

Airports Division
Great Lakes Region

Land Use – On Airport

Prepared for: 24th Annual Great Lakes Airports Conference
Schaumburg, Illinois

Presented by: Paul Lo
Regional Planning Specialist

Date: Thursday, November 7, 2008



Federal Aviation
Administration



Objective

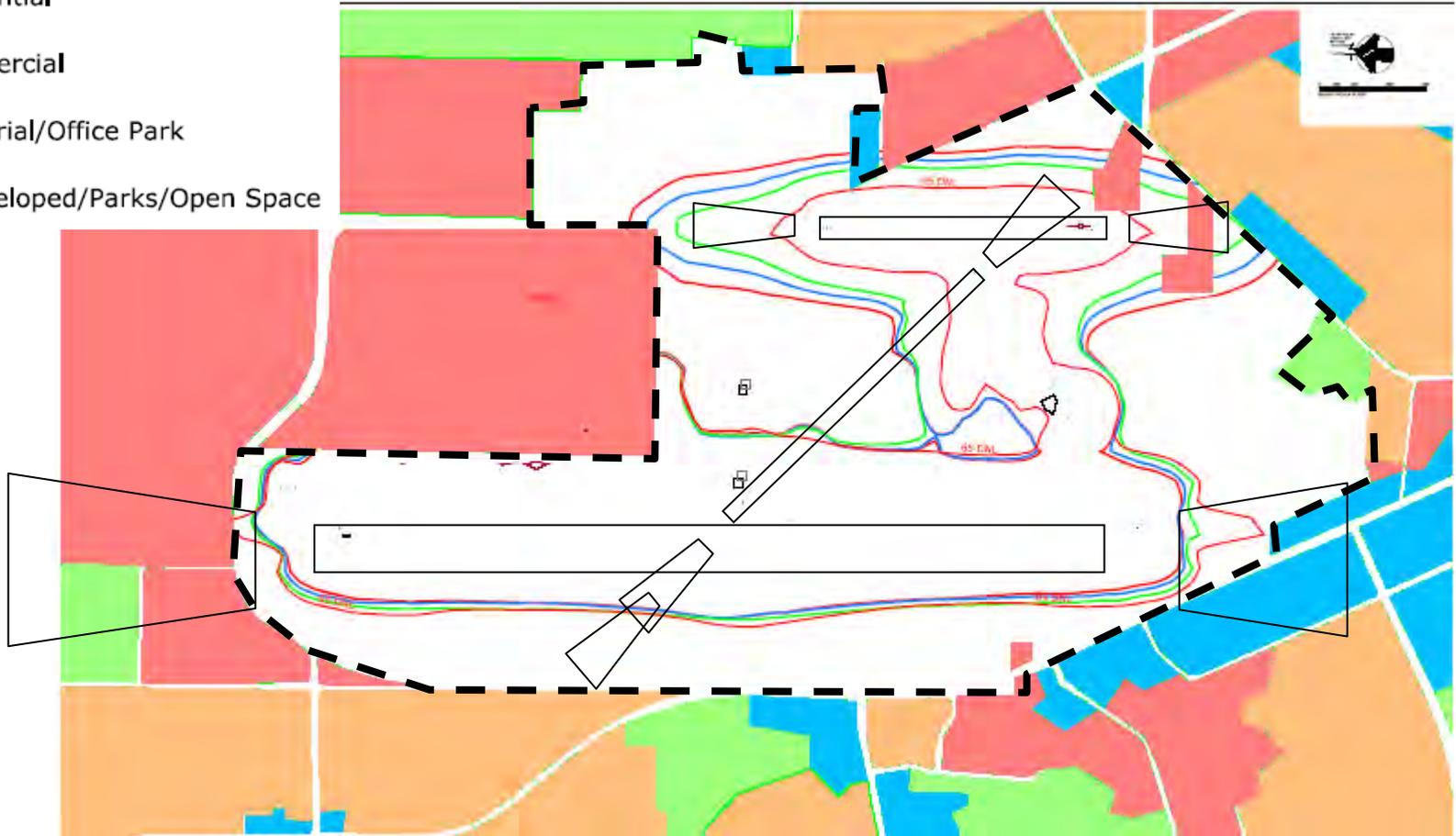
- **On-Airport Land Use Planning**
- **Land Use and ALP's**
- **Preventing Future Compliance Issues**
- **Grant Assurances**



Land Use

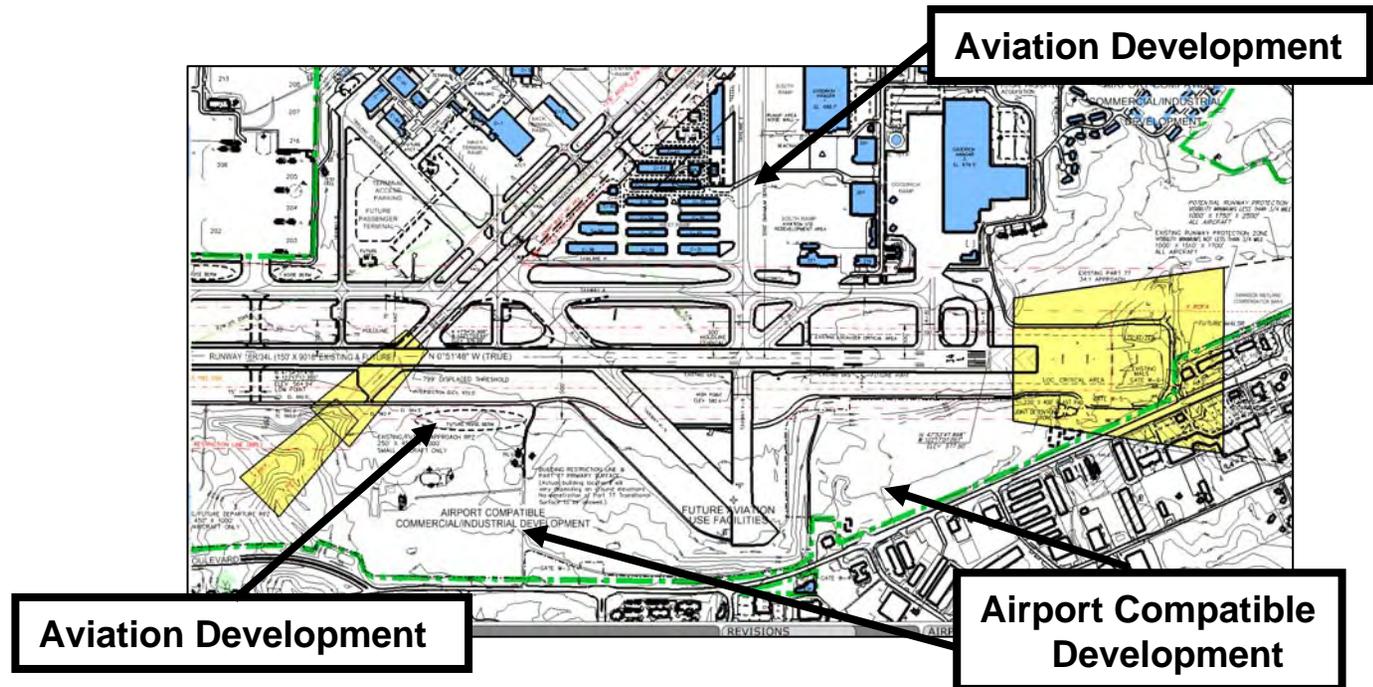
Off-Airport Generalized Land Use

-  Residential
-  Commercial
-  Industrial/Office Park
-  Undeveloped/Parks/Open Space



On-Airport Land Use Planning

- Use of airport property should conform to the ALP
- Compatible land usage within the airport property
- Check the Building Restriction Lines (BRL)



On-Airport Land Use Planning

- **Land Uses**
 - **Aeronautical service areas, industrial, agricultural, recreation, approach protection...**
 - **Nonaeronautical leaseholds.**
 - **Interim uses (take precautions to ensure these do not become permanent)**
- **Land Use Maps/Land files**
 - **Should not be inconsistencies between the ALP and Exhibit “A.”**
 - **Identify land that constitutes airport property (actual airport site) vs. land the airport owns.**



Planning and Compliance

- **Why plan for On-Airport Land Use when it's already controlled by the airport?**
 - **Federal Obligations accrue to the sponsor when the sponsor accepts grants or transfers of property.**
 - **Prevention of possible future Compliance issues.**



Planning and Compliance

- **Points to consider in planning.**
 - **Land Uses terminate as soon as the land is needed for aeronautical use.**
 - **i.e. farming can be conducted as a revenue-generating capacity, however the FAA expects the sponsor to terminate that use once an aeronautical need like aircraft parking is needed.**
 - **The perception of land use for the community must be prevented by not approving these types of uses or by imposing special conditions on the lease. (i.e. automatic termination)**



Perception

- **Recreational Facilities**



Unauthorized Land Uses

—Unauthorized Land uses

– Nonaeronautical leaseholds are:

- Located on designated aeronautical us land without FAA Approval
- Not Shown on the ALP
- Located on property not released by the FAA
 - (Permitting dedicated aeronautical property to be used for nonaeronautical uses)
 - Hangars to store vehicles or unrelated items.
 - Animal control facilities
 - Nonairport vehicle and maintenance equipment storage



Unauthorized Land Uses

- Aircraft museums
- Municipal administrative offices
- (non aeronautical related manufacturing)



Incompatible Land Uses

— Incompatible Land Uses.

- Obstructions
- Introducing a wildlife attractant or failure to mitigate hazardous wildlife at the airport
- Public roads built through airport property without FAA approval (isolating airport parcels from the rest of the airport and making them unsuitable for aeronautical use)
- Residential Construction



Incompatible Land Uses

– Typical

- Waste water ponds
- Municipal flood control channels/drainage basins
- Sanitary landfills
- Solid Waste transfer
- Electrical power substations
- Golf Courses
- Obstructions to Part 77 Surfaces



Grant Assurances – Rights and Powers

- **Grant Assurance 5.**
 - *...Not take or permit any action which would operate to deprive it of an of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement...*
 - **Do not commit to agreements that conflict with Federal obligations:**
 - 99 year leases.
 - Purchase agreements involving airport property.
 - Caution with through-the-fence agreements.



Grant Assurances – Temporary Closures

- Assurance 19.
 - ***“Any proposal to temporarily close the airport must first be approved by the Secretary.”*** (i.e. the FAA)
 - Closure for non-aeronautical purposes must be approved by the FAA.
 - Support for Approval?
 - Financial payment to the airport.
 - The event and closure have tangible airport benefits and community support.



Grant Assurances – Temporary Closures

- **Generally not allowed (Assurance 19)**
 - Drag racing
 - Grand prix racing
 - Remote control planes



Grant Assurances – Airport Availability

- Assurance 22
 - The sponsor “...will make its airport available as an airport for public use on reasonable terms, and without unjust discrimination, to all types, kinds, and classes of aeronautical uses.”
 - This assurance generally does not apply to non-aeronautical activities.



Grant Assurances – Fee and Rental Structure

- **Assurance 24**
 - **The sponsor“...will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport....”**
 - **Assurance 24 and USC 47133 require the airport to charge Fair Market Value for non-aeronautical uses of the airport**
 - **The FAA must approve non-aeronautical uses.**



Benefits of On-Airport Land Use Planning

- Ensures that land remains part of the airport
- Identifies federally obligated land
- Ensures land earns revenue from non-aviation uses
- Ensures revenue is restricted to airport uses
- Ensures revenue makes the airport self-sustaining
- Provides guidance on airport land purposes
- Ensures land can be recovered for aviation

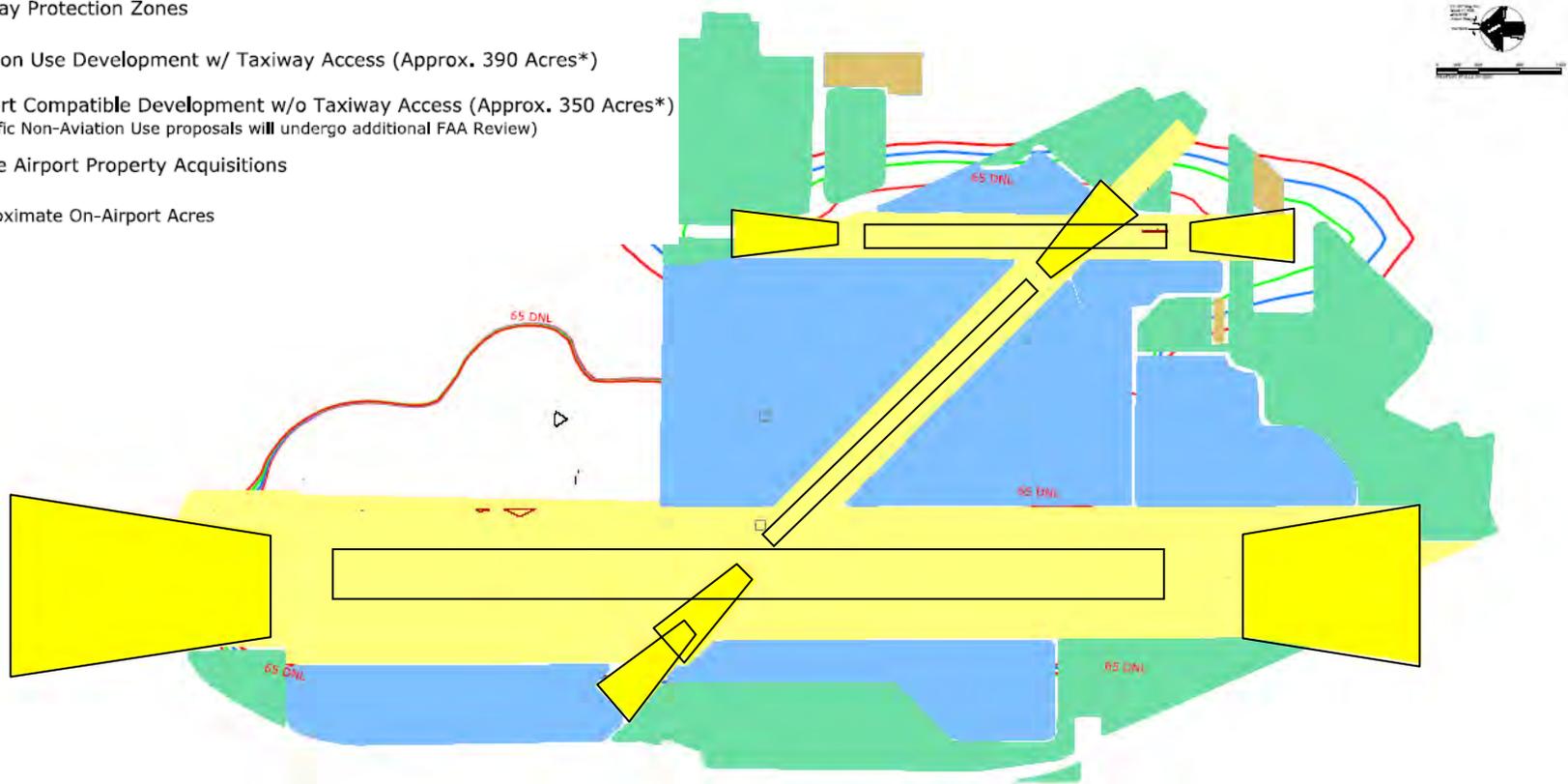


Land-Use Drawings

On-Airport Land Use

-  Runway, Taxiway & Approach System
-  Runway Protection Zones
-  Aviation Use Development w/ Taxiway Access (Approx. 390 Acres*)
-  Airport Compatible Development w/o Taxiway Access (Approx. 350 Acres*)
(Specific Non-Aviation Use proposals will undergo additional FAA Review)
-  Future Airport Property Acquisitions

*Approximate On-Airport Acres



Conclusions

- **Land Use planning shouldn't be confined to Off-Airport**
- **Airport Land Uses should conform to the ALP's purposes**
- **Identified several Noncompatible and Unauthorized Land Uses.**
- **Keep grant assurances in mind when planning future land use.**



Thank you!

Questions?

Paul Lo
Regional Planning Specialist
Airports Division, Great Lakes Region
(847) 294-7529
paul.lo@faa.gov



Federal Aviation
Administration



Grant Assurances – Temporary Closures

- **FAA may approve if:**
 - **Air carriers, aeronautical tenants and the local airport users have been notified of the planned closures and have been given the opportunity to comment.**
 - **Other airports in the area are available to handle diverted air traffic during the temporary closure**
 - **Precautions taken to prevent damage to airport facilities, equipment and navigational aids.**
 - **Sufficient insurance and liability waivers for sponsors.**
 - **Damage to airport facilities will be repaired in a timely manner**
 - **Appropriate NOTAMS will be issued prior to the closure**
 - **The impact of the closure will be kept to a minimum**



Grant Assurances – Temporary Closures

- **Procedures to ensure:**
 - The safety of concurrent aircraft and airport operations
 - Safety of event officials, participants, and spectators, including crowd control, medical emergency, law enforcement
- **If Certificated?**
 - Airport and carriers will return to Part 1540 security levels prior to start of carrier service
 - Movement areas will be thoroughly inspected in accordance with Part 139 prior to operations
- **RO/ADO obtains from the sponsor documentation that provides assurances that these conditions/criteria have been or will be satisfied**

