



**New York Airports District Office
Information Bulletin
Federal Aviation Administration
Eastern Region
New York Airports District Office
1 Aviation Plaza
Jamaica, NY 11434**

**Subject: FAA Guidance on Non- Aeronautical Events
at Federally Obligated Airports**

Issue Date: Nov. 15, 2016

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Point of Contact: Ybrahina Cohen

Action Required: Contact the NYADO for additional guidance

Attachments: FAA Airport Compliance Manual (Exerpt),

AEA-600-COM Memo

**Federal Aviation
Administration**



**New York Airports District Office
1 Aviation Plaza, Room 111
Jamaica, New York 11434
Telephone: 718-995-5770
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Re: General Guidance for Non- Aeronautical Events at Federally Obligated Airports

Dear Airport Sponsor,

This letter is to serve as guidance on Federal Aviation Administration (FAA) Policy and Compliance when requesting the temporary closure of an airport for special non-aeronautical event; it also states the sponsor's responsibility of the operation and maintenance of federally obligated airports when hosting these events.

Acceptance of Federal Airport Improvement Program (AIP) grant funds is conditional and obligates the Airport Sponsor receiving the funds to compliance with specific grant assurances. A copy of the [Grant Assurances](#) is available on the FAA website.

The Airport Sponsor has the primary responsibility for the safe operation of aircraft on the airport at all times. It is general FAA policy to oppose complete or partial closing of federally obligated public airport for non-aeronautical purposes. Grant Assurance 19.a *Operation and Maintenance*, prohibits the sponsor from permitting any activity or action at an airport which would interfere with the airport's intended use as an airport.

However, it is recognized that in an effort to become financially self-sustaining, Airport Sponsors have increasingly sought to expand the relevance of the airport within the community to include certain non-aeronautical events and activities. Such activities may include car races, county fairs, model airplane events, running races, etc. In support of this effort, the grant assurances do provide exceptions for such activities by specifically stating that any proposal to temporarily close of an obligated airport for non-aeronautical purposes must be approved by the FAA.

It is the FAA and the New York Airport District Offices (NYADO) responsibility to provide guidance to Airport Sponsors on FAA Policy and Airport Compliance and support the safe operation and maintenance of our airports.

Please find FAA Policy and Compliance for non-aeronautical events, and further guidance attached with this E-mail. Visit the FAA website: [Obstruction Evaluation / Airport Airspace Analysis \(OE/AAA\)](#) for guidance on how to submit a request for non-aeronautical events through the Obstruction Evaluation/ Airport Airspace Analysis (OE/AAA) tool.

Should you have any questions or require additional information please contact the New York Airports District Office,

Thank you.



U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

Subject: Eastern Region Airports Policy, AEA-600-COM-01, Temporary Non-Aeronautical Use of an Obligated Airport

Date: January 20, 2005

From: Manager, Airports Division, AEA-600

Reply to
Attn of:

To: Manager, ADO-NY, ADO-HAR, ADO-WASH, ADO-Beckley, AEA-610, AEA-620

This policy is needed to supplement the FAA Compliance Handbook, Order 5190.6A, until such time as the Handbook is revised to address the issue.

Upon receiving a request from a sponsor to temporarily close, either completely or partially, an airport for a special non-aeronautical event, the Airports District Office (ADO) shall obtain documentation from the sponsor that provides sufficient information and assurances that each issue described in the attached document has been or will be satisfied. A partial closure will also require the submission of an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

The final decision to permit such a closure shall be the responsibility of the ADO Manager after coordination with AEA-620. In those instances where the issue is especially controversial or has national implications, the decision shall be coordinated with AAS-400.

The sponsor may appeal the ADO decision by submitting a written request to the Regional Airports Division Manager.


William J. Flanagan

Attachment

It is general Federal Aviation Administration (FAA) policy to oppose complete or partial closing of federally obligated (by AIP grant assurances) public airports for non-aeronautical purposes. This is based upon an airport sponsor's obligation to keep the airport available for public use as an airport.

However, it is recognized that there are circumstances when a temporary complete closure (or partial closure) for a special non-aeronautical event will provide benefits to the local community and/or directly to the airport without resulting in significant adverse impacts to the aviation community. The grant assurances do provide for such exceptions by specifically stating that any proposal to temporarily close an obligated airport for non-aeronautical purposes must be approved by the FAA. There have been a number of instances where temporary complete or partial closure of public airports for special non-aeronautical events has been approved on a case-by-case basis.

Please provide us definitive evidence that the following criteria/conditions have been met for our evaluation in determining whether your specific event warrants approval:

- ✓ Financial or other benefits will accrue to the airport and local community as a result of this event.
- ✓ The event and closure of airport has widespread community support.
- ✓ Air carriers (including the appropriate FAA Flight Standards District Office (FSDO), aeronautical tenants (including any Department of Defense (DOD) military units) and the local airport users were notified of the planned closure and were given the opportunity to comment, and their concerns have been adequately addressed.
- ✓ Other airports in the area are available to handle diverted air traffic during the temporary closure.
- ✓ Precautions will be taken to prevent damage to airport facilities, equipment, and navigation aids and any damage to airport facilities will be repaired in a timely manner.
- ✓ Appropriate NOTAMS will be issued in a timely manner prior to the closure.
- ✓ The impact of the closure on aeronautical activity and airport users will, to the extent practical, be kept to a minimum.
- ✓ For those events involving a runway closure or partial closure of an airport, adequate procedures will be in place to ensure the safety of concurrent aircraft and airport operations and for event officials, participants, and spectators.
- ✓ There will be compliance with conditions or restrictions in an FAA Form 7460-1 determination, Notice of Proposed Construction or Alteration.

If your airport is certificated under FAR Part 139 and currently serving scheduled air carrier aircraft, the following additional conditions must be satisfied:

- ✓ Appropriate coordination with Transportation Security Administration (TSA) personnel to ensure the airport and air carriers serving it have returned to the security level required by federal regulations prior to commencement of air carrier service.
- ✓ A thorough inspection of airport movement areas will be undertaken by airport personnel in accordance with FAR Part 139 prior to commencement of operations.

a. Land Accountability. For compliance purposes, the airport needs to be able to account for land acquired with federal funds. The ALP and Exhibit “A” together may serve this purpose. The airport sponsor may have a separate airport property map or land inventory map if the ALP and Exhibit “A” do not include all required information regarding how various tracts of land were acquired and what federal grant or federal assistance program was used to acquire the land.

b. Excess Land. If any grant-acquired land is found to be in excess of airport needs, both present and future, the sponsor must dispose of the excess land and comply with FAA direction for returning or using the grant funds.

7.20. Access by Intercity Buses. Grant Assurance 36, *Access by Intercity Buses*, requires the airport sponsor to permit, to the maximum extent practicable, access to the airport by intercity buses or other modes of transportation. However, the airport sponsor has no federal obligation to fund special facilities for intercity buses or other modes of transportation.¹⁵

7.21. Temporary Closing of an Airport.

a. Closing for Hazardous Conditions Airport owners are required to mark any temporary hazardous conditions physically and to warn users adequately through the use of NOTAMs. This implies a duty to provide similar warning notices when an airport is completely closed to air traffic as a result of temporary field conditions that make using the airport hazardous. Prompt action should be taken to restore the airport facilities to a serviceable condition as soon as possible.

b. Closing for Special Events. 49 U.S.C. § 47107(a)(8), implemented by Grant Assurance 19.a, *Operation and Maintenance*, requires that any proposal to close the airport temporarily for nonaeronautical purposes must be approved by the FAA.

(1). Nonaeronautical Events. An airport developed or improved with federal funds may not be closed to use the airport facilities for special outdoor events, such as sports car races, county fairs, parades, car testing, model airplane events, etc., without FAA approval. This has been the FAA policy since 1961 as outlined in *Compliance Requirements Part 6.00* (July 1961). In certain circumstances where promoting aviation awareness through such nonaeronautical activities as model airplane flying, etc., the FAA does support the limited use of airport facilities so long as there is not total closure of the airport. In these cases, safeguards need to be established to protect the aeronautical use of the airport while the nonaeronautical activities are in progress and to ensure that safety is not compromised.

(2). Aeronautical Events. There will be occasions when airports may be closed for brief periods for aeronautical events. Examples include an air show designed to promote a particular segment of aviation, or annual fly-ins, and aviation conventions. In such cases, airport management should limit the period the airport will be closed to the minimum time consistent with the activity. Such closing should be well publicized in advance including issuing NOTAMs to minimize any inconvenience to the flying public.

¹⁵ For related information, refer to *Intermodal Ground Access to Airports: A Planning Guide*, DOT, December 1996.

c. Closing Part of an Airport. In some instances, there may be sufficient justification to use part of an airport temporarily for an unusual event of local significance that does not involve closing the entire airport. *All* of the following conditions must be met:

- (1). The event is to be held in an area of the airport that is not required for the normal operation of aircraft and where the event would not interfere with the airport's normal use, or in a limited operational area of an airport having a relatively small traffic volume and where it has been determined that the event can be conducted in the area without interfering with aeronautical use of the airport.
- (2). Adequate facilities for landing and taking off will remain open to air traffic, and satisfactory arrangements are made to ensure the safe use of the facilities remaining open.
- (3). Proper NOTAMs are issued in advance.
- (4). Necessary steps are taken by the airport owner to ensure the proper marking of the portion of the airport to be temporarily closed to aeronautical use.
- (5). The airport owner notifies the appropriate FAA Flight Standards office in advance, as well as any air carrier using the airport.
- (6). The airport owner agrees to remove all markings and repair all damage, if any, within 24 hours after the termination of the event, or issues such additional NOTAMs as may be appropriate.
- (7). The airport owner coordinates the special activities planned for the event with local users of the airport before the event and with the Department of Defense (DoD) if there are any military activities at the airport.
- (8). No obstructions determined by FAA to be hazards, such as roads, timing poles, or barricades, will be constructed for the remaining operational area of the airport.
- (9). The airport sponsor is reimbursed for all additional costs incurred as a result of the event.

d. Air Show Coordination. Air shows at any airport require a Certificate of Waiver or Authorization (FAA Form 7711-1) that has been approved and issued by the appropriate FAA Flight Standards District Office (FSDO). Flight Standards, however, will not issue a Certificate or Waiver or Authorization to airports certificated under 14 CFR Part 139 until the FAA regional airports division has reviewed and concurred with the air show event.

(1). **Ground Operations Plan.** There must be a ground operations plan that addresses the Part 139 related requirements impacted by the air show. An airport certification inspector must approve this plan. Unless temporary arresting gear needs to be installed for military flight demonstrations, this requirement should have minimal impact on airport operators. Once the ground operations plan is approved, the airport certification inspector will send a letter to the airport operator and notify the appropriate FAA FSDO.