FAA ANE AIRPORTS COMPLIANCE WORKSHOP

Release of Airport Obligations

Presented to ANE Compliance Workshop
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When is a Release Necessary

• Any Change in the Use of Airport Property for Nonaeronautical Purposes **Regardless** of How It Was Acquired:
  – The Sale of Airport Property
  – The Lease of Airport Property for Nonaeronautical Use
  – Airport Land is no Longer Needed for Airport Purposes
  – Concurrent Use of Airport Property
  – Interim Use of Airport Property (NTE 5 years)
  – Release of the National Emergency Use Provision (NEUP)
FAA APPROVAL

• FAA Release of Federal Obligations Consists Of:

  – A Letter Signed by the Airports Division Manager Approving the Specific Change in Land Use or

  – A Release Deed Executed by the FAA in the Case of Federal Conveyances
FAA APPROVAL

• The Following Are Not FAA Releases:
  – Approval of an ALP
  – A Determination of No Hazard
RELEASE CONSIDERATIONS

• The ALP and AMP are Current
• The Land is Not Needed for Future Airport Growth
• The Land is No Longer Needed for Airport Purposes
• The Future Development is Compatible
• The Release Will Result in a Benefit to Civil Aviation
• The Interim Use Will Not Trigger 49 U.S.C. Section 303 (formerly 4(f))
RELEASE REQUEST CONTENT

• A Request for Release of Airport Property:

  – A List of All Obligating Agreements with the United States
  – Type of Release or Modification Requested
  – Reasons for Requesting the Release
  – The Facts and Circumstances That Justify the Request
  – The Requirements of State and Local Law That Must Be In Any Approval Document
  – A Description of the Property
  – A Description of How the Property Was Acquired
RELEASE REQUEST (CONT’D)

– The Present Condition and Use of the Property
– The Expected Use or Disposition of the Property
– The Fair Market Value of the Property
– Discussion of Lease Vs. Sale of the Property
– Proceeds Expected as a Result of the Release and Expected Use of Revenues Derived
– Show Any Intangible Benefits to Offset Fair Market Value
– Provision for Reimbursing Airport Account for the Fair Market Value of the Property If the Property Will Not Being Sold
RELEASE REQUEST (CONT’D)

• Exhibits to Accompany the Request:
  – Scaled Drawings of the Property and Future Development
  – The Appraisal Report
  – A Revised Airport Layout Plan
  – A Revised Exhibit “A” Property Map
  – Height Data Computations of Future Development
  – A Release Deed, If Applicable
  – A Copy of the Proposed Deed or Lease
  – FAA Form 7460-1
  – An Environmental Review of the Proposed Development In Accordance with FAA Order 5050.4B
FAA APPROVAL

• Approximately 120 Days From Date of Submission

• Surplus Property or Development Land Acquired With FAA Grant Funds Must Be Published In the Federal Register For a 30 Day Public Comment Period

• FAA Approval Will Be Subject to Retention of An Avigation Easement
APPLICATION OF PROCEEDS

SUPRLUS PROPERTY AND GRANT LAND:

– Retain In An Interesting Bearing Account
– Interest Earned Must be Used for Operation and Maintenance

– The Proceeds May Be Used For:
  • Eligible Airport Development
  • Ineligible Airport Development
  • Retirement of Airport Bonds
  • Development to Enhance Revenue Production
APPLICATION OF PROCEEDS (CONT’D)

• All Aeronautical Improvements Funded By The Proceeds Must Meet FAA Design Standards
SURPLUS REAL PROPERTY

- Land can only be used for Airport purposes including revenue production
- National Emergency Use Provisions (NEUP)
- Reverter clause
- Cannot be sold or encumbered without FAA release deed
- Obligations do not expire
- Deeds May Vary
**DISPOSAL OF NOISE LAND**

- Land No Longer Needed For Noise Compatibility Must Be Disposed Of
- Noise Land May Be Retained for Noise Compatibility
- The Sponsor Must Submit A Noise Land Inventory and Reuse Plan Identifying For FAA Review and Approval
- Disposal May Include:
  - Retention For AIP Eligible Projects
  - Sale or Lease For Compatible Land Uses
RELEASE OF NATIONAL EMERGENCY USE PROVISION (NEUP)

• The FAA Cannot Release An Entire Airport of the NEUP
• The Sponsor Must Submit Two Copies of Their Request to the Airports Division
• The FAA Will Forward the Request to the Department of Defense for Approval
• The Request Should Include:
  – The Reason for the Request
  – Property Descriptions
  – Drawings
AIRPORT CLOSURES

• Obligated Airports Must Remain to Aeronautical Users
• Season Runway Closures Are Not Allowed
• The FAA May Allow Partial Closures for Nonaeronautical Events With Prior FAA Approval
• The Event Cannot Interfere With Normal Airport Operations
PARTIAL AIRPORT CLOSURES

• Submit a Letter Requesting FAA Approval at Lease 90 Days Prior to the Event
  – The Request Must Include Assurances That:
    • Adequate Facilities Will Remain Open to Air Traffic
    • NOTAMS Will Be Issued In Advance
    • The Closed Portion of the Airport Will Be Property Marked
    • The Sponsor Will Notify the FSDO and Air Carriers In Advance
    • Remove All Markings and Repair Damage Within 24 Hours
    • The Sponsor Will Coordinate the Closure With All Local Airport Users
    • There Will Be No Obstructions to Air Navigation
    • The Sponsor Will Be Reimbursed For All Expenses Incurred
RELEASES OF AIRPORT OBLIGATIONS

Any Questions?

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