

A Policy Framework for General Land Use

Airport Compliance

Presented to: 2006 Northwest Mountain Region
Airport Conference

By: Kevin C. Willis, Airport Compliance Officer

Kevin.Willis@FAA.gov, 202-267-8741

FAA, Washington, DC

Date: April 12, 2006



Federal Aviation
Administration



OBJECTIVE

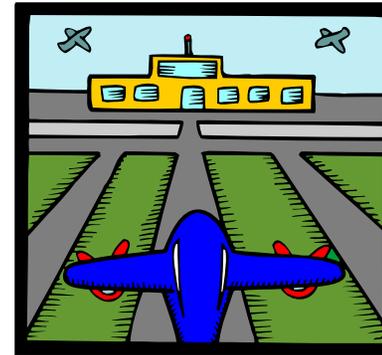
To provide the framework and identify available resources to assist an airport sponsor to comply with its Federal obligations in resolving airport land issues



Airport Land

Land is Central to the Character and Business of the Airport

- ✓ Developed and Clear
- ✓ Concrete, Asphalt and Grass
- ✓ Marked and Lighted
- ✓ Fenced and Secure
- ✓ Scarcity, Long-term Investment, Local transportation network and Modification



LAND ISSUES

Two Different worlds with Different rules regarding how land is used.

•On-Airport vs Off-Airport

•Aeronautical vs Non-Aeronautical

LAND USE MATRIX

- AERONAUTICAL
- ON-AIRPORT

- NON-AERONAUTICAL
- ON-AIRPORT

- AERONAUTICAL
- OFF-AIRPORT

- NON-AERONAUTICAL
- OFF-AIRPORT



LAND USE MATRIX

Aeronautical/On-Airport

- FBO LEASES
- AIRCRAFT STORAGE
- AIRCRAFT OPERATIONS AND SUPPORT SERVICES

Aeronautical/Off-Airport

THROUGH THE FENCE OPERATIONS

Non-Aeronautical/On-Airport

LEASING FOR REVENUE GENERATION, SERVICES, COMMUNITY BENEFIT

Non-Aeronautical/Off-Airport

- COMPATIBLE LAND USE
- ZONING•NOISE ISSUES
- LAND DISPOSAL

AERONAUTICAL ON-AIRPORT

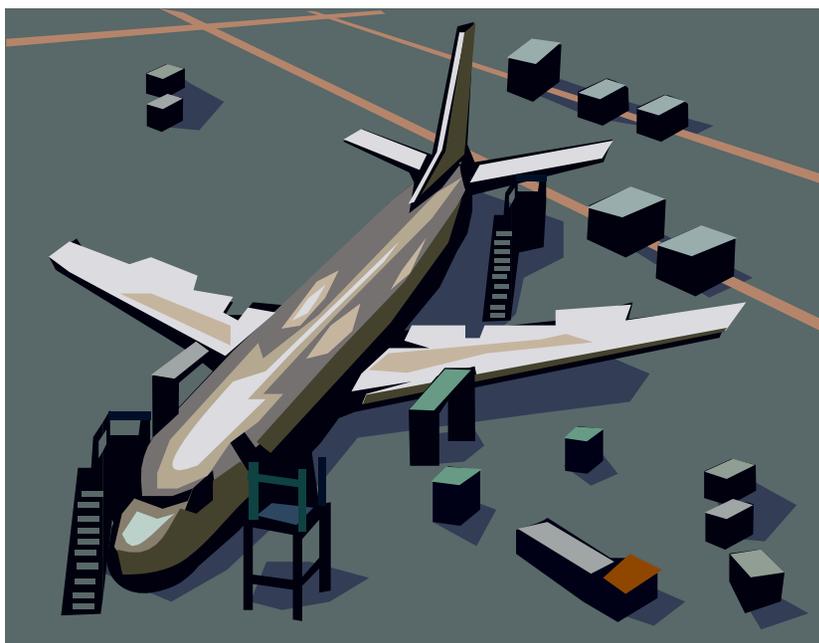
LEASING LAND FOR AERONAUTICAL ACTIVITY



AN AIRPORT OWNER'S PRIME OBLIGATION IS TO PROVIDE AN OPPORTUNITY FOR AERONAUTICAL ACTIVITY ON REASONABLE TERMS. THE AIRPORT OWNER IS UNDER NO OBLIGATION TO PROVIDE THE ACTIVITY ITSELF.

Aeronautical Land Leases

- **Self-Sustainability**
- **Reasonable Access**
- **Non-Discrimination among Similarly Situated Aeronautical Users (time, place, business plan)**
- **Exclusive Rights**
- **Rights and Powers**
- **Standards and Business Practices**



NON-AERONAUTICAL ON-AIRPORT

LEASING AIRPORT LAND FOR NON- AERONAUTICAL ACTIVITY



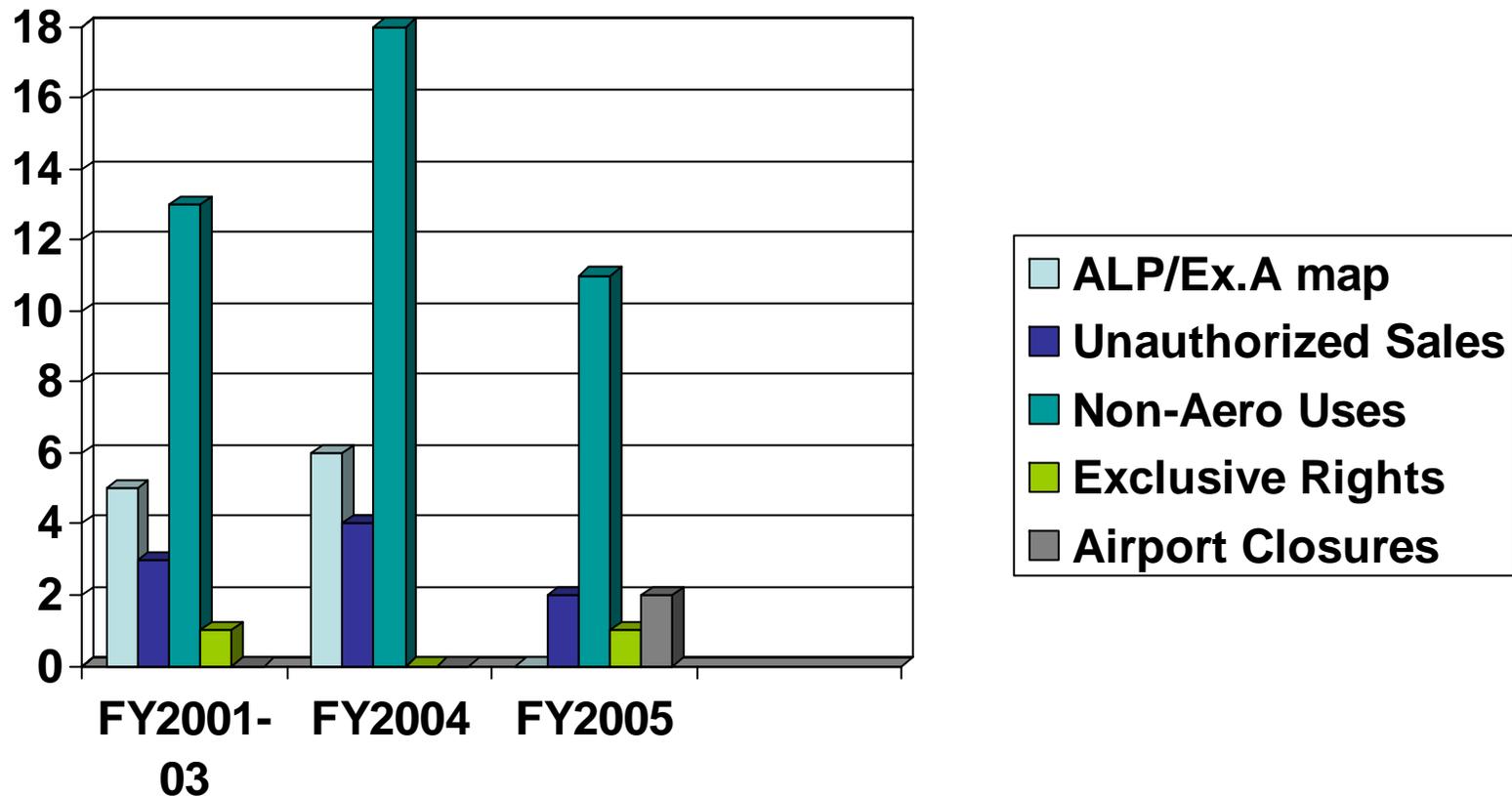
**AERONAUTICAL ACTIVITY TAKES PRECEDENCE
OVER NON-AERONAUTICAL ACTIVITY. THE RATIO
OF AERONAUTICAL TO NON-AERONAUTICAL IS A
PLANNING AND COMPLIANCE QUESTION**

NON-AERONAUTICAL LAND LEASES

- SELF-SUSTAINABILITY
- FAIR MARKET VALUE
- REVENUE USE ISSUE
- COMMUNITY USE
- COMPATIBLE LAND USE
- STANDARDS AND BUSINESS PRACTICES



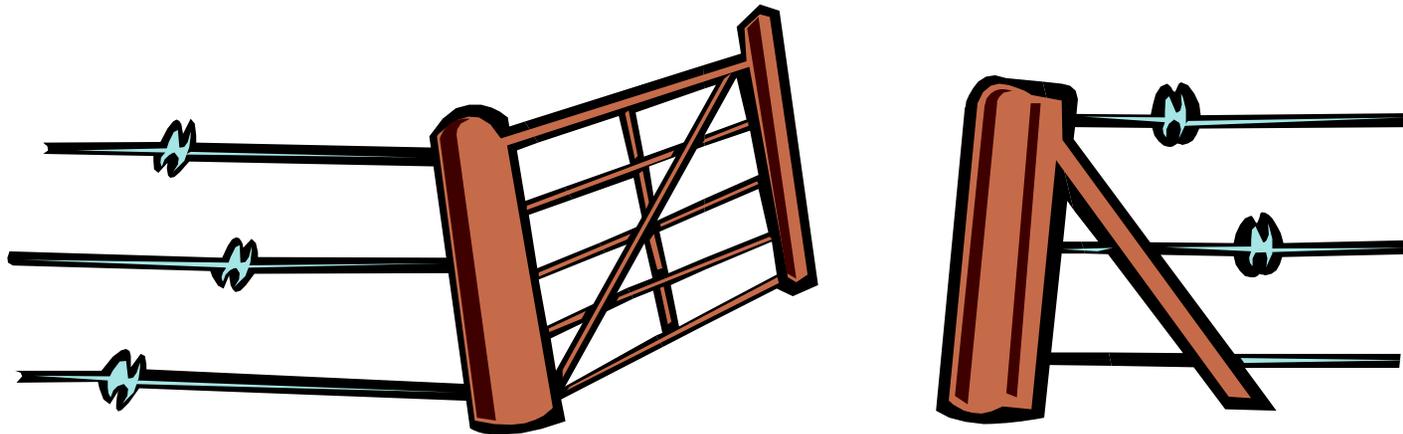
LAND USE COMPLIANCE INSPECTIONS-ALL REGIONS



AERONAUTICAL OFF-AIRPORT

THROUGH-THE-FENCE OPERATIONS

THE FAA DOES NOT RECOMMEND TTF
OPERATIONS, BUT DOES NOT PROHIBIT THEM



TTF OPERATIONAL PROBLEMS

- SAFETY AND SECURITY
- SELF-SUSTAINABILITY
- DISCRIMINATION AGAINST ON-AIRPORT OPERATORS
- RIGHTS AND POWERS
- CREATION OF A SEPARATE CLASS OF OPERATORS
- POTENTIAL GRANT VIOLATION



TTF OPERATIONS ALLOWED

THE FAA HAS FOUND SOME TTF OPERATIONS TO BE CONSISTENT WITH FEDERAL OBLIGATIONS



- **AIRPORT RECEIVES EQUITABLE COMPENSATION**
- **CONTROLS THE FENCE**
- **DOES NOT DISCRIMINATE AGAINST ON-AIRPORT USERS**
- **PROMOTES COMPETITION**
- **PUBLIC BENEFIT**
- **ADOPTS GRANT ASSURANCES**

AIRPORT LAND-USE COMPATIBILITY

***“INCOMPATIBLE
LAND USE
CONSTITUTES
THE LEADING
THREAT TO
AIRPORTS.”***



LAND USE PROBLEMS

- **Assurances 20 and 21 difficult to enforce**
- **A Lack of Understanding of Local Regulations by Local government**
- **CFR Part 77 is for Navigable Airspace only**
- **Part 150 Process doesn't address smaller general aviation airports**
- **Airport Sponsor's zoning authority limited, nonexistent or not used**



LAND-USE COMPATIBILITY PLANNING

**Education is the best
Approach!**

- **FAA Toolkit
@www.FAA.Gov**
- ***Land Use Compatibility
and Airports, A guide for
Effective Land Use
Planning, FAA-ASO***
- **State Airport Land-Use
Handbooks from CA,
OR, WI, FL, WA, TX**



AIRPORT RELEASE AND DISPOSAL

SURPLUS PROPERTY RELEASES

- **INDUSTRIAL USE RESTRICTION**
- **MINERALS AND PETROLEUM**
- **REVERTER CLAUSE**
- **NATIONAL EMERGENCY
USE PROVISION (NEUP)**
- **SALE OR DISPOSAL**



DISPOSAL OF LAND

- **LAND ACQUIRED FOR NOISE COMPATIBILITY GRANT-FUNDED LAND**
- **LAND ACQUIRED FOR AIRPORT DEVELOPMENT GRANT-FUNDED LAND**
- **LAND TRANSFERRED UNDER SURPLUS PROPERTY**
- **LAND DEDICATED BY THE OWNER FOR AIRPORT PURPOSES**



LAND-USE INVENTORY FILE

- **CURRENT PROPERTY MAP/ALP**
- **RECORD OF FEDERALLY ACQUIRED LAND**
- **ACQUISITION /DISPOSAL HISTORY OF LAND**
- **RECORD OF ALL LAND RELEASES AND INTERIM USES**
- **A REVIEW OF ALL LEASES BOTH NON-AVIATION AND AVIATION**



LAND USE RULES

Aeronautical/On-Airport

- Assurance 23. Exclusive Rights
- Assurance 28. Land for Federal Facilities
- Assurance 29. Airport layout Plan
- Policy Regarding Airport Rates and Charges (61 FR 31994) June 21, 1999
- Airport Layout Plan/Exhibit A property map
FAA Order 5190.6A

Aeronautical/Off-Airport

Through-the-fence, FAA Order 5190.6A

Non-Aeronautical/On-Airport

- Policy Concerning Use of Airport Revenue (64 FR 7696, February 16, 1999)
- Interim Use, FAA Order 5190.6A
- Airport Layout Plan/Exhibit A property map

Non-Aeronautical/Off-Airport

- Assurance 5b. FAA approval required for sale, lease, transfer, disposal or encumbrance of property interests.
- Assurance 20. Hazard Removal/ Mitigation
- Assurance 21. Compatible Land Use
- Assurance 31. Disposal of Land
- Land-Use Compatibility Planning
- Title 14 CFR Part 150 Noise Compatibility
- FAA Order 5190.6A, Releases,
- Federally acquired Land, Title 49 U.S.C. §47107(c) and Federal Surplus Property
- U.S.C. §47151
- Public Notice Title 49 U.S.C. §47107(h)

