution resolving 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 § 13.2

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

SAMPLE LETTER 3

Section 13.2 Report
Airport Sponsor Complaint Notification

Dear Airport Sponsor:

This letter concerns the enclosed complaint from *Mr. /Ms. [Complainant Name or an airport user]* filed in accordance with 14 Code of Federal Regulations Part 13, *FAA Investigative and Enforcement Procedures*. **[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

SAMPLE LETTER 4

Section 13.2 Report
Airport Sponsor Complaint Notification and Request for Information

Dear Airport Sponsor:

This letter concerns the enclosed complaint from *Mr. /Ms.* **[Complainant Name or an airport user]** filed under 14 Code of Federal Regulations Part 13, *FAA Investigative and Enforcement Procedures*. **[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. We ask that you also provide the following documentation to assist in our investigation:

[List specific information that you are requesting relating to the 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 and 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

SAMPLE LETTER 5

Section 13.2 Report
Notification of Requirements to provide information GA #26

Dear Airport Sponsor:

This letter concerns your **[date]** response to our **[date]** correspondence within which we asked you to provide **[describe the documentation that was requested.]** Based on our review of your response you did not provide the documentation this office requested.

Specifically, you did not provide **[describe the documents that were not provided]**.

Please be advised that pursuant to Grant Assurance 26(b), *Reports and Inspections*, you are required to:

make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

In order to assure compliance with Grant Assurance 26(b) we request that you provide the documentation previously requested and/or provide your justification for not being able to provide this documentation. Please provide this documentation within **[15 or 30]** days from the 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

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

SAMPLE LETTER 6

**Section 13.2 Report
Compliance Dismissal Letter**

Dear 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, and 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 Part 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: Complainant
Interested/Named Persons
Regional Compliance Specialist
ACO-100 Compliance Liaison

Section 13.2 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, and 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 and submitted to **[Region/ADO]** for approval 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 CFR 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

SAMPLE LETTER 8

Section 13.2 Complaint
Notice of Potential Noncompliance and Request for Corrective
Action/Compliance Dismissal Letter

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, and 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] based on [identify the allegations where no violation was found].

Based on the facts presented in this investigation, the [Airport Sponsor] may be in violation of [applicable grant assurance] based on [identify the allegations where a violation was preliminarily found]. 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].

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, and 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] based on [identify the allegations where no violation was found].

Based on the facts presented in this investigation, the [Airport Sponsor] may be in violation of [applicable grant assurance] based on [identify the allegations where a violation was preliminarily found]. 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 and submitted to [Region/ADO] for approval 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 CFR Part 16, subpart D, Special Rules Applicable to Proceedings Initiated by the FAA.

Therefore, based on our investigation, with respect to allegations [identify the allegations where no violation was found] the [Region/ADO] finds this matter warrants no further FAA action. Based on our investigation with respect to allegations [identify the allegations where potential violations were found], however, a corrective action plan as described above must be submitted. This preliminary determination is not a final agency decision subject to judicial review. If [the Complainant] believes this office has erred, you may file a formal complaint under 14 CFR Part 16, *Rules of Practice for Federally-Assisted Airport Enforcement Proceedings*.

If [the sponsor] believes 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

SAMPLE LETTER 9

Section 13.2
Compliant Letter of
Investigation

Dear Airport Sponsor:

The Federal Aviation Administration is in possession of information indicating that the **[Airport Sponsor]** of **[Federally Obligated Airport]** (Airport) may be in violation of its federal grant obligations as it relates to its operation of the Airport. Specifically **[Add detail on allegations as well as a description of any relevant documentation]**

FAA Grant Assurance **[Add grant assurance number and name]**, states that an obligated airport, **[Add quote from grant assurance]**

[Add any additional grant assurances or federal obligations of concern in same format]

The purpose of this Investigation is to determine if **[Airport Sponsor]** is **[Add reason for Investigation.]**

Please review this information and provide your response to each allegation herein.

Additionally, we ask that you also provide the following documentation to assist in our investigation:

[List specific information that you are requesting relating to the investigation]

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]**.

Thank you for your attention to this matter. If I can be of any assistance or answer any questions that you might have, please do not hesitate to contact me at **[CS email]**.

Sincerely,

[Name and title of CS]

cc: **[Specific Region]** 600 Manager
[Specific Region] 620 Manager
[ADO Name] Manager