



**FAA
Airports**

Examples of Residential Through-the-Fence Access Rate-Setting Methodologies

Section 136 of P.L. 112-95 requires residential through-the-fence (RTTF) users to pay access charges that the airport sponsor determines to be comparable to those fees charged to tenants and operators on-airport making similar use of the airport as a minimum. However, airport sponsors are not precluded from charging RTTF users a rate that is higher than rates charged to on-airport users and tenants. RTTF users are not protected by Grant Assurance 22, Economic Nondiscrimination, and the FAA will not entertain allegations of unreasonableness for residential through-the-fence access.

The FAA has identified the following examples of rate-setting methodologies which may be used to satisfy the requirement contained in the law:

- Requiring RTTF users to pay fees which are equal to tenant tie-down charges.
- Establishing a fee for RTTF users that is based on the methodology used to establish tenant rates for land rental on the airport. For example, if on airport users pay 25 cents per square foot of land on which they build a hangar, RTTF users would pay a minimum of 25 cents per square foot of the land their off-airport hangar occupies.
- Establishing a ground lease for dedicated taxiway connections to off-airport properties.
- Charging an assessment of capital costs for general infrastructure.
- A local tax assessment or levy on off-airport aircraft owners that is dedicated to airport's account.

A methodology which results in an RTTF user paying an access fee which is less than the fee charged to on-airport tenants and users making similar use of the airport may not be consistent with the law.