

Chapter 2. Compliance Program

2.1. Introduction. This chapter is an introduction to the Federal Aviation Administration (FAA) Airport Compliance Program. The basis of sponsor federal obligations resides with federal statute, the Airport Improvement Program (AIP) grant program, land transfer documents, and surplus property agreements. It is the responsibility of the FAA airports district offices (ADOs) and regional airports divisions to advise sponsors of their compliance requirements and to ensure that sponsors comply with their federal obligations.

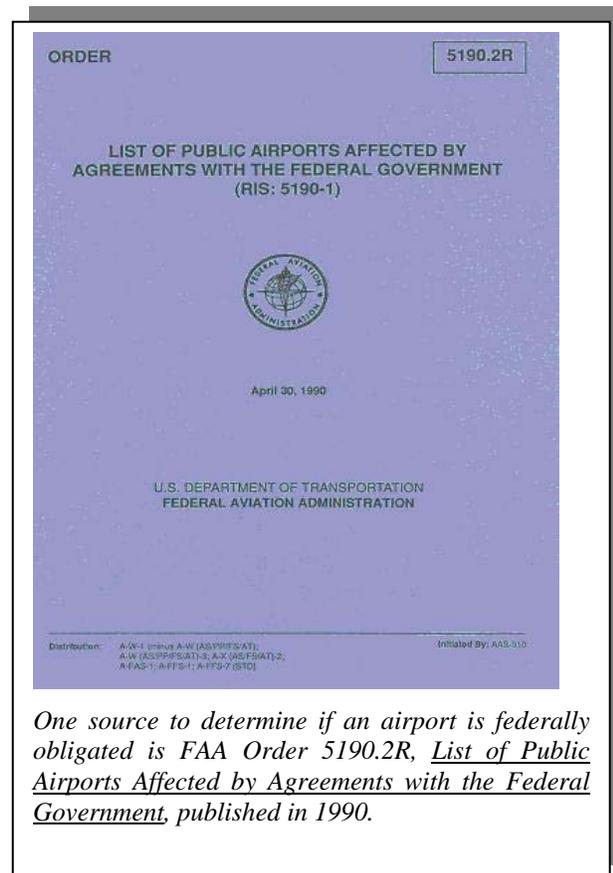
2.2. Background. The FAA Airport Compliance Program enforces contractual federal obligations that a sponsor accepts when receiving federal grant funds or the transfer of federal property. These contractual federal obligations serve to protect the public's interest in civil aviation and achieve compliance with federal statutes. Given the great number of federally obligated airports and the variety of federal obligations, the compliance program primarily focuses on education with the goal of achieving voluntary compliance. The program supplements this educational approach with periodic compliance monitoring and vigorous investigation of potential violations.

2.3. Determining if an Airport is Federally Obligated.

a. General Information. One source for determining if an airport is federally obligated is FAA Order 5190.2R, *List of Public Airports Affected by Agreements with the Federal Government*, published in 1990. The Order contains a listing of all publicly and privately owned public use airports that are affected by agreements with the federal government and handled by the FAA.

Line 25 of Form 5010, The Airport Master Record, indicates whether the airport is obligated. Form 5010 is available online.

b. Information Codes. In FAA Order 5190.2R and on Form 5010, relevant federal obligation data is presented in the form of codes, such as G, R, S or P. Each code represents a particular federal obligation type. (Refer to the list of Federal Obligation Codes at the end of this chapter for details.)



One source to determine if an airport is federally obligated is FAA Order 5190.2R, List of Public Airports Affected by Agreements with the Federal Government, published in 1990.

2.4. Objectives of the Compliance Program.

a. Voluntary Compliance and Enforcement Actions. Most violations of sponsor federal obligations are not a deliberate attempt to circumvent federal obligations. Generally, violations occur because sponsors do not understand specific requirements or how a requirement applies to a specific circumstance. Therefore, the program works to ensure sponsors are fully informed of their federal obligations and of the applicability of those obligations to the circumstances at a given airport. Informal resolution is the preferred course of action. (See chapter 5 of this Order, *Complaint Resolution*.)

When all reasonable efforts have failed to achieve voluntary compliance on the part of the sponsor, the FAA may take more formal compliance actions. This may result in withholding federal funds, issuing a Notice of Investigation (NOI) under 14 Code of Federal Regulations (CFR) Part 16, or initiating judicial action if warranted. An option available to the ADOs and regional airports divisions during the informal resolution process is to limit AIP grant funding to entitlement funding only; issuing a NOI or initiating formal legal action are options exercised by the FAA Headquarters (HQ) Airport Compliance Division (ACO-100) in accordance with 14 CFR Part 16 procedures.

b. Advisory Services. Generally, the FAA will not substitute its judgment for that of the airport sponsor in matters of administration and management of airport facilities.

However, the FAA is in a position to assist airport sponsors in achieving voluntary compliance through guidance and counsel about the nature and applicability of federal compliance obligations affecting their airports.



In developing priorities for the regional administration of the compliance program, FAA personnel should direct attention to those airports with the greatest potential for compliance problems and to issues that have the largest impact on aeronautical users. Variables such as the number of based aircraft and annual aircraft operations are valid indicators of the impact of a particular airport. The classification of the airport – such as being a reliever airport like the Martin State Airport in Maryland (above) – is another valid indicator of the role and the impact a particular airport has in the nation's airport system. (Photo: FAA)

c. Compliance Oversight. Given the approximately 2,800 federally obligated airports, the FAA cannot practically conduct compliance oversight with an annual visit or review at each airport.

However, periodic monitoring of a certain number of federally obligated airports is necessary to identify individual issues and problems that may be indicative of system deficiencies.

d. Uniform Application of Remedies. FAA personnel involved in compliance should make every effort to obtain voluntary compliance; enforcement actions on nonsafety compliance matters should be taken only after exhausting all other appropriate measures.

When enforcement action is taken, it must be fair and applied in a uniform manner. When safety issues are identified, however, expeditious action is expected.



Consistent with the FAA mission, the most important objective in FAA's oversight of the compliance program is to ensure and preserve safety at federally obligated airports. Safety includes, among other things, maintaining runways, taxiways, and other operational areas in a safe and usable condition; keeping runway approaches cleared; providing operable and well-maintained marking and lighting in order to ensure safe aircraft operations. (Photo: FAA)

When safety issues are identified, expeditious action is expected.

2.5. Program Elements. Education is the primary tool for achieving program compliance. However, to maintain program integrity, FAA personnel must also include limited surveillance to detect recurring deficiencies, system weaknesses, or abuses by sponsors. Investigation and resolution of complaints is the most important tool of the compliance program.

When FAA efforts fail to obtain voluntary compliance, enforcement actions must be pursued.

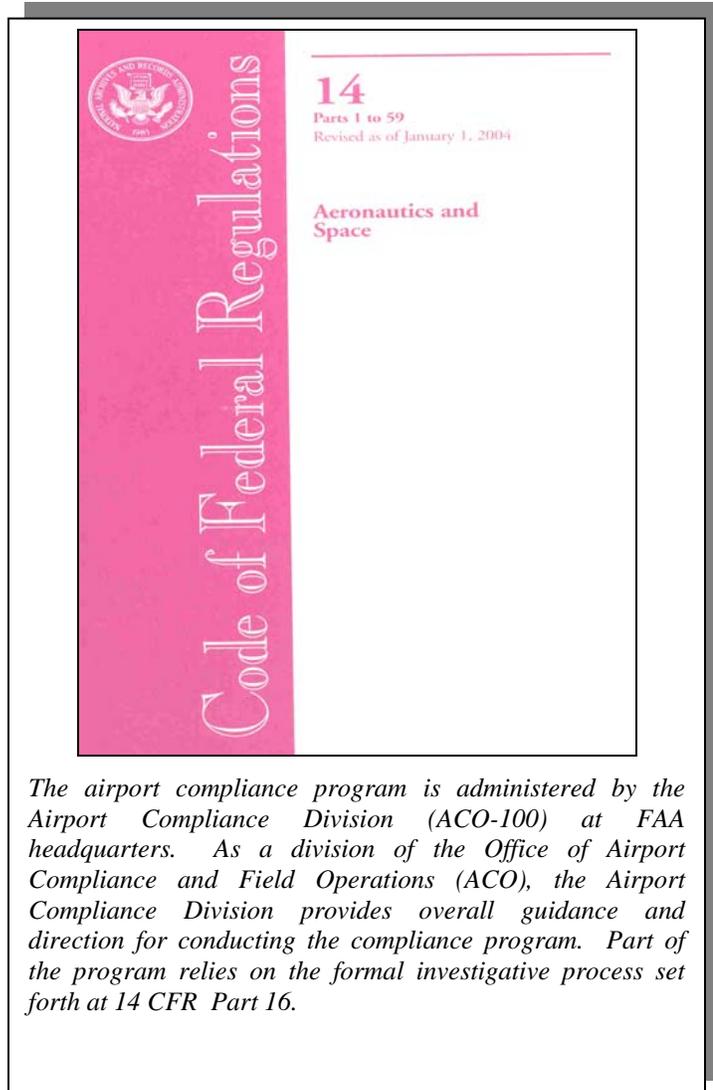
a. Education. The education of sponsors may take many forms, beginning when the sponsor receives its first federal grant or transfer of federal property. ADOs and FAA regional airports divisions should discuss with first-time sponsors the impact of specific grant assurances and/or land transfer federal obligations and let them know that the offices will continue to provide advisory services.

At least once every three years, FAA personnel should advise sponsors in writing to review their grant or land-transfer federal obligations. Compliance personnel should also provide sponsors with information or material to aid sponsors' understanding of their federal obligations.

Finally, sponsors should be encouraged to conduct or participate in periodic seminars or courses for federally obligated airports. In many instances, FAA regional airports divisions host or sponsor airport-related events, such as conferences, that are good opportunities to disseminate information regarding airport compliance.

b. Surveillance. Surveillance is the process of gathering data on the condition or operation of an airport to determine the sponsor's compliance with federal obligations. FAA personnel routinely gather such information during their site visits to airports. In addition, information is gathered from other sources, including other FAA offices, state inspectors, airport tenants, and information forms, such as FAA Form 5010, *Airport Master Record*.³

FAA personnel may also conduct surveillance by means of telephone discussions or written correspondence with appropriate airport officials to learn if potential problems exist. Further follow up through on-site surveillance may or may not be necessary depending on the information obtained. The information received should be documented and maintained for future reference. Alternately, FAA personnel may provide sponsors with printed material that identifies and explains the federal obligations accepted by that sponsor.



The airport compliance program is administered by the Airport Compliance Division (ACO-100) at FAA headquarters. As a division of the Office of Airport Compliance and Field Operations (ACO), the Airport Compliance Division provides overall guidance and direction for conducting the compliance program. Part of the program relies on the formal investigative process set forth at 14 CFR Part 16.

Findings from surveillance inspections should be shared with other federally obligated airports as an additional means of educating sponsors.

³ In many instances, state aviation inspectors gather the data for inclusion in FAA Form 5010 on behalf of the FAA.

c. Investigations of Complaints. ADOs and regional airports divisions must investigate complaints from aeronautical users alleging that an airport is not complying with its federal obligations. FAA personnel should complete the investigation in a timely manner and notify the complainant in writing of the outcome of any investigation. Informal complaints need to be addressed in a timely manner (within 120 days, if possible). When an investigation reveals a violation of a federal obligation, ADOs and regional airports divisions should initiate a timely dialogue with the affected airport and attempt to achieve voluntary compliance as soon as practicable.

Safety-related issues may require expedited action on the part of the FAA. Where appropriate, airport sponsors should also use an airport safety self-inspection checklist as a means to assist in ensuring safe airport operations.

2.6. Priorities and Emphasis.

When pursuing remedial or enforcement actions, the FAA considers all federal airport obligations important. However, consistent with the FAA mission, the most important objective in FAA's oversight of the compliance program is to ensure and preserve safety at all federally obligated airports.

Ensuring safe airport operations includes maintaining runways, taxiways, and other operational areas in a safe and usable condition; keeping runway approaches cleared; providing operable and well-maintained marking and lighting; etc.

In developing priorities for compliance surveillance in the region, FAA personnel should direct attention to those airports with the greatest potential for compliance problems and to those issues that have the largest impact on aeronautical users.

2.7. Responsibilities.

a. The airport compliance program is administered by the Airport Compliance Division (ACO-100) at FAA headquarters. As a division of the Office of Airport Compliance and Field Operations (ACO), the Airport Compliance Division provides overall guidance and direction for conducting the compliance program. It conducts evaluations to determine compliance with the guidance contained in this Order. It also looks for opportunities to improve the quality of the compliance program. The Airport Compliance Division conducts recurrent training and on-request training to ADOs and regional airports divisions. Additionally, the Airport Compliance Division is responsible for elaborating policy, supporting ADOs and regional airports divisions in conducting informal resolution, and resolving formal complaints. The Airport Compliance Division also directs the formal enforcement of FAA grant obligations, as well as surplus and nonsurplus property conveyances. The Airport Compliance Division prepares generalized educational materials for ADOs and regional airports divisions to use in their compliance programs.

b. ADOs and regional airports divisions are responsible for the day-to-day conduct of the compliance program in accordance with the direction provided in this Order. This guidance establishes the basic requirements and goals to be achieved in the compliance program. Compliance is an essential component in safeguarding both the federal investment and the public's interest in civil aviation. This also includes ensuring public access to the national system of airports.

c. Only the Director, Office of Airport Compliance and Field Operations (ACO-1) in FAA headquarters, generally through the formal Part 16 process, can order the suspension of primary entitlement grants. However, the ADOs and regional airports divisions – in conjunction with ACO-100 – can make decisions to suspend discretionary funding, including nonprimary entitlement grants.

2.8. Analyzing Compliance Status.

a. Data Analysis. FAA compliance personnel should carefully analyze accumulated data in evaluating a sponsor's compliance performance and identifying appropriate actions to correct any deficiencies noted. More often than not, when apprised of a deficiency, a sponsor will ask for recommendations to correct the problem.

b. Preliminary assessment. FAA must make a judgment call in all cases as to whether a sponsor is reasonably meeting its federal commitments. A sponsor meets its commitments when:

- (1). The federal obligations are fully understood;
- (2). A program (e.g., preventive maintenance, leasing policies, operating regulations, etc.) is in place that the FAA deems adequate to carry out the sponsor's commitments;
- (3). The sponsor satisfactorily demonstrates that such a program is being carried out; and,
- (4). Past compliance issues have been addressed.

c. Follow-up.

(1). Each ADO or regional airports division should develop a system to follow up and ensure that airports take action on any identified compliance deficiencies until the airport sponsor achieves compliance. Failing to follow up on compliance issues at the ADO or regional airports division level may lead to unnecessary and resource-intensive formal complaints.

(2). FAA compliance personnel must initiate action at those airports that are not being maintained or operated in accordance with the sponsors' commitments, especially if safety is involved. The offices should make an effort to help the sponsor meet these commitments voluntarily. When the sponsor has demonstrated an unwillingness to make the corrections necessary to achieve compliance, the offices must pursue corrective enforcement and document such actions.

(3). FAA may undertake a formal compliance inspection in response to a complaint. Such an inspection may also take place whenever the FAA has any reason to believe that a sponsor may be in violation of one or more of its federal obligations. Appendix G of this Order, *Formal Compliance Inspection*, contains the procedures and form(s) to follow in a formal compliance inspection.

2.9 Compliance Determinations. FAA personnel must remain aware of which airports are not in compliance in their areas of responsibility. Before the ADO can issue a federal airport grant, it must make an official determination that the sponsor is in compliance with its federal obligations.

A determination of compliance is a judgment call based on a review of all available data concerning the airport and the circumstances involving its operation. The review need not include a formal compliance inspection or a formal compliance determination. It should, however, include the properly documented review of available data on hand. At the region's discretion, the ADO may rely on a sponsor's self-certification of compliance when making a compliance determination prior issuing a grant. However, it is important that all data used to support this determination, including informal complaints and related materials, be analyzed and recorded in the appropriate files.

a. Notification. When the ADO's assessment of the sponsor's performance concludes that the sponsor is not meeting its federal compliance obligations, the ADO must give the sponsor notification of apparent noncompliance. Failure to provide such notice delays the corrective action and the problem may become more difficult to resolve at a future date. Prompt communication between the ADO and the sponsor about compliance deficiencies is essential to solving problems early before they become more difficult to resolve.

b. Actions Needed to Correct Noncompliance. The ADO notification must clearly spell out the actions needed to correct the compliance deficiency. The office should also perform a timely follow-up review to ensure completion of the corrective action.

2.10. Airport Noncompliance List (ANL). As a result of its compliance functions, FAA headquarters Airport Compliance Division (ACO-100) issues an *Airport Noncompliance List* (ANL) on a regular basis.

The ANL lists those obligated airports with egregious violations where the airport sponsor has been informally determined to be in noncompliance with its grant assurances and/or surplus property obligations as of a particular date. An airport is placed on the ANL if it falls in one or more of the following categories and the violations are so egregious as to preclude additional federal financial assistance until the issues are resolved:

a. Airports with a formal finding of noncompliance under 14 CFR Part 16 if corrective action has not been taken,

b. Airports listed in the Airport Improvement Program (AIP) Report to Congress under 49 U.S.C. § 47131 for certain land use violations,

c. Airports that are clearly in noncompliance despite FAA requests to the sponsor for corrective action, and

d. Airports where the violations are so egregious as to preclude additional federal financial assistance until the issues are resolved.

The ANL lists obligated airports with egregious violations where the airport sponsor has been informally determined to be in noncompliance with its grant assurances and/or surplus property obligations as of a particular date.



The sponsor will be considered in compliance if the physical condition of paving, lighting, grading, runway, marking, etc, meet applicable standards and if the sponsor is following realistic procedures to preserve these facilities in an acceptable condition. This requirement also applies to federally obligated airports in the national system that were previously military bases. In this photograph, we see the ramp of the Naval Air Station Miami in 1943. Today, this former Navy base is known as the Opa-Locka Airport near Miami, Florida. (Photo: National Archives)

The ANL is essentially an internal notification from ACO-100 to other FAA Airports offices regarding which airports are not to receive any further discretionary grants authorized under 49 U.S.C. § 47115 and the General Aviation \$150,000 apportionment under 49 U.S.C.

§ 47114(d)(3)(A) until corrective action is achieved. The ANL may also include formal findings of noncompliance under 14 CFR Part 16 that support the withholding of grants under 49 U.S.C. § 47114(c).

ACO-1 updates the ANL as changes occur. The listing is automatically superseded as soon as a new ANL is issued. Additional information on those airports having land use compliance issues may be available under the “Planning Section” of the *System of Airports Reporting (SOAR)* by using the airport identification (ID) function or by generating a Compliance Report from the same database. For a generic sample *Airport Noncompliance List*, refer to Appendix G-1 of this Order.

2.11. through 2.15. reserved.

Federal Obligation Codes

CODE	DEFINITION
B	Privately owned airport obligated by agreement, Order 6030.40.
M	Privately owned airport obligated by grant agreement under AIP.
G	Grant agreement under FAAP, ADAP, or AIP
P	Surplus Property Agreement under Public Law 80-289 (real property only)
R	Surplus Property Agreement under Regulation 16-WAA.
S	Conveyance under Section 16 or Section 23.
V	Advance Planning Agreement under FAAP.
X	Obligations assumed by transfer.
Y	Assurance pursuant to Title VI, Civil Rights Act.
Z	Conveyance under Section 303, Federal Aviation Act.
1	Expired Grant Agreement; however, statutory Exclusive Rights Prohibition (Federal Aviation Act, Section 308A) remains in force for as long as the property is used as an airport.
2	Expired Section 303 Conveyance; however, Statutory Exclusive Rights Prohibition (Federal Aviation Act, Section 308A) remains in force for as long as the property is used as an airport.
1	Airports certificated under FAR Part 139.
2	A civil airport where military use is subject to a lease.
3P	The airport is PARTIALLY released from National Emergency Use Provision.
3E	The airport is ENTIRELY released from National Emergency Use Provision.
4	The airport includes surplus real property which has been conveyed for, or converted to, revenue production.
5	An exclusive military use airport.
6	The airport is in the process of disposal or reversion.
7P	A "Letter of Intent" has been issued to release a PART of the airport property.
7E	A "Letter of Intent" has been issued to release the ENTIRE airport property.
8	An exclusive right has been granted (whether or not in violation of an agreement).
8P	An exclusive right has been granted (whether or not in violation of an agreement); however, this exclusive right is of the "proprietary" type.
8N	An exclusive right exists through a P.L. 80-289 deed providing an exemption for fuel and oil sales (not overridden by prior or subsequent grant agreement); however, an exclusive right for fuel and oil sales has not been granted.

Sample FAA Form 5010 Airport Master Record

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		AIRPORT MASTER RECORD		PRINT DATE: 09/23/2004 AFD EFF 08/05/2004 Form Approved OMB 2120-0015																												
> 1 ASSOC CITY: CAHOKIA/ST LOUIS > 2 AIRPORT NAME: ST LOUIS DOWNTOWN 3 CBD TO AIRPORT (NM): 01 E		4 STATE: IL 6 REGION/ADO: AGL/CHI		LOC ID: CPS 5 COUNTY: ST CLAIR IL 7 SECT AERO CHT: ST LOUIS FAA SITE NR: 04458.8*A																												
GENERAL		SERVICES		BASED AIRCRAFT																												
10 OWNERSHIP: PUBLIC > 11 OWNER: BI-STATE DEVELOPMENT AGENCY > 12 ADDRESS: 707 N FIRST ST ST LOUIS, MO 63102-2595 > 13 PHONE NR: 314-982-1588 > 14 MANAGER: ROBERT L. MCDANIEL > 15 ADDRESS: 10 ARCHVIEW DR CAHOKIA, IL 62206 > 16 PHONE NR: 618-337-6060 > 17 ATTENDANCE SCHEDULE: <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">MONTHS</th> <th style="text-align: left;">DAYS</th> <th style="text-align: left;">HOURS</th> </tr> <tr> <td>ALL</td> <td>ALL</td> <td>ALL</td> </tr> </table>		MONTHS	DAYS	HOURS	ALL	ALL	ALL	> 70 FUEL: 100LL A > 71 AIRFRAME RPRS: MAJOR > 72 PWR PLANT RPRS: MAJOR > 73 BOTTLE OXYGEN: > 74 BULK OXYGEN: HIGH 75 TSNT STORAGE: HGR TIE 76 OTHER SERVICES: CHTR INSTR RNTL SALES		90 SINGLE ENG: 163 91 MULTI ENG: 55 92 JET: 34 TOTAL: 252 93 HELICOPTERS: 13 94 GLIDERS: 0 95 MILITARY: 0 96 ULTRA-LIGHT: 0																						
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Sample Airport Grant Certification Compliance Checklist

AIRPORT GRANT ASSURANCE COMPLIANCE CERTIFICATION

I hereby certify that the below named airport is in compliance with all the terms and conditions of existing Federal Aviation Administration Grants and other assumed federal obligations with regard to:

(Please check or initial each)

- Exclusive Rights Prohibition
- Safe operation, control, and maintenance of airport facilities
- Protection of approaches
- Compatible land use
- Availability of facility to all types, kinds and classes of aeronautical activity on fair and reasonable terms without unjust discrimination.
- An approved ALP/Exhibit "A" is on file with the FAA which reflects the current land use of the airport.
- Utilization of Surplus Property is proper.
- Utilization of section 16/23/516 lands is proper.
- Sale or disposal of property acquired under FAAP/ADAP/AIP.
- Utilization and accounting of airport revenues is proper.
- Fee and rental rate structures which are maintained will make the airport as self-sustaining as possible.
- Sponsor rights and powers are preserved.
- To the best of my knowledge, the lease log reflects all major leases on the airport or airport property.

(Airport)

(Date)

(Signature)

Note: Please return this form to the airports district office:

A GUIDE TO SPONSOR OBLIGATIONS

This guide provides information on various obligations by airport sponsors through federal agreements and/or property conveyances. The obligations listed are those generally found in agreement and conveyance documents. Sponsors should be aware, however, that older deeds and agreements may contain obligations that are different from current standard assurances and deed restrictions. Also, some agreements contain special conditions applicable only to that airport. Therefore, the actual agreement or conveyance document itself should be reviewed to determine the specific obligations that apply.

SOURCES OF OBLIGATIONS:

- a. Grant agreements issued under the Federal Airport Act of 1946 (1946 Airport Act), the Airport and Airway Development Act of 1970 (1970 Airport Act), and the Airport and Airway Improvement Act of 1982 (AAIA).
- b. Surplus airport property instruments of transfer, issued pursuant to section 13g of the Surplus Property Act of 1944.
- c. Deeds of conveyance issued under section 16 of the 1946 Airport Act, under section 23 of the 1970 Airport Act, and under section 516 of the AAIA.
- d. AP-4 agreements authorized by various acts between 1939 and 1944. (Note: All AP-4 agreements have expired; however, sponsors continue to be subject to the statutory exclusive rights prohibition.)
- e. Commitments in environmental documents prepared in accordance with current Federal Aviation Administration requirements, which address the National Environmental Policy Act of 1969 (NEPA) and the AAIA.
- f. Separate written agreements between the sponsor and the FAA, including settlement agreements resulting from litigation.

OBLIGATIONS:

The following is a list of assurances and deed restrictions most commonly encountered in compliance cases. Exceptions to the standard duration of the obligations in a grant agreement or conveyance document are noted. "Standard" duration means:

- (1) Grant agreements for development other than land purchase. Pavement and other facilities built to FAA standards are designed to last at least 20 years, and the duration of the obligation should generally be assumed to be 20 years. The duration may be shorter for grants made exclusively for certain equipment, such as a vehicle, that clearly has a useful life shorter than 20 years.

(2) Grant agreements for land purchase. AIP grant agreements for purchase of land provide that obligations do not expire, since the useful life of land does not end or depreciate. However, FAAP and ADAP grants did not always contain this language, and the grant documents should be reviewed to determine whether the obligations expire in 20 years or continue indefinitely. Also, grants to a private operator of a public-use general aviation airport provide for a defined duration of the obligations attached to the grant, and the grant documents should be reviewed to determine the actual obligations that apply.

(3) Surplus property deeds and nonsurplus land conveyance documents. Documents conveying federal land and property interests for airport use generally have no expiration date, and obligations continue indefinitely until the sponsor is formally released from the obligation by the FAA. Obligations run with the land and bind subsequent owners.

a. Exclusive Rights Prohibition:

(1) Applies to airports subject to: Any federal agreement or property conveyance.

(2) Obligation: To operate the airport without granting or permitting any exclusive right to conduct any aeronautical activity at the airport. (Aeronautical activity is defined as any activity which involves, makes possible, or is required for the operation of an aircraft, or which contributes to or is required for the safety of such operations; i.e., air taxi and charter operations, aircraft storage, sale of aviation fuel, etc.)

(3) Duration of obligation: For as long as the property is used as an airport.

b. Maintenance of the Airport:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements, surplus property, conveyances, and certain section 16/13/516 conveyances.

(2) Obligation: To preserve and maintain the airport facilities in a safe and serviceable condition. This applies to all facilities shown on the approved ALP which are dedicated for aviation use, and includes facilities conveyed under the Surplus Property Act.

(3) Duration of obligation: Standard.

c. Operation of the Airport:

(1) Applies to airports subject to: FAA/ADAP/AIP agreements and surplus property conveyances.

(2) Obligation: To operate the aeronautical and common use areas for the benefit of the public and in a manner that will eliminate hazards to aircraft and persons.

(3) Duration of obligation: Standard.

d. Protection of Approaches:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements and surplus property conveyances.

(2) Obligation: To prevent, insofar as it is reasonably possible, the growth or establishment of obstructions in the aerial approaches to the airport. (The term “obstruction” refers to natural or man-made objects which penetrate the imaginary surfaces as defined in FAR Part 77, or other appropriate citation applicable to the specific agreement or conveyance document.)

(3) Duration of obligation: Standard.

e. Compatible Land Use:

(1) Applies to airports subject to: FAAP (after 1964)/ADAP/AIP agreements.

(2) Obligation: To take appropriate action, to the extent reasonable, to restrict the use of lands in the vicinity of the airport to activities and purposes compatible with normal airport operations.

(3) Duration of obligation: Standard.

f. Availability of Fair and Reasonable Terms:

(1) Applies to airports subject to: Any federal agreement or property conveyance.

(2) Obligation: To operate the airport for the use and benefit of the public to make it available to all types, kinds, and classes of aeronautical activity on fair and reasonable terms and without unjust discrimination.

(3) Duration of obligation: Twenty years from the date of execution for grant agreement prior to 1964. For grants executed subsequent to the passage of the Civil Rights Act of 1964, the statutory requirement prohibiting discrimination remains in effect for as long as the property is used as an airport. The obligation runs with the land for surplus property and section 16/23/516 conveyances.

g. Adherence to the Airport Layout Plan:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements.

(2) Obligation: To develop, operate, and maintain the airport in accordance with the latest approved airport layout plan. In addition, airport land depicted on the latest property map (Exhibit “A”) cannot be disposed of or otherwise encumbered without prior FAA approval.

(3) Duration of obligation: Standard.

h. Utilization of Surplus Property:

(1) Applies to airports subject to: Surplus property conveyances.

(2) Obligation: Property conveyed under the Surplus Property Act must be used to support the development, maintenance and operation of the airport. If not needed to directly support an aviation use, such property must be available for use to produce income for the airport. Such property may not be leased or rented at a discount or for nominal consideration to subsidize nonairport objectives. Airport property cannot be used, leased, sold, salvaged, or disposed of for other than for airport purposes without FAA approval.

(3) Duration of obligation: Standard.

i. Utilization of Section 16/23/516 lands:

(1) Applies to airports subject to: Section 16/23/516 conveyances.

(2) Obligation: Property must be used for airport purposes; i.e., uses directly related to the actual operation or the foreseeable aeronautical development of the airport. Incidental use of the property must be approved by the FAA.

(3) Duration of obligation: Standard.

j. Sale or Other Disposal of Property Acquired Under FAAP/ADAP/AIP:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements.

(2) Obligation: To obtain FAA approval for the sale or other disposal of property acquired under FAAP/ADAP/AIP, as well as approval for the use of any net proceeds realized.

(3) Duration of obligation: Standard.

k. Utilization of Airport Revenue:

(1) Applies to airports subject to: Any federal agreement or property conveyance.

(2) Obligation: To use all airport revenues for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport, and directly related to the actual air transportation of passengers or property.

(3) Duration of obligation: Standard for grants and conveyances executed prior to October 1, 1996. For airports receiving assistance on or after that date, the obligation continues as long as the facility is used as a public-use airport.

(4) Special Conditions Affecting Noise Land and Future Aeronautical Use Land: Apply interim revenue derived from noise land or future aeronautical use land to projects eligible for grants under the AIP. This income may not be used for the matching share of any grant.

l. National Emergency Use Provision:

(1) Applies to airports subject to: Surplus property conveyances (where sponsor not released from this clause.)

(2) Obligation: That during any war or national emergency, the government has the right of exclusive possession and control of the airport.

(3) Duration of Obligation: Runs with the land (unless released from this clause by the FAA, with concurrence of the Department of Defense.)

m. Fee and Rental Structure:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements.

(2) Obligation: To maintain a fee and rental structure of the facilities and services being provided the airport users which will make the airport as self-sustaining as possible. (Note: Fair and reasonable for aeronautical activities and fair market value for nonaeronautical activities.)

(3) Duration of obligation: Standard.

n. Preserving Rights and Powers:

(1) Applies to airports subject to: FAAP/ADAP/AIP agreements.

(2) Obligation: To not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the sponsor assurances without FAA approval, and to act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. To not dispose of or encumber its title or other interests in the site and facilities for the duration of the terms, conditions, and assurances in the grant agreement without FAA approval.

(3) Duration of Obligation: Standard.

- o. Environmental Requirements:** The AAIA requires that for certain types of project, an environment review be conducted. The review can take the form of either an environmental assessment or an environmental impact statement. These environmental documents often contain commitments related to mitigation of environmental impacts. FAA approval of environmental documents containing such commitments has the effect of requiring that these commitments be fulfilled before FAA grant issuance or as part of the grant.
- p. Other Obligations:** The above obligations represent the more important obligations assumed by an airport sponsor. Other obligations that may be found in grant agreements include:
- Use of Government Aircraft
 - Land for Federal Facilities
 - Standard Accounting Systems
 - Reports and Inspections
 - Consultation with Users
 - Terminal Development Prerequisites
 - Construction Inspection and Approval
 - Minimum Wage Rates
 - Veterans Preference
 - Audits, Audit Reports and Record Keeping Requirement
 - Local Approval
 - Civil Rights
 - Construction Accomplishment
 - Planning Projects
 - Good Title
 - Sponsor Fund Availability

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