

Part III: Complaint Resolution

Chapter 5. Initiating, Accepting and Investigating Informal and Formal Complaints

5.1 Introduction.

This chapter discusses both informal and formal resolution of complaints involving federally assisted airports. It discusses the FAA process under *Investigative and Enforcement Procedures*, 14 CFR part 13 (“Part 13”) for informal complaints and the process under *Rules of Practice for Federally-Assisted Airport Enforcement Procedures*, 14 CFR part 16 (“Part 16”) for formal complaints. More discussion is devoted to informal resolution since Part 16 procedures are described in detail in that regulation and because regional personnel will primarily be involved in informal resolution.

Under 14 CFR § 13.2,¹ anyone may report compliance violations of federal laws affecting air transportation, including any regulations, rules, policies, or orders issued under those laws. When appropriate, the Regional Airports Division (Region) and Airports District Office (ADO) will investigate complaints to ensure that each reported violation is properly evaluated and that sponsors are in compliance with their federal obligations.

This chapter will focus on the process for investigating complaints under the jurisdiction of the Office of Airports (see Section 5.3.a, *The Basics*).²

5.2 Background.

Under 14 CFR § 13.2, any person who knows of a violation of federal aviation laws, regulations, rules, policies, or orders may report the violation to the FAA informally as a "report of violation." The remaining sections of Part 13 provide for the investigation of

¹ Effective November 30, 2021, the procedural rules governing FAA investigations and enforcement actions were revised to include updates to statutory and regulatory references, updates to agency organization structure, elimination of inconsistencies, clarification of ambiguity, increases in efficiency and improved readability. See [86 Fed. Reg. 54514](#) regarding 14 CFR part 13 (Docket No. FAA-2018-1051, October 1, 2021). Accordingly, prior reference to Section 13.1 is now referenced as Section 13.2.

² See also the current version of Compliance Guidance Letter - [Procedures for Initiating and/or Accepting and Investigating 14 CFR part 13 Informal Complaints Concerning Violations of Grant Assurance Obligations and Surplus Property Deed Restrictions](#).

formal complaints to the FAA for matters not covered by 14 CFR §16.3. For example, Section 13.5 would be used to file a formal complaint against an airport operator for a violation of safety regulations, including Part 139, but not a violation of obligations under grant assurances or deeds. Section 13.2, however, applies to reports of violations and informal complaints relating to matters covered under either Part 13 or Part 16. A person reporting a violation under Section 13.2 does not need to be affected by the violation alleged in the complaint. A Section 13.2 informal complaint simply represents a report to the FAA of an alleged violation; the violation is not necessarily against or affecting the complainant.

The process for reporting an informal complaint under Section 13.2 is not as prescriptive as the regulatory process for formal complaints filed under Part 16.

It is important to note that every question, inquiry or scenario that an individual brings to the attention of the Region or ADO regarding compliance is not necessarily a reviewable complaint. Some tenants or aviation users may not be familiar with the interpretation of an airport's federal obligations and may simply require clarification on these issues. In order to be a reviewable complaint, the allegations, if substantiated, would lead to the airport sponsor being in violation of an airport obligation.

Section 13.2 does not provide specific timeframes for completion of an investigation. However, most can be completed within 120 days.

A complainant may file a Part 16 formal complaint while a Section 13.2 investigation is underway or after it has been concluded. If the complainant files a Part 16 complaint regarding the same set of allegations being investigated during a Section 13.2 investigation, the Section 13.2 investigation may be suspended in favor of the Part 16 investigation. A final agency decision under Part 16 will enable judicial review.

5.3 The Basics.

a. What is an Informal Complaint under Part 13⁴

An informal complaint may be initiated under Section 13.2 to report a violation of a wide range of federal laws and regulations under the jurisdiction of the FAA. Matters under the jurisdiction of the Office of Airports include but are not limited to an airport sponsor's alleged violations of grant assurances, grant agreement special conditions, federal property conveyance deed restrictions, or other violation of regulations, rules, policies,

³ See 14 CFR § 13.3(d).

⁴ A report of a violation under Section 13.2, is commonly referred to as an informal complaint.

or orders. Hereafter, the matters under the jurisdiction of the Office of Airports will be referred to as “airport obligations” or “Federal obligations”.

b. Who can File an Informal Complaint?

Anyone who is aware of or suspects a violation of a Federal obligation may file an informal complaint. The person or entity filing the complaint need not be directly affected by the alleged violation. In addition, the person or entity filing the complaint does not need to know which specific airport obligation has been violated but should identify the airport and the details surrounding the complaint.

c. How does an Informal Complaint get Filed?

The informal filing process under 14 CFR § 13.2 allows the reporting party to submit its complaint verbally or in writing (e.g., telephone call, in-person conversation, letter, or email).

d. Who Receives the Informal Complaint?

The complaint may be received by a Regional Office, ADO or ACO-100. If ACO-100 receives a complaint, it can provide general guidance regarding the process to the complainant but should refer the complaint to the appropriate region. If a Region or ADO receives a complaint about an airport in another region, it should refer that complaint to the appropriate regional office. When a Region or ADO receives a complaint about an airport sponsor covered by a State Block Grant state, the Region or ADO should contact the State Department of Transportation or the state aviation office for assistance. While state input is essential, the FAA remains responsible for ensuring the integrity of the Part 13.2 process and adjudicating the complaint.

e. Who is Responsible for Handling the Informal Complaint?

Each Region and/or ADO is responsible for determining which personnel handles informal complaints. Depending on the nature of the complaint, the Region or ADO may elevate issues and coordinate with other FAA offices. Coordination may include FAA general counsel (AGC), ACO-100 and other FAA offices as appropriate. If a complaint includes allegations involving complex operational safety issues, other subject matter experts may be included in the discussion depending on the issue. In general, a condition, issue, or situation that can affect aircraft operations, including deviations from normal airport operations, can be characterized as an operational safety issue. Depending on the issue, assistance from other FAA personnel or Line of Business (LOB) may be necessary early in the process. These can include or involve Part 139 Safety Inspectors, the Flight Standards Division, or Air Traffic Control (ATC) specialists/functions. These entities should be able to assist in determining how to proceed.

When resolution may have national policy implications, the Region or ADO will coordinate the response with the AGC, ACO-100, and other affected headquarters offices.

f. When Should Informal Complaints be Referred to other Offices/Agencies?

If complaints involve the following allegations, they should be referred to the appropriate offices/agencies as detailed below:

- Alleged violations associated with civil rights should be referred to the FAA Office of Civil Rights, including allegations regarding Disadvantaged Business Enterprise (DBE)/Airport Concessions DBE (ACDBE) or Title VI Nondiscrimination & Airport Disability Accessibility Compliance issues.
- Complaints regarding the reasonableness of fees charged by the airport sponsor to an airline may either be handled under 14 CFR part 16 or by the Department of Transportation (DOT) under 14 CFR part 302.
- Complaints regarding violations of Federal aviation regulations governing the operation or maintenance of aircraft, and/or conduct aboard aircraft, should be forwarded to the appropriate Flight Standards District Office.
- Complaints regarding violations of regulations governing the transportation of hazardous materials should be forwarded to the Security and Hazardous Materials Safety Division.
- Complaints regarding an FAA employee's conduct in the scope of their duties, or otherwise, should be referred to the Associate Administrator for Airports.

g. When should Regions or ADOs Initiate Investigations under Part 13 when a Part 13 Complaint has not been Filed?

The Region or ADO may learn of possible violations of airport obligations from various sources. For example, Region or ADO personnel may obtain information from:

- Personal observations of an airport and/or airport documentation,
- Reports from FAA employees from other lines of business,
- NASA reports,
- Safety hotline reports,
- Whistleblower disclosures from airport employees, or
- News media or social media.

If, after reviewing the information, the Region or ADO determines that an airport may have violated a Federal obligation, it should initiate investigations under Section 13.2.

5.4 Part 13: Resolution through Informal Discussions.

The Section 13.2 process is intended to help airport users and airport sponsors resolve issues in an informal and expedient manner without the need to elevate it to a formal Part 16 process. 14 CFR § 16.21(a) requires complainants to “initiate and engage in good faith efforts to resolve the disputed matter informally with those individuals or entities believed responsible for the noncompliance. These efforts at informal resolution may include, without limitation, at the parties’ expense, mediation, arbitration, a dispute resolution board, or other form of third-party assistance.” Regions or ADOs can assist with informal resolution through the process explained in this chapter.

However, informal complaints may vary in terms of their complexity, scope, and the willingness of the parties to come to a resolution. In some cases, either the airport sponsor and/or the complainant may not understand the applicable obligations. Such a situation may be subject to a quick disposition. In other cases, the airport sponsor or the complainant may be uncooperative and unwilling to resolve violations or comply with the corrective actions proposed. Due to the broad range of informal complaints and the level of cooperation by the parties, the Section 13.2 process requires flexibility. This discussion provides a suggested approach for handling Section 13.2 complaints, it is not intended to foreclose other options.

When appropriate, the Regions or ADOs may attempt to resolve the complaint through informal discussion before initiating the more structured Section 13.2 process discussed in the subsequent section. Resolving complaints through an informal discussion may foster a positive and productive relationship between the complainant and the airport sponsor.

For cases in which the Region or ADO has decided to initiate an investigation where a Part 13 complaint has not been filed, the Region or ADO may also attempt to resolve the matter through informal discussions.

a. When to use Informal Discussions.

Regions or ADOs should consider several factors to help decide when to attempt to resolve complaints/FAA initiated investigations through informal discussions. The factors are summarized below:

- (1) Complexity of the Case.** If the case is fairly simple, an informal discussion may be a more appropriate first step. However, if the case is complex (either from a legal or factual perspective), involves multiple grant assurances, and/or will require significant investigation, it may be appropriate to initiate the structured Section 13.2 process to ensure all the elements of the case are documented and investigated.

(2) Willingness of the Airport Sponsor and Complainant to Resolve the Issue Quickly without a Structured Process. If the airport sponsor appears willing to rectify any violations and respond to the complainant's satisfaction, the informal discussion method may be most efficient. In addition, a complainant may prefer to resolve the issue quickly through informal discussions rather than opening a structured Section 13.2 investigation. However, if the parties are unwilling to entertain a quick resolution to any violation, the structured process should be initiated.

The Region or ADO may begin informal discussions but end up following the structured Section 13.2 process if their attempts at resolving the issue are unsuccessful. If the complainant prefers to remain anonymous, the Region or ADO can still begin the informal discussion process by reaching out to the airport sponsor to inquire about the allegations and has no obligation to identify a complainant.

b. Informal Discussion Process.

The informal discussion process has no prescribed method to follow. Informal discussions may include multiple conversations with the complainant and the sponsor, either individually or jointly, a review of submitted airport documents, and a site visit if needed. *Ex parte* communications are permissible. The goal is to come to an informal resolution that is mutually agreeable to the parties and that complies with the airport sponsor's Federal obligations.

Once satisfactory resolution has been achieved, the Region or ADO must still, if applicable, confirm that the airport sponsor has followed through with the agreed upon corrections.

c. Informal Discussion Documentation.

The Region or ADO will compile a record of the informal discussion process. The record of the informal complaint will serve to demonstrate that the issue was addressed and help to inform future Section 13.2 investigations. It will also provide a record of the airport sponsor's compliance history. At a minimum, the record of complaint will include documentation of the initial complaint, any informal resolution, and/or the Part 13 decision.

5.5 Part 13 Informal Review Process.

If informal discussions do not resolve the matter to the satisfaction of both parties, or if the Region or ADO made the determination to move directly to the structured Section 13.2 process, the following steps should be followed.

a. Step 1: Complaint Review.

The Region or ADO will review the complaint. Although not required, complainants are encouraged to initiate their complaints in writing given that oral communication, such as a telephone conversation, may not capture all the details or documentation of the allegations to advise potential complainants about the process and to encourage them to provide detailed information in writing.

In order to be investigated, the complaint must, at a minimum, identify the federally obligated airport in question and contain allegations that if substantiated, would constitute a violation of airport obligations. The Region or ADO will establish whether the FAA has jurisdiction by determining if the allegations relate to the sponsor's federal obligations. Note certain allegations, such as attempts to regulate safety or airspace, may also raise issues of Federal preemption in which case ACO-100 should be consulted.

Ideally, a complaint should:

- Identify the airport sponsor against which the allegations are made. If the complainant is not able to identify the sponsor, the airport name or LOCID should be included. The FAA will only review complaints against federally obligated airports. The FAA will determine if the airport is federally obligated before investigating the complaint.
- Identify the specific airport obligations alleged to have been violated. The complainant may not know which airport obligation has been violated. If this is the case, the Region or ADO should review the complaint and identify which airport obligation may have been violated.
- Provide a comprehensive, detailed description of the actions and/or inactions taken by the airport sponsor that resulted in the alleged violation.
- Provide issue-by-issue details, supporting arguments, information, and documentation. If the complaint is taken over the telephone, the Region or ADO should request documentation to support the complaint.

Complaints that are vague, or lack the information specified above, should be returned to the complainant with a request for clarification and/or the additional information needed to initiate an investigation. If the complaint alleges violations outside of the jurisdiction of ARP, the Region or ADO should notify the complainant. There is no requirement to investigate a complaint if it is clear that there is no violation of a sponsor's obligations.

Complainants may request anonymity during an informal investigation. While the FAA will make every attempt to honor a complainant's request for anonymity, this may preclude the FAA from conducting a full investigation and the complainant should be

made aware of this. Moreover, depending on the facts, the sponsor may ascertain the complainant's identity anyway.

If the complaint involves operational safety allegations, assistance from other FAA personnel or Line of Business (LOB) may be necessary. These can include or involve Part 139 Safety Inspectors, the Flight Standards Division, Air Traffic Control (ATC) specialists/functions, or ACO-100. These entities should be able to assist in determining how to proceed.

b. Step 2: Complaint Acknowledgement.

Upon receipt of a complaint that meets all or most of the requirements outlined above, the Region or ADO must acknowledge its receipt of the complaint. When the Region or ADO determines that the facts alleged raise issues outside of the scope of the Section 13.2 process and/or the jurisdiction of the FAA Office of Airports, the complainant should be notified.

c. Step 3: Initial Review of the Allegations.

The Region or ADO identifies the issues that require investigation and should review the airport obligating documents (*i.e.*, grant agreements, property transfer documents) and supporting facts. When evaluating a complaint, the Region or ADO must separate facts from unsubstantiated allegations. Only complaints supported by facts may be considered in a finding of noncompliance.

The complaining party has the responsibility to provide sufficient factual information to support the allegation(s). A supported fact is one that can be substantiated through corroborating evidence. The following may be helpful in supporting a fact:

- The airport reference documents, such as the Airport Layout Plan (ALP) and Capital Improvement Plan (CIP)
- Contracts or leases
- Meeting minutes
- Grant documents
- Letters
- Financial statements, invoices, receipts
- Visual inspection, photographs
- Policy documents
- Procedures manuals
- Independent analysis

- Records of conversation, sworn testimony, or corroborating statements
- Applicable subject matter guidance contained in other chapters of this Order

The Region or ADO may also identify specific information, such as leases, minimum standards, and operating procedures that it will need from the airport sponsor to assist in the investigation. The request for this information may be included as part of Step 4 or at any time during the process.

d. Step 4: Airport Sponsor Notification.

Once the initial review is complete, the Region or ADO should notify the airport sponsor of the matter and ask them to respond to each allegation. The notification letter should ask the airport sponsor to respond within 15 to 30 days from the date of the letter, depending on the urgency and/or complexity of the complaint. The complainant should receive a copy of the notification letter. If the complainant requests to remain anonymous or does not want to be involved in the investigation, the letter should not identify the complainant, and the complainant need not be involved in the review or resolution of the issue.

It may be efficient for the Region or ADO to request information from the airport sponsor as part of the notification. Additional documentation such as copies of leases, minimum standards, operating procedures and/or other documentation relevant to the investigation may be requested as part of the notification step or later in the investigation, as the need arises.

Consistent with [Grant Assurance 26, Reports and Inspections](#), airport sponsors are required to make all airport records and documents affecting the airport available to the FAA upon request. Nevertheless, there may be times during a Section 13.2 investigation where the Region or ADO determines the airport sponsor may be refusing to make requested documents available. If such an occasion arises, the Region or ADO may deem it necessary to provide a warning to the airport sponsor concerning the requirements of Grant Assurance 26.

Complaints filed with an FAA office are not confidential, and documents filed should always be provided to both parties during the proceedings. FAA offices should not require either party to file a Freedom of Information Act (FOIA) request to obtain these documents. In fact, unnecessary burdens placed on the parties to use the FOIA process may actually derail the informal resolution process. However, if the Region or ADO has questions regarding the appropriateness of releasing specific documents, it should seek guidance from its local FOIA representative and ACO-100.

e. Step 5: Airport Sponsor Response.

The airport sponsor should respond to the investigating office within the specified timeframe, unless an extension has been granted by the Region or ADO. When granting extensions of time, the FAA staff should ensure the airport sponsor is aware of the need to respond in a timely fashion and avoid open-ended or unclear deadlines. In addition, the sponsor may:

- (1) **Request Additional Information.** The airport sponsor may contact the investigating office to request additional information or clarify the FAA's expectations about the sponsor's response. The FAA staff should encourage the airport sponsor to respond to the complaint, in writing, in a timely fashion.
- (2) **Request a Meeting.** In some cases, the airport sponsor may request a meeting with the FAA to explain and resolve the allegations.

The sponsor may include supporting documentation, such as, leases, minimum standards, airport rules and regulations, and correspondence in its response. The airport sponsor should address each issue raised in the complaint.

f. Step 6: Investigation.

The Region or ADO should review the airport sponsor's response and its obligating documents (such as grant agreements and surplus property deeds). The role of the Region or ADO is to determine the facts and may take the following action(s):

- (1) **Site Visit.** The Region or ADO may conduct an on-site airport visit (compliance inspection) to collect evidence or investigate allegations. The FAA may or may not notify the airport sponsor prior to conducting a site visit, depending on the complexity or sensitivity of the case.
- (2) **Discussions with the Parties.** If the facts provided by the parties vary greatly, the Region or ADO may discuss this with the parties, separately or jointly, to obtain clarification.

(3) Obtain Additional Evidence. If specific statements made by a party are unsupported or unclear, then the Region or ADO may contact that party in writing to obtain additional evidence. Some complaints may require the Region or ADO to coordinate with the Flight Standards Division or Air Traffic Organization office to conduct a safety assessment of a proposed aeronautical activity at the airport. When necessary, the Region or ADO may also seek to obtain additional evidence from sources besides the two parties (e.g., witness statements from former airport employees, information/documentation from other individuals or entities that have had dealings with the airport).

(4) Informal Resolution. In some cases, the Region or ADO may be able to assist the parties in resolving their dispute by suggesting options that may resolve the complaint in a manner that is satisfactory to both parties and consistent with the airport sponsor's Federal obligations.

The structured Section 13.2 process should be as transparent as possible. Any correspondence including letters and emails should include both parties to the extent possible. In some cases, proprietary information or general information that does not directly impact the investigation may not be shared automatically. If a party requests all the information associated with the investigation, the Region or ADO should furnish this information. Deliberative discussions, however, may be withheld as necessary. Also, *ex parte* communications made for purposes of seeking resolution are permissible in a Part 13 proceeding.

During the investigation, the Region or ADO may find another area of noncompliance that is unrelated to the complaint. In this case, the Region or ADO should discuss this with the airport sponsor and seek resolution. Such issue shall remain separate from the current Section 13.2 matter. If the sponsor is not willing to voluntarily correct the issue and return to compliance, a separate informal investigation may be initiated.

g. Step 7: Conclusion.

Upon completion of the investigation, the Region or ADO will notify the parties of the conclusions reached by the FAA.

(1) Complaint Dismissal Letter. If the investigation concludes that no further FAA action is warranted, the Region or ADO will send a dismissal letter.

(2) Complaint Resolution. At any time during the investigative process, the parties may reach a resolution. This agreement may be reached by the two parties with some or little FAA involvement. The Region or ADO should ensure that the agreement will put the sponsor in compliance with its Federal obligations and that any required actions are completed. The Region or ADO should request a copy

of an agreement, if any, between the parties that addresses the resolution to be able to close out the complaint.

(3) Notice of Potential Noncompliance. If it appears that the airport sponsor may be violating its federal obligations, the Region or ADO will notify the sponsor of the potential noncompliance. This letter identifies violation(s), requests the airport sponsor take specific corrective action(s), and specifies a timeline for the corrective actions.

The Section 13.2 process will result in a dismissal, informal resolution, or potential noncompliance. These documents may later assist the Part 16 complaint (as required under 14 CFR § 16.21(b)) that substantial and reasonable good faith efforts to resolve the disputed matter informally prior to filing the complaint have been made and that there appears no reasonable prospect for timely resolution of the dispute. The case should be closed out if it is resolved through the informal discussion method or through the structured review process.

Corrective actions may take some time for the sponsor to complete. If an airport sponsor is not completing its corrective action plan within the specified time frame or refuses to undertake the corrective actions, the Region or ADO should coordinate next steps with ACO-100. The ADO should not direct complainants to the Part 16 process without first attempting to resolve the issues at the local level. If warranted, and after consultation with the Region, ACO may initiate its own investigation under 14 CFR § 16.101.

5.6 Part 13: Stale Complaint.

An informal complaint that has been inactive for two (2) or more years is considered stale. Any complainant who lacks interest or abandoned their complaint is recognized as stale. Stale complaints may be archived or discarded with no follow-up.

5.7 FAA Initiated Informal Letter of Investigation.

The Region/ADO may also initiate an informal investigation into potential violations of an airport's obligations. This can be done through an informal letter of investigation. The informal letter of investigation should provide details on the allegations, the specific airport obligations that may have been violated, a request for information, and a request for the sponsor to respond to the allegations within 15 to 30 days. Once the informal letter of investigation is issued the Region/ADO should follow section 5.5, steps 5 through 7 above.

5.8 Part 16: Formal Complaint

Section 13.2 applies only to informal complaints; 14 CFR part 16 contains the agency procedures for filing, investigating, and adjudicating formal complaints against airport operators. Part 16 covers matters within the jurisdiction of the Associate Administrator for Airports involving federal obligations incurred by an airport sponsor in accepting federal surplus property or FAA grants. This primarily involves financial compliance and reasonable and nondiscriminatory access but includes all obligations in the federal grant assurances and surplus property deeds.

As noted above, the Part 13 process can facilitate a complainant meeting the pre-complaint resolution requirements of 14 CFR § 16.21. Under that section, potential complainants are required to engage in good faith efforts to resolve the disputed matter informally with potentially responsible respondents before filing a formal Part 16 complaint. Informal resolution may include mediation, arbitration, use of a dispute resolution board, or other form of third-party assistance, including regulation and policy guidance from the responsible FAA Region or ADO.

When filing a Part 16 complaint, the complainant must certify that good faith efforts have been made to achieve informal resolution. The Part 16 process is the formal administrative process by which the FAA may make a formal agency finding regarding an airport sponsor's status of compliance with its federal obligations.

However, Part 16 complaints may contain allegations that are the responsibility of offices or agencies other than ARP:

- The DOT handles complaints by air carriers regarding the reasonableness of airport fees filed under 49 U.S.C. § 47129. (Refer to 14 CFR part 302, DOT Rules of Practice in Proceedings). Carriers may choose whether to file a complaint over the reasonableness of airport fees with DOT under Part 302 or with FAA under Part 16.
- The FAA Office of Civil Rights handles airport matters involving civil rights, disadvantaged business enterprises, and persons with disabilities.
- Generally, any FAA employee receiving information on criminal acts should report the information to their supervisor and the nearest FAA Servicing Security Element who will in turn notify the FBI or appropriate Federal, State, or local law enforcement agency in accordance with [FAA Order 1600.38, Office of Investigations \(AXI\) Duties and Investigative Responsibilities](#).
- The National Transportation Safety Board (NTSB) investigates civil aviation accidents in the United States and issues safety recommendations aimed at preventing future accidents. The NTSB is responsible for determining the probable cause of U.S. civil aviation accidents.

- Other matters that fall outside of the Associate Administrator's jurisdiction are issues involving flight standards and airspace.

5.9 through 5.13 Reserved.