

Compliance Update & Roundtable

Presented to: FAA ANM Region Airports Conference

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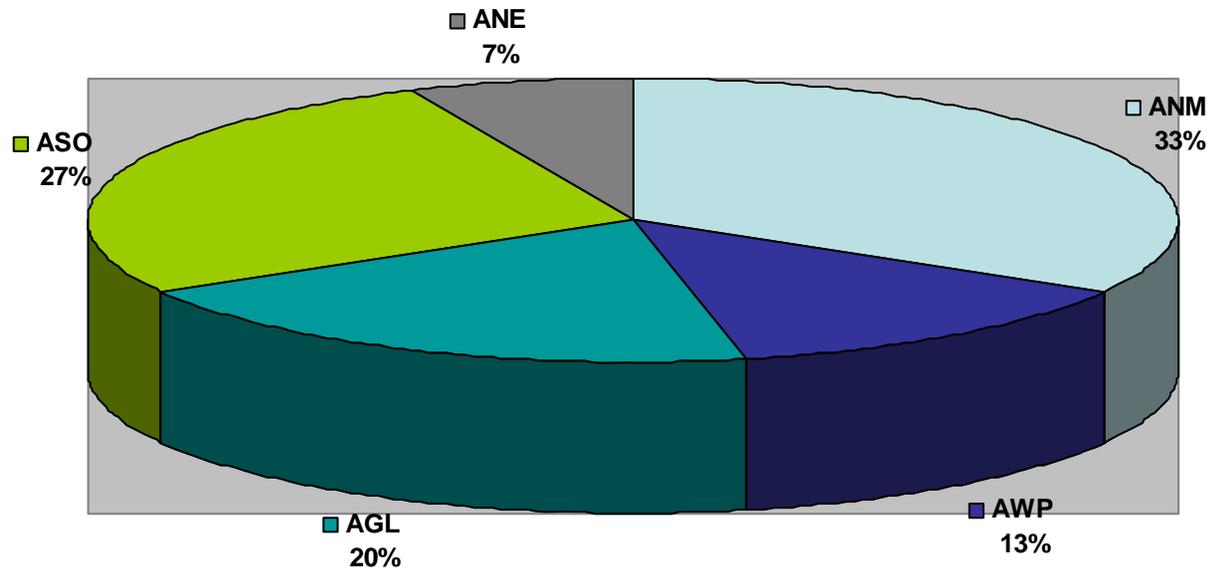
**Federal Aviation
Administration**



Agenda

- **Part 16 Complaints & Decisions**
- **New Advisory Circulars**
 - Minimum Standards
 - Exclusive Use
- **Round Table Discussion – Keeping your Airport Compliant**
 - Ann Crook, Airport Director, Klamath Falls, WA
 - Bill Dolan, Deputy Airport Director, Paine Field, Everett, WA
 - Gary Gates, Civil Engineer/Community Planner, Helena ADO

2006 Part 16 Complaints Filed



2006 Part 16 Case Statistics

Total Complaints Filed		15
Director's Determinations	4	
Determinations Pending	6	
Complaints Dismissed	5	
Appeals Pending	3	
Cases Closed	5	

Complaint Trends

- FBO Market Dominance
- Through the Fence
- Access Issues



Part 16 Administrative Decisions

<http://part16.airports.faa.gov>

16-06-01 *JetAway Aviation v. Montrose County, CO*

Dismissed/Mediation – Through the Fence

16-06-02 *Skydive v. Monroe-Walton County, GA*

Dismissed – FBO Economic Discrimination

16-06-06 *Carey & Davenport v. Afton-Lincoln County, CO*

Appeal/Corrective Action Plan – Through the fence et al

16-06-15 *AH Aero Services v. City of Ogden, UT*

Dismissed – Through the fence

Pending ANM Part 16 Determinations

16-06-02 Jet Center Partners v. Montrose County
FBO Economic Discrimination

16-06-13 Lo-Yu Sun v. Port of Seattle, WA
Disadvantaged Business Enterprise Program

Minimum Standards, AC 150/5190-7



Key New Recommendations

- Make compliance with standards a part of the lease agreement
- Select factors that accurately reflect the nature of the activity
- Develop standards for ventures you want to attract (make part of a competitive solicitation)
- Changing Standards – careful not to create a situation of unjust discrimination.
- Uniformly apply standards to all similarly situated users.
- May prohibit skydiving for safe operation of the airport (subject to FAA approval).

TTF Operators

- No obligation to permit TTF access
- May undermine minimum standards
- Must retain legal right to require conformance with requirements of existing or proposed grant agreement or Federal property conveyance obligation
- Provide ADO with a full statement of circumstances and copy of proposed access agreement for review for consistency with obligations and incorporation into ALP.



TTF Access Agreement Should Specify

- The access rights granted
- Payment provisions providing parity w/ on airport tenants & equitable compensation for airport use.
- Expiration date
- Subordination to grant assurances & obligations
- Express right to terminate/amend to ensure compliance
- Insurance/indemnity
- Default/termination provisions
- Prohibition on sale or assignment of the agreement



Exclusive Rights, AC 150/5190-6



- May deny access for safety and efficiency reasons (subject to FAA approval)
- Self-Service: Cannot impose unreasonable restrictions on service performed by the owner/operator.

Expansion of a Single Activity



- Single provider must be able to put it to productive use w/in reasonable time period.
- Can refuse to permit single FBO to expand in order to open airport to competition.
- May exclude incumbent FBO from participating in competitive solicitation in order to bring 2nd FBO to create competitive environment
- Generally, must avoid use of leases with options or future preferences such as right of first refusal – may be construed as intent to grant exclusive right

Compliance Round Table

Tips for Keeping Your Airport Compliant

- **Ann Crook**, Airport Director, Klamath Falls, WA
- **Bill Dolan**, Deputy Airport Director, Paine Field, Everett, WA
- **Gary Gates**, Civil Engineer/ Community Planner, Helena ADO

