

Compliance Updates

RTTF

New Hangar Use Policy

Presented to: MAMA Meeting

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Federal Aviation
Administration



Definition

Residential-Through-the-Fence (RTTF) refers to access granted to a federally-obligated, public airfield from non-airport, private property.



FAA Modernization and Reform Act of 2012

- **Section 136 of Public Law 112-95 – February 14, 2012**
- **Policy Regarding Access to Airports from Residential Property Published in Federal Register – July 16, 2013**
- **Compliance Guidance Letter 2013-01 – July 16, 2013**



Sec. 136 of P.L. 112-95

- **Permits GA airports to keep existing and establish new RTTF arrangements.**
- **Is silent on commercial service airports.**
- **Requires written access agreements.**
- **Places specific conditions and limitations on these agreements.**
- **No compliance action can be taken against sponsors solely because they enter into RTTF arrangements.**





Sec. 136 of P.L. 112-95

General Aviation Airports may have RTTF, if written agreement requires property owner to:

- Pay an access charge comparable to similar uses on the airport
- Bear cost of building/maintaining infrastructure necessary for access to airfield
- Maintain property as residential/non-commercial
- Prohibit “piggy back” access
- Prohibit aircraft refueling on the property

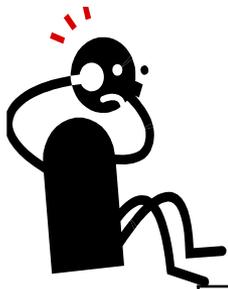




Sec. 136 of P.L. 112-95

- **Revised Grant Assurance 5g**
 - Prohibits new RTTF at Commercial Service Airports
 - Requires that General Aviation Airports entering into RTTF meet the requirements of Sec. 136 of P.L. 112-95
- **Revised Grant Assurance 29a(4)**
 - Sponsor will keep up to date at all times an airport layout plan of the airport showing...**(4) all proposed and existing access points used to taxi aircraft across the airport's property boundary**





Existing RTTF

FAA Region	Number of Existing Residential Through-the Fence Access Agreements (Subject to Change)		
	GA Airports	Commercial Service Airports	Total
Alaska	4	1	5
Central	7	0	7
Eastern	13	0	13
Great Lakes	25	1	26
New England	6	0	6
Northwest Mountain	31	2	33
Southern	7	0	7
Southwest	12	0	12
Western Pacific	9	0	9
Total	114	4	118



Commercial service airports are: Skagway, AK; Charlevoix, MI; Orcas Island, WA; and San Luis Valley Regional, CO.



Existing RTTF IN ANM

- **Helena ADO**
 - ID – 3
 - MT – 4
- **Seattle ADO**
 - OR – 10
 - WA – 9 (1 Commercial Service)
- **DEN ADO**
 - CO – 4 (1 Commercial Service)
 - UT – 0
 - WY – 3



Sec. 136 of P.L. 112-95

- **Some homeowners are saying the law doesn't apply to us because:**
 - We've never had to pay anything before
 - We're sure we're grandfathered
 - We used to be a commercial service airport
 - The 2013 law supersedes the 2012 law
 - We have the equivalent of deeded access





Existing RTTF Important Dates

- **August 30, 2013** – Notification Letters to Airports
 - Initial notification to ID and MT airports met timeframe
 - Reminder emails sent to ID and MT airports in July 2014





Existing RTTF Important Dates

- **October 1, 2014** – Airports must submit their Access Agreements/Access Agreement Review Sheets (Appendix C of the CGL)
 - Failure to provide evidence of compliance with the law may result in further compliance action





FAA Review of Access Agreement(s)

- ADO reviews the Access Agreement(s)
- ADO may request additional information to facilitate review
- ADO may request the Sponsor amend the agreement if it does not comply with the law
- ADO forwards Access Agreement(s) and related documents to the Regional Office with recommendation





FAA Review of Access Agreement(s)

- Regional Office (RO) reviews the Access Agreement(s)
- RO may request additional information to facilitate review
- RO may request the Sponsor amend the agreement if it does not comply with the law





FAA Review of Access Agreement(s)

- RO forwards Access Agreement(s) and related documents to HQ if agreement doesn't meet the terms and conditions contained in the law
- or**
- RO accepts the Access Agreement(s) if they meet the terms and conditions contained in the law and notifies the Airport Sponsor





FAA Review of Access Agreement(s)

- HQ works with Airport Sponsor to find alternative methods of compliance with the terms and conditions contained in law on a case by case basis
- If HQ cannot identify any actions to effectively address the requirements of the terms and conditions contained in law, it may review the matter for further compliance action



Options FAA May Consider

- Initiate compliance actions at airports when their RTTF agreements do not comply with law
- Decline to invest discretionary AIP funds at the airport
- Put the airport into pending non-compliance status
- Issue formal finding of non-compliance, preventing the airport sponsor from receiving entitlement or discretionary AIP funds
- Report the non-compliance to Congress in the annual AIP report
- Remove the airport from the NPIAS





FAA Review of Access Agreement(s)

- **Access Agreements must meet the terms and conditions contained in the law**
 - Pay an access charge comparable to similar uses on the airport
 - Bear cost of building/maintaining infrastructure necessary for access to airfield
 - Maintain property as residential/non-commercial
 - Prohibit “piggy back” access
 - Prohibit aircraft refueling on the property





FAA Review of Access Agreement(s)

- As of 9/22/2014, Helena ADO has received Access Agreements/Access Agreement Review Sheets (or other related information) from 4 of 7 airports with RTTF access.
- As of 9/22/2014, Helena ADO has had 1 Access Agreement accepted by RO





FAA Review of Access Agreement(s)

Laurel Municipal Airport





FAA Review of Access Agreement(s)

- RTTF access was included as a condition of land acquisition and no separate access agreement exists
- Mixed residential and commercial aeronautical use
- On-going lawsuit with RTTF developer



RTTF impacts include potential violations of:

- **Grant Assurance 5, *Rights and Powers*** by making it difficult for an airport sponsor to control airport access and use its property;
- **Grant Assurance 19, *Operation and Maintenance*** by limiting a sponsor's ability to ensure safe operations
- **Grant Assurance 21, *Compatible Land Use*** by weakening a sponsor's ability to address incompatible land uses;
- **Grant Assurance 22, *Economic Nondiscrimination*** by creating unjustly discriminatory conditions for tenants on the airport;
- **Grant Assurance 23, *Exclusive Rights*** by granting an exclusive right; and
- **Grant Assurance 24, *Fee and Rental Structure*** by affecting a sponsor's ability to be self-sustaining.



RTTF Issues Summary

RTTF may:

- **Create safety concerns**
- **Constrain future airport development**
- **Lead sponsors to develop airport property to reflect interests of RTTF homeowners**
- **Result in poor public perception of FAA's funding decisions**
- **Limit the utility of the federally-funded infrastructure**
- **Compromise security**





RTTF vs. Residential Use of Airport Property

- RTTF and Residential Use of Airport Property are Separate issues
- FAA's Policy on Residential Use of Airport Property has not changed...it is generally not allowed.



ANY RTTF QUESTIONS?

http://www.faa.gov/airports/airport_compliance/residential_through_the_fence/



Hangar Use Policy

- **Federal Register Notice FAA-2014-0463**
Policy on the Non-aeronautical Use of
Airport Hangars
- **FAA Airport Compliance Manual- Order**
5190.6B



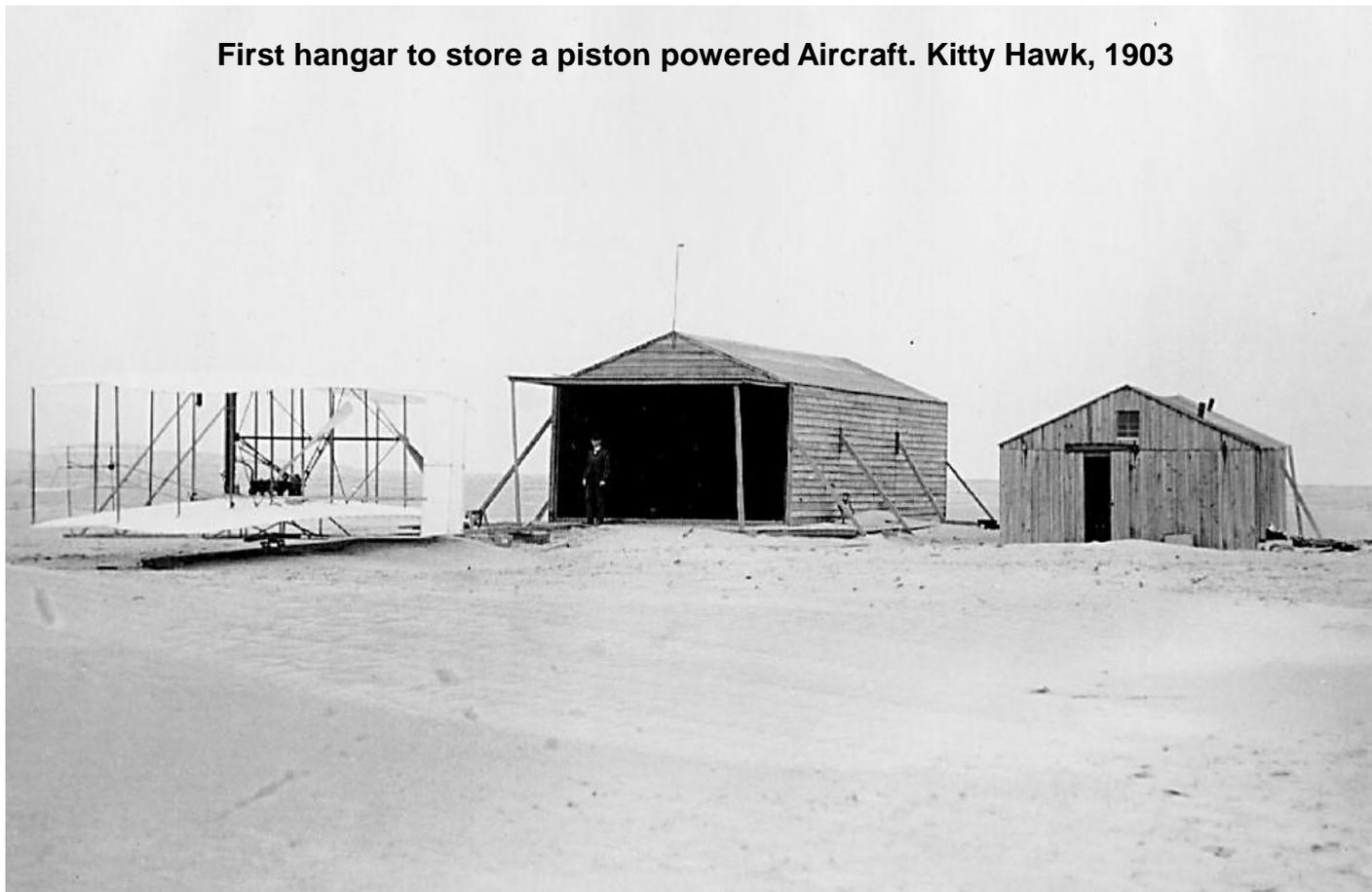
Hangar Policy

Definitions

- **Hangar = a building that you store planes in**
- **Hanger = things that multiply in your closet**

Background

First hangar to store a piston powered Aircraft. Kitty Hawk, 1903



Background: Why did we publish this policy statement?

- Existing policy not clearly documented
- Valley Aviation Services v. Glendale (DD 16-09-06) Part 16 and associated corrective action plan
- PBOR2



Non-Aeronautical Use of Hangars

Valley Aviation Services v. City of Glendale
(Directors Determination 16-09-06, May 29, 2011)

Violation of Grant Assurance 19, *Operation and Maintenance*

- Allowed Nonaeronautical use in hangars and operating non-aviation related industries in hangars
- RV caught fire; police vehicles, classic cars, carpet rolls, etc.

Violation of Grant Assurance 29, *Airport Layout Plan*

- Did not correctly reflect aeronautical/nonaeronautical uses of airport property



Pilot's Bill of Rights 2

7 **SEC. 4. USE OF PRIVATELY BUILT AND PRIVATELY OWNED**
8 **HANGARS AT AIRPORTS RECEIVING AIRPORT**
9 **IMPROVEMENT GRANTS.**

10 Not later than 30 days after the date of the enact-
11 ment of this Act, the Administrator of the Federal Avia-
12 tion Administration shall issue regulations establishing the
13 local airport authority as the sole authority to determine
14 the appropriate uses of any privately built and owned
15 hangar at an airport that receives a grant under sub-
16 chapter I of chapter 471 of title 49, United States Code.

Is the Policy controversial?

- **>2,000 public comments received so far**
- **Much of the existing policy is being communicated to the general public for the first time**
- **Many hangar users consider any federal oversight on use of hangars to be a violation of personal property rights**
- **FAA does not internally interpret existing policy consistently**

Has the policy changed?

- **The core policy has not changed**
- **We now acknowledge that if the presence of non-aeronautical items in a hangar does not interfere with federal obligations, then the FAA will generally not consider their presence to constitute a violation of the sponsor's obligation to provide reasonable access to aeronautical users and tenants.**

Highlights: What the policy says

- **Aeronautical facilities be used or be available for use for aeronautical activities.**
- **Final, active assembly of an aircraft in the manufacturing or homebuilt construction process is OK**
- **Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit limited, non-aeronautical items to be stored in hangars provided the items are incidental to aeronautical use of the hangar and occupy an insignificant amount of hangar space**

Highlights: What the policy says

- **Hangars should be leased with consideration of the size and quantity of aircraft to be stored**
- **Hangars must not be used as a residence**
- **Policy applies regardless of whether the hangar occupant leases the structure from the airport sponsor or developer, or the hangar occupant constructed the hangar at their own expense and holds a ground lease only**

Highlights: What the policy says (cont.)

- **Sponsor may request approval for interim use of a hangar for non-aeronautical purposes for a period no more than five years**
 - Lease terms should allow the hangars to be recovered on short notice for aeronautical purposes.
- **No right to non-aeronautical use**
 - Sponsors may restrict or prohibit storage of non-aeronautical items
 - Sponsors should consider factors such as emergency access, fire codes, security, insurance, and the impact of vehicular traffic on their surface areas when enacting rules regarding hangar storage. In some cases, permitting certain incidental non-aeronautical items in hangars could inhibit the sponsor's ability to meet obligations associated with grant assurance 19, Operations and Maintenance.

Highlights: What the policy says (cont.)

- **Sponsors should have a program to monitor use of hangars and take measures to prevent unapproved non-aeronautical use of hangars**
 - Monitor waiting list
 - Incorporating provisions in leases to adjust rental rates to FMV for any non-incidentual non-aeronautical use of the leased facilities
 - FAA personnel conducting inspections may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aviation use

Highlights: What the policy says (cont.)

How do we determine whether items in a hangar are considered limited, incidental non-aeronautical use?

1. Do not interfere with the aeronautical use of the hangar
2. Do not displace the aeronautical contents of the hangar
3. Do not impede access to aircraft or other aeronautical contents of the hangar
4. Do not require a larger hangar than would otherwise be necessary if such items were not present
5. Occupy an insignificant amount of hangar space
6. Are owned by the hangar owner or tenant
7. Are not used for non-aeronautical commercial purposes (i.e., the tenant is not conducting a non-aeronautical business from the hangar including storing inventory)
8. Are not stored in violation of airport rules and regulations

What do you think?



What do you think?



What do you think?



What do you think?



What do you think?



What do you think?



What do you think?



What do you think?



What do you think?



Non-Aeronautical Use of Hangars

Lessons Learned

- Hangars and Aeronautical property are to be used for aeronautical purposes
- Incidental non-aeronautical is okay
- Request Concurrent/Interim Use for Non-Aeronautical Uses
- Charge Fair Market Value



How can you comment?

www.regulations.gov

Docket #FAA-2014-0463

Comments must be received on or before
October 6, 2014



ANY QUESTIONS?

