

ORDER

5150.2A

REPRINT INCLUDES CHANGE 1

FEDERAL SURPLUS PROPERTY FOR PUBLIC AIRPORT PURPOSES



September 19, 1972

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

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RECORD OF CHANGES

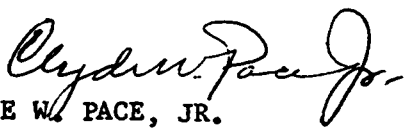
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FOREWORD

1. PURPOSE. This order provides guidance and procedure for Federal Aviation Administration (FAA) participation in the disposition of Federal surplus property by the General Services Administration (GSA) for public airport purposes.
2. DISTRIBUTION. This order is distributed to all addressees of the ZAS 515 subject mailing list and to all Airports District Offices.
3. CANCELIATION. This order cancels and replaces Handbook 5150.2, Federal Surplus Property for Public Airport Purposes, dated 16 June 1969.
4. PRINCIPAL CHANGES. In general, chapters 1, 2, and 3 contain minor changes to conform to the Airport and Airway Development Act of 1970, the Airport Development Aid Program, and organizational name changes. There are minor editorial changes throughout to simplify the wording and construction.
 - a. Criteria developed by GSA for its use in classifying surplus property may require FAA determination as to its essentiality for airport use. These criteria are discussed in paragraph 8. (incorporated Notice 5150.6, dated 24 December 1969)
 - b. FAA may expect to become involved in GSA's preparation of an environmental statement. See paragraph 30.
 - c. New emphasis is placed on recommending the conveyance of airport utility systems that are beyond the operation and maintenance capability of the applicant. See paragraph 4lh.
 - d. The need to evaluate an applicant's determination as to the environmental impact of a proposed disposal has been added to paragraph 57.
 - e. The last sentence of paragraph H, page 4, appendix 3, of the Quitclaim Deed was deleted as this language has expired by its own terms and was not included in the Airport and Airway Development Act of 1970. The sentence made reference to section 17 under the Federal Airport Act of 1946, providing for reimbursement for rehabilitation of public airports damaged by a Federal agency.



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CHAPTER 1. GENERAL

SECTION 1. PURPOSE, SCOPE, AUTHORITY, PRIORITY

1. PURPOSE. This order provides guidance about the disposition of surplus Federal real and personal property for public airport purposes.
2. SCOPE. This guidance is based on the Federal Property Management Regulations (FPMR). The FPMR, issued by the General Services Administration (GSA), governs any disposition of Federal property for public airport purposes. This guidance relates to two specific parts of the FPMR. Chapter 2 pertains to FPMR Part 101-47, Utilization and Disposal of Real Property, and policy for leasing of surplus airport property subject to reversion to the United States. Chapter 3 applies to Part 101-44, Donation of Personal Property.
3. AUTHORITY.
 - a. Statutory authority for disposition of Federal surplus property to non-Federal public agencies for public airport purposes is set forth in Public Law (P.L.) 80-289 (61 Stat. 678) entitled Government Surplus Airport and Equipment Act. That Act is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949 as amended (63 Stat. 377) and by section 1402(c) of the Federal Aviation Act of 1958 as amended (72 Stat. 807). P.L. 80-289 does not authorize the FAA to acquire any Federal property and subsequently dispose of it to a non-Federal public agency for public airport purposes.
 - b. P.L. 81-311 (63 Stat. 700) further amended the Surplus Property Act by (1) abolishing certain prohibitions on the use of previously conveyed surplus property, (2) assigning to FAA sole responsibility for assuring compliance by all recipients of surplus airport property, (3) authorizing FAA to reform, correct, or amend existing instruments of conveyance, and (4) authorizing FAA to grant releases from any term, condition, reservation, or restriction and to convey, quitclaim, or release, under certain conditions, any right of interest reserved to the United States. AS P 5190.1, Compliance Requirements for Airports Developed or Improved with Federal Funds, contains guidance for fulfilling these statutory responsibilities.
4. STATUTORY PRIORITY. If Federal surplus property is available and needed for public airport purposes, P.L. 80-289 authorizes a priority for such a disposal. This priority enables an eligible public agency to receive

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first consideration for acquisition of the property (without payment of any monetary consideration to the United States) for use for the development, improvement, operation, or maintenance of a public airport, or, under certain circumstances, to be used as a source of revenue for these purposes. This priority immediately follows the priority for transfers of Federal excess property to Federal agencies. If a timely disposal for a public airport purpose cannot be made, the property will be disposed of as otherwise provided for by Federal statutes and regulations.

5. RESERVED.

SECTION 2. DETERMINATIONS AFFECTING DISPOSITION OF
FEDERAL PROPERTY

6. EXCESS DETERMINATION. Whenever a Federal agency determines that it no longer needs property under its control or jurisdiction, it declares that property "excess" to its needs and reports it to GSA (or a disposal agency designated by GSA). GSA screens excess property to determine whether it is needed by any Federal agency. The reporting agency may withdraw property it has reported excess at any time before GSA makes a legally binding agreement for its disposition.
7. SURPLUS DETERMINATION. "Excess" Federal property is classified "surplus" by GSA after it has been screened and found to be no longer needed to support the operations and functions of the Federal Government. The excess classification, in effect, runs concurrently with a surplus classification since a Federal agency may claim property at any time before GSA commits itself to dispose of it as surplus.
8. AVAILABILITY DETERMINATION. Once property is classified "surplus," GSA may determine that all or part of it is available to non-Federal public agencies for airport purposes. GSA may exclude certain property from availability for a public airport disposal by classifying it as "highest and best use industrial." Property so classified cannot be conveyed for airport purposes under P.L. 80-289. In prior years FAA was invited to make a "disposal report" if surplus property had a potential for airport use. Normally, no appraisal was made nor was an industrial classification assigned to property the FAA disposal report recommended for airport purposes. Disposal of Federal property to local public agencies is now authorized for various public purposes other than for airports. When a major Federal installation is to be declared surplus, GSA endeavors to determine the most likely non-Federal use of each part of the property. FAA no longer makes a "disposal report" but "recommends" action on any application for property available for an airport disposal.

- a. GSA and FAA Criteria for Classification of Surplus Property as Industrial. GSA and FAA have agreed on the following criteria for GSA use in classifying surplus property for disposal purposes:
- (1) Any property built and used for the manufacturing, fabricating, or processing of products (including aircraft and aircraft parts, but exclusive of repair, maintenance, and overhaul of aircraft) or which is not reasonably suitable for aeronautical use shall be classified as industrial property if an approved appraisal shows that its highest and best use is industrial.
 - (2) Surplus property not covered by (1) above may be classified industrial if an approved appraisal finds that its highest and best use is industrial UNLESS the FAA determines that the particular property is ESSENTIAL for current or future landing areas or for the "operation" of an airport.
 - (3) Surplus property not meeting the criteria in paragraph (1) above and which has in the past been used in DIRECT CONNECTION with the operation and maintenance of an airport shall not be classified as industrial property. The term "direct connection" is intended to cover hangars, landing areas, navigational facilities, flight facilities, etc. This term does not cover warehouses, barracks, housing, or the land associated therewith; or buildings, structures, or improvements, and associated land areas being used for industrial purposes (other than the repair, maintenance, and overhaul of aircraft) UNLESS the FAA can determine that the property is necessary to preserve the integrity of the airport.
- b. FAA Personnel Will Make the Above Determinations in Connection With a Disposal of Federal Surplus Property, Only When Requested by GSA. The determinations are far more restrictive than those required to recommend the conveyance of property available for disposal for airport purposes. An agreement has been reached with GSA that these determinations will be made on request solely for the purpose of enabling GSA to carry out its responsibility for classifying property in advance of its disposal. It should be clearly understood that, after property has been classified and made available for an airport disposal and requested for that purpose by an eligible applicant, FAA will still be required to make the usual determinations that the property it recommends for conveyance is "essential, suitable, or desirable" for airport purposes including the use of property to produce income from nonaviation business.

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- c. Final GSA Classification. When it has been established that surplus Federal property was in fact built or used for manufacturing and an appraisal results in an industrial classification removing it from availability for an airport disposal, the GSA classification is final. For property not meeting these criteria it can be expected that GSA will consult with and obtain determinations from FAA before actually obtaining an appraisal. Therefore, our determination that certain facilities are essential for the operation of an airport or are required to preserve the integrity of an airport will normally be accepted as eliminating the need for an appraisal to determine whether the industrial classification should be applied.
- d. Certifications. Surplus property can be certified as "essential" to airport operations when the property itself, or the income it can be expected to produce, is indispensable to maintain and operate the airport or to accomplish specific airport development in accordance with a plan acceptable to the FAA. A certification that property is needed "to preserve the integrity of an airport" will be given when it can be determined that ownership or control of such property by parties other than those obligated to operate the airport would be detrimental to its use and development as a public airport. For example, this would be properties on which a third party, as owner, would probably use the properties in a manner that could be detrimental to the airport, such as for high-rise structures that would be obstructions limiting the use of the airport. If the property has a potential for manufacturing sites that could be used by a third party in a manner that would be detrimental to the airport, then the ownership by the airport owner could be considered necessary to protect the integrity of the airport.
- e. When FAA Should Act. Since FAA is no longer requested to submit a complete disposal report there is actually no official requirement for FAA action until property has been classified, made available for an airport disposal, and applied for by a local community. Unless GSA seeks the above determinations to assist it in properly classifying the property, FAA may not have any formal action responsibility until the property has actually become surplus. For very practical reasons, it is in the interests of our continuing responsibility to civil aviation that FAA airports personnel work closely with GSA and other involved Federal agencies as soon as it becomes known that significant items of Federal property will be disposed of. FAA participation with the Federal teams directed by the Department of Defense for developing a time-phased coordinated plan for the disposal of major military bases should be the pattern for early coordination on all major disposal actions.

9. PUBLIC AIRPORT DETERMINATIONS. The purpose of P.L. 80-289 is to make possible the transfer of Federally-owned or controlled property (that is surplus to any Federal requirement) to non-Federal public agencies for public airport purposes. Such transfers are made without reimbursement to the United States and include both the aviation and nonaviation facilities connected with airports. It also provides for the transfer of certain personal property needed in the administration and maintenance of public airports. In addition to the aviation facilities and certain nonaviation facilities which are essential to the operation and maintenance of a public airport, transfer may be made of the nonaviation facilities in the vicinity of the airport which may be used for revenue-producing purposes so the airport may be self-sustaining. Such facilities may include warehouses, aircraft maintenance shops, administration buildings, recreational facilities, and items of similar character. FAA recommends which property should be transferred but GSA makes the final decision in all dispositions. The responsibility for the results to be achieved by a disposition is shared equally by both agencies. FAA recommendations are based upon determinations required under the Act about specific available property for use in either the aeronautical areas or revenue-producing non-aeronautical areas of an airport.

- a. Aeronautical Area Property. To recommend a disposition of surplus real and related personal property or donable property for use in any aeronautical area of an airport whether the property is aviation or nonaviation in character, the FAA must determine that specific property is:

- (1) ESSENTIAL (indispensable), SUITABLE (appropriate), or DESIRABLE (worth having) for the development, improvement, operation, or maintenance of a public airport as defined in the Airport and Airway Development Act of 1970, or
- (2) REASONABLY NECESSARY to fulfill the immediate and foreseeable future requirements of a grantee for the development, improvement, operation, or maintenance of a public airport.

- b. Nonaeronautical Area Property. Only real and related personal property in the vicinity of a public airport may be transferred as revenue-producing property. To recommend a disposition, the FAA must determine that specific property is reasonably necessary to develop sources of revenue from nonaviation businesses at a public airport. The FAA will not recommend any more property than is shown to be reasonably necessary to make the airport self-sustaining.

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10. DETERMINATIONS AFFECTING TERMS. P.L. 80-289 authorizes the use of terms, conditions, reservations, and restrictions different from those specified in the statute. Any may be omitted and any others included. Such changes must be determined to be necessary to protect or advance the interests of the United States in civil aviation or for national defense. FAA renders such determinations involving civil aviation and the Department of Defense (DOD) does the same for national defense. (DOD also means any component Federal military agency.) Any changes requested by FAA or DOD are coordinated with each other and with GSA. FAA may initiate a request to the DOD seeking changes consistent with the intent of the Act or do so in response to a written request of an applicant. The language and content of any instrument of conveyance is vital to compliance and enforcement which, under the law, is the sole responsibility of the FAA.

a. Determinations Affecting Terms of Conveyance. Certain FAA initiated changes to instruments conveying either or both real and related personal property and donable property have been adopted by GSA.

(1) Real and Related Personal Property. Instruments of conveyance issued after 21 July 1966 contain terms similar to those in grant agreements made under the Federal-aid Airport Program (FAAP) or Airport Development Aid Program (ADAP). A sample deed format is shown in appendix 3. (The FAA Office of the General Counsel has specifically concurred in the inclusion and use of this form.) FAA must determine whether any of its terms should be omitted, or whether others should be added, and so advise GSA.

(2) Donable Property. An applicant for donable property must agree to only five covenants. These are set forth on the reverse side of the application. Generally, they are that the property will be:

(a) Used only for public airport purposes (unless FAA consent is obtained for any nonairport use).

(b) Kept in good repair.

(c) Marked as Federal surplus property and available for inspection.

(d) Reverted to the United States (at its option) if these conditions are not complied with. The covenants were jointly developed by FAA and GSA. (See appendix 4.)

(e) FAA consent will be obtained for any nonairport use.

- b. Determinations Affecting the Right of the United States to Use an Airport. P.L. 80-289 requires that a disposal of surplus real and related personal property shall reserve for the United States a right to use without charge the airport at which the property is located during a national emergency. This right to exclusive or nonexclusive use or control may apply to all or any part of the airport. An applicant may request that all or parts of the land be conveyed without the National Emergency Use Provision (NEUP) on the basis that it would encumber productive use of it. In framing its recommendations to GSA, the FAA must assure that national defense needs are considered. The DOD has agreed to review, upon request, any proposed disposal and to determine whether the NEUP should apply to all, a part, or none of the property.
- c. Determinations that Affect Reversion. In some disposals, the DOD may request a modification of the standard provision for reverting title to the United States in the event of default. The DOD objective is to define a right for it to operate and maintain at least the landing area, its approaches, and its directly related aeronautical systems and facilities in the event of noncompliance or default by the grantee or upon reverter to the United States. This is to assure uninterrupted operation and maintenance of the airport consistent with specific requirements of based Federal military aviation missions. (Otherwise, the standard reverter provision will be adequate.) The FAA must assure that any such DOD proposal contains guarantees for continued use by civil aviation on fair and reasonable terms as appropriate.

SECTION 3. DISTINCTIONS BETWEEN AVAILABLE PROPERTY

- 11. REAL PROPERTY. Based on the FPMR, "real property" is ANY INTEREST IN LAND. It includes improvements of any kind and structures and fixtures located on the premises--AND subordinate rights and privileges thereto (sometimes termed appurtenances)--under the control of any Federal agency. It also includes improvements of any kind and structures and fixtures when designated for disposal without the underlying land, or on land not owned by the United States. The following property is, however, excluded:
 - a. The public domain.
 - b. Lands reserved or dedicated for national forest or park purposes.

- c. Minerals in lands withdrawn or reserved from the public domain which are determined suitable for disposition under the public land mining and mineral leasing laws.
- d. Lands withdrawn or reserved from the public domain unless determined not suitable for return to the public domain.
- e. Crops when designated for removal from the land, timber felled, and gravel, sand, or stone excavated by or for the United States prior to a disposal of land.
- f. Prefabricated movable structures, warehouses, huts, and house trailers (with or without undercarriages) when designated for disposal without the underlying land.

12. PERSONAL PROPERTY. Based on the FPMR, personal property is property of any kind or any interest therein, EXCEPT real property, records of the Federal Government, and certain naval vessels. The circumstances under which surplus personal property is available determines its classification for disposal program purposes. (Limitations as to type--other than those cited below--are specified in chapters 2 and 3.) The only two classifications involved for airport purposes are:

- a. "Related Personal Property" is any personal property located on, or an integral part of, real property; or used or useful in connection with real property or its productive capacity; or determined by GSA to be otherwise related to real property. "Related personal property" is concurrently available with the real property on which it is located. Therefore, under this classification, its acquisition is limited to applicants for the available real property and use in connection with that real property.
- b. "Donable Property" is any Federal surplus personal property except related personal property. "Donable Property" is available on an "as is," "where is," "first come" basis within established priorities for disposal to all applicants.

13. - 15. RESERVED.

CHAPTER 2. REAL AND RELATED PERSONAL PROPERTY DISPOSITIONS

SECTION 1. GENERAL INFORMATION ABOUT ACTIONS
LEADING TO AVAILABILITY FOR PUBLIC
AIRPORT PURPOSES16. ACTIONS THAT PRECEDE EXCESS REPORTS.

- a. Reports to Congress. DOD and the Office of Emergency Planning must submit reports to the Committees on Armed Services before submitting an excess report to GSA. This report is required by Statute - 10 USC 2662 and 70A Statute 636, as amended (50 USC App. 2285).
- b. Departmental Internal Screening. Some Federal departments require component agencies to report certain excess property to or through the department for screening (use) by other component agencies (e.g., DOD and USAF, DOT and FAA) before an excess report can be filed with GSA.
- c. Land Withdrawn or Reserved from the Public Domain. Excess reports that will include land withdrawn or reserved from the public domain must be preceded by the following specific actions:
 - (1) A notice of intent to relinquish must be filed with the Department of the Interior.
 - (2) The Department of the Interior, with the concurrence of GSA, must determine that such lands are not suitable for return to the public domain--generally because of improvements.
 - (3) The relinquishing agency must report to the Department of the Interior whether any other agency has any jurisdiction over the land and whether there are any encumbrances related thereto.
 - (4) The Department of the Interior must determine what disposition shall be made of any mineral interests therein.

17. EXCESS REPORTS SUBMITTED TO GSA.

- a. When Submitted. Generally, an excess report is submitted to GSA about 90 days before a reporting agency intends to relinquish control and jurisdiction over property. Leasehold interests are generally reported about 60 days in advance.
- b. How Submitted. Reports of excess property are submitted on standard GSA forms listed below. A "complete excess report package" includes a copy of each form, as applicable, to assure inclusion of all excess property.

- (1) Standard Form 118, Report of Excess Real Property (see appendix 1, exhibit 1).
- (2) Standard Form 118A, Buildings, Structures, Utilities and Miscellaneous Facilities, Schedule A (see appendix 1, exhibit 2).
- (3) Standard Form 118B, Land, Schedule B (see appendix 1, exhibit 3).
- (4) Standard Form 118C, Related Personal Property, Schedule C (see appendix 1, exhibit 4).

18. ACTIONS ON EXCESS REPORTS.

- a. Review. Receipt of excess reports are acknowledged by GSA. Within 15 days of receipt, reports are reviewed and determined to be either acceptable or insufficient. A reporting agency is advised accordingly.
- b. Federal Agency Screening. GSA screens all Federal agencies which could reasonably be expected to have a use for the excess property. The agencies typically screened are the property-holding agencies listed in the FPMR. However, any Federal agency may apply for the property.
 - (1) Notice of Requirement. Within 30 days of a notice of availability as excess property, a Federal agency that desires all or part of the property must file a notice of tentative or firm requirement for it with GSA.
 - (2) Request for Transfer. Normally, a notice of requirement is to be followed within 60 days by submission of a GSA Standard Form 1334, "Request for Transfer of Excess Real Property and Related Personal Property" (see appendix 1, exhibit 5). The entire Federal screening process ordinarily takes about 90 days. However, GSA may grant time extensions to Federal agencies. Note: FAA may become involved during the screening process when FAA or the National Weather Service programs require use of available surplus property to serve civil aviation requirements. However, paragraph 41i, recommends an alternative disposition to an applicant with covenants in the instrument of conveyance providing for FAA or Weather Service use.
- c. Appraisal Reports. While Federal agency screening is in progress, GSA normally inspects the excess property. If appropriate under the FPMR, GSA arranges for an appraisal of the fair market value. An appraisal may be associated with a GSA determination of "highest and best use industrial" or influence a decision about the method and

type of disposition. Depending on the size and complexity of the property, an appraisal and an analysis of the written appraisal report ordinarily should take from 30 to 90 days.

19. TRANSFERS TO FEDERAL AGENCIES. Upon receipt of a Standard Form 1334, GSA may determine that a transfer of all or part of the property to a Federal agency is in the best interest of the Government. The concurrence of the Office of Management and Budget (OMB) may be required. Ordinarily, Federal agencies acquire excess property for use in approved and budgeted programs and PAY for it from agency resources. If the applicant agency cannot pay for it, a program need and a "no funds available" certification must be made and approved. GSA coordinates this with the OMB. Review and action on such certification may require from 30 to 90 days. Before a transfer is made, the GSA must determine that the requesting agency is the appropriate agency to hold the property.
20. SURPLUS PROPERTY. Following the screening of possible Federal requirements, excess property not transferred to a Federal agency will be determined to be surplus property. Surplus property becomes available to non-Federal public agencies for a variety of public purposes (see figure 1. Information Concerning Public Purpose Disposals of Federal Surplus Real and Related Personal Property to Non-Federal Agencies). Availability for public agency purposes precedes availability for all other dispositions.
 - a. Notice to Non-Federal Public Agencies. GSA gives public notice of surplus real and related personal property available for disposition. Non-Federal public agencies--states, Puerto Rico, the Virgin Islands, or any agency of them, municipalities, political subdivisions, or tax supported organizations--are notified by mail. Constructive notice is also given by posting public notices in the post office which serves the area in which the property is located. Postings are also made in other prominent places--state capital buildings, county buildings, courthouse, city hall, etc.
 - b. Notice to Participating Federal Agencies. Federal agencies that participate in disposal programs under statutory authority, normally, will be notified by GSA of the surplus property and its availability concurrently with the notice to non-Federal agencies. When this notice includes "public airport" as a type use, FAA Regional and Airports District Offices will receive it. Usually a copy of the complete package "Report of Excess Real Property" is included with the notice (see paragraph 17b); if not, the FAA should request it.
21. CARE, CUSTODY, AND LEASING OF PROPERTY PENDING DISPOSITION. Pending its disposition, the care and custody of real and related personal property is the responsibility of the Federal agency which has been using it. During this period that agency, with GSA approval, may lease all or part of it to other Federal or non-Federal tenants. This may be important in an airport disposal if advance occupancy or interim use by an applicant is relevant. The holding agency shall be responsible for the expense of

FIGURE 1. INFORMATION CONCERNING PUBLIC PURPOSE DISPOSALS
OF FEDERAL SURPLUS REAL AND RELATED PERSONAL
PROPERTY TO NON-FEDERAL PUBLIC AGENCIES

Intended Use		Federal Agencies. Involved		Price	Legal Authority
(1) Public Airport		GSA may convey property to local governments which the Federal Aviation Administration determines essential, suitable, or desirable for that purpose (except industrial property).		No Cost	Section 13(g) of the Surplus Property Act of 1944 /50 U.S.C. App. 1622(g), continued in effect by the Federal Property and Administrative Services Act of 1949 and the Federal Aviation Act of 1958, as amended.
(2) Recreational Area		GSA may convey property to local governments which Dept. of the Interior determines suitable or desirable for that purpose.		50% of Fair Market Value (FMV)	Section 13(h) of the Surplus Property Act of 1944 /50 U.S.C. App. 1622(h), continued in effect by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.
(3) Historic Monuments		GSA may convey property to local governments which the Advisory Board on National Parks, Historical Sites, Buildings, and Monuments (Department of the Interior), determines suitable or desirable for that purpose.		No Cost	Same as (2) above.
(4) Wildlife Conservation		GSA may convey to a state any property determined chiefly valuable for such purposes.		No Cost	P.L. 537, 80th Congress, approved May 19, 1948, 62 Stat. 240.
(5) Public Health or Education		GSA, at its discretion, may determine property available for these purposes and assign to Department of Health, Education and Welfare (DHEW). DHEW may convey to local governments and qualified nonprofit institutions unless GSA disapproves.		0 to 50% of FMV	Section 203 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 385, as amended (40 U.S.C. 484).

physical care, handling, protection, maintenance, and repairs of such property pending transfer or disposal for not more than 12 months after it is declared to be excess. Specific requirements for leasing are:

- a. The lease period not exceed one year.
 - b. The lease is revocable on notice within 30 days.
 - c. The use and occupancy will not interfere with, delay, or retard the disposal of the property.
 - d. The lease is for a monetary consideration.
22. DEACTIVATION OF MAJOR MILITARY INSTALLATIONS. Where major Federal installations are programmed for disposal, extensive advanced coordination may be necessary to reconcile any competing proposals for public use (see figure 1). The DOD established the Office of Economic Adjustment (OEA) to assist communities which might be adversely affected by the deactivation of a large defense activity. This group undertakes to bring together local community leaders and representatives of the various Federal agencies whose programs offer a potential for productive use of the Federal property when and as it becomes surplus. By agreement with the DOD, FAA personnel will actively participate with the OEA in efforts to achieve an orderly, time-phased transition to appropriate civil use (including public airport use) of military facilities scheduled for deactivation. Guidance for this participation is contained in Order 5150.1, FAA Responsibilities in Connection with Planned Deactivation of Defense Installations.
23. PROPERTIES FOR WHICH THERE IS AN OBVIOUS AIRPORT REQUIREMENT. Federal real properties programmed for disposal often have obvious potential to serve an airport requirement. For example, use as a clear zone or for obstruction protection, and runway extension, or other airport expansion. FAA personnel should alert airport owners to these potential uses when notified of property that has been declared surplus.
24. - 26. RESERVED.

SECTION 2. ACTIONS ON NOTICE OF SURPLUS AND APPLICATIONS
FOR THE PROPERTY

27. RESPONSES.

- a. Non-Federal Public Agencies. Non-Federal public agencies that intend to procure surplus real and related personal property for public airport purposes must state such intention in a written response to GSA within 20 days of the notice of surplus and availability. This response must include a commitment to apply

promptly apply for specific property and to develop a "comprehensive and coordinated" plan of use for it. If no response is received within 20 days, GSA assumes that no public agency is interested in a public airport use for the available property. Where possible, a prospective applicant should advise FAA and GSA of its interest in surplus property prior to formal notice of its availability.

- b. Federal Aviation Administration. Upon receipt of a notice of availability, the cognizant FAA field office must promptly decide whether that surplus property has any potential for a public airport use and so advise GSA in writing (see appendix 2, exhibit 3).
- (1) The FAA, without evidence that there is an interested public agency, may decide that the property should be used for public airport purposes. If so, inform GSA, then locate and interest a public agency within 20 days of the notice of availability. If this effort is unsuccessful in the 20 days allowed and a reasonable additional time is needed, advise GSA in writing and request that GSA defer other authorized disposal actions for a specific number of additional days. Such action is appropriate where the available property could satisfy development recommended in the NASP, or where it could be used for revenue production to finance such development.
 - (2) If, after every reasonable effort, the FAA cannot locate or interest any non-Federal public agency in the property, conclude the effort by so informing GSA in writing. GSA can then proceed with another type of disposal action. This action by FAA will release the property from the statutory priority for an airport disposal provided, of course, that GSA has not independently received an expression of interest from a public agency. GSA will notify the FAA of any such expression it receives.
 - (3) The FAA may conclude that the property should not be used for public airport purposes--whether a public agency is interested in it for such purposes or not. If so, immediately inform GSA and clearly state the reason for this conclusion. This action bars any statutory priority for an airport disposal at no cost. This conclusion may, for example, be proper if an existing public airport adequately meets all present and foreseeable civil aviation requirements, and the owning public agency has no demonstrable need for the surplus property to develop revenue for public airport purposes.
 - (4) The FAA may determine that it will defer efforts to promote a use of the property for public airport purposes. If so, inform GSA and give the reason for this determination. This type of decision may, for example, be appropriate if the likely non-Federal public agency is in default under a public airport

agreement administered by the FAA or has failed to use previously conveyed or donated surplus property to promote and develop civil aviation.

28. PRELIMINARY FAA INSPECTION OF PROPERTY. The FAA should promptly inspect Federal surplus real and related personal property which is available for public airport purposes. Unless otherwise known to the FAA, ascertain at least the following during the initial on-site inspection visit:
- a. The accuracy and adequacy of the entire excess report.
 - b. In general, what land, buildings, improvements, equipment, utility systems, and personal property are readily useful, usable, and adaptable for airport purposes.
 - c. The need for disposal conferences and other inspections of the property with GSA or other Federal or non-Federal public agencies (see 5150.1, FAA Responsibilities in Connection with Planned Deactivation of Defense Installations).
 - d. The civil aviation needs and requirements of the geographic area.
 - e. The Federal or state military aviation needs and requirements of the geographic area.
 - f. Whether there is an interested and eligible public agency and, if so, whether that agency needs surplus property as a source of revenue for public airport purposes.
 - g. What assistance a potential applicant may need from the FAA and how and when to best provide it.
29. PRELIMINARY ASSISTANCE TO AN INTERESTED PUBLIC AGENCY. When an eligible public agency expresses an interest in the property for airport purposes, the FAA shall provide appropriate technical advisory assistance and guidance.
- a. Initial FAA Assistance. This assistance should enable a public agency to make a reasonable and concise response to the GSA notice. That is, in general terms the public agency should be able to:
 - (1) State the contemplated public airport uses of the property (new, replacement, or reliever airport; addition to existing airport; direct aeronautical use, revenue producing use, or both).
 - (2) Reasonably assure that the intended procurement does not exceed the authority of P.L. 80-289.
 - (3) Propose the type of property interests needed, if other than fee title.

- (4) Realistically estimate and state how much time is needed to develop and submit to GSA the required comprehensive and coordinated plan to use along with an application.
 - (5) Give practical reasons why this time is required. (GSA determines whether the time proposed by the public agency is reasonable. There is no set formula; however, a reasonable time is generally considered by GSA to be a period not exceeding 60 days. Each case is considered on its own merits. One of the factors considered when the time will exceed 60 days is the cost to the Government for care and custody of the property pending disposition).
- b. Limit to Airport Use Property. Emphasize that an interested public agency should promptly obtain an application form from GSA. (Notwithstanding ANY instruction in any application that the property is offered in its entirety and is not severable, FAA assistance shall be specifically oriented to only that part of the property which the FAA considers it may ultimately and reasonably be able to recommend to GSA for a public airport disposal within the intent of P.L. 80-289).
 - c. Data Gathering. FAA assistance includes arranging with cognizant Federal agencies on behalf of an interested public agency to inspect or survey the property and to obtain from Federal sources needed information as appropriate; e.g., copies of property plots, as constructed drawings, soil or pavement test, and drainage or utility system, or other relevant data. As noted in paragraph 21 above, the property may be leased to others pending a disposal. If so, the Federal agency reporting the property, or GSA, should be contacted prior to inspection to preclude a trespass by an applicant or the FAA.
 - d. Review of Excess Report. FAA should promptly review the excess report package, inspect the property as necessary, and evaluate the nature of the real property interests available for an airport disposal. Request the cognizant FAA legal counsel to clarify the legal effect of available property interests upon ultimate compliance and administration responsibilities of both the FAA and a grantee if an airport disposal were to be made. Also, include internal FAA coordination to determine if any of the property is required for air traffic or weather service programs. (See paragraph 41i below.) Of particular importance, this review should assure that the excess report package is complete insofar as "related personal property" is concerned. Property under this classification is normally reported excess concurrent with associated real property interests and improvements. If related personal property is not concurrently reported, the FAA shall immediately request GSA to explain its omission or to advise

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when the report may be expected by FAA. Ordinarily, personal property not reported excess in connection with a disposal of associated real property is classified by GSA for disposal under the "donation" program--discussed in chapter 3 of this order. Failure to include adequate personal property with the real property and improvements could be detrimental to its use for public airport purposes.

- e. FAA Assistance. FAA should give advice and guidance in the development of the comprehensive and coordinated plan of use required by GSA to support an application for surplus property. However, an applicant is completely responsible for its content and timely development. Section 209 of the Federal Property and Administrative Services Act provides for substantial penalties for misrepresentation in an application for surplus Federal property.

30. NATURE OF A COMPREHENSIVE AND COORDINATED PLAN OF USE.

- a. This plan for the use of surplus property is prepared and submitted by an eligible public agency as an integral part of an application to GSA. (See appendix 2, exhibit 2.) It is "comprehensive" in that it shows graphically IN DETAIL the location and planned uses (present and future) of Federal surplus property identified on Standard Forms 118A and 118B. To be complete, an applicant must supplement this drawing with such explanatory statements as are necessary and appropriate. The plan of use is "coordinated" in that all planned uses (airport and other) of available surplus property are assured to be compatible with each other and with the use and development of private and other public property in the area. Coordination with Federal, state, local, or regional planning agencies may be required. GSA will coordinate the planned uses of applicants for compatibility with the various Federal statutory disposal programs involved in a particular disposition of the property. Applicant must provide GSA with pertinent information bearing on compatibility with the private and non-Federal interests.
- b. The GSA has established procedures for evaluating the environmental impact of a disposal of real property. If the method of disposal will significantly affect the quality of the human environment, the GSA will prepare an environmental statement. If the disposal is to be for an airport purpose, FAA can expect to be deeply involved in assessing the environmental impact of the action. Airports personnel at all levels should thoroughly familiarize themselves with GSA procedures and be prepared to assist GSA representatives in developing a realistic evaluation of the environmental impact of civil airport use of any Federal surplus properties.
- c. When a comprehensive and coordinated plan of use is received, GSA will analyze it, confirm the availability of the property for airport purposes, and then request FAA to make a disposal recommendation. The acceptability of the "plan" will be materially enhanced if,

during its preparation, any FAA input about airport aeronautical and revenue-producing property requirements and limitations are realistically translated by the applicant into terms of use for public airport development, improvement, operation, and maintenance. There should be a clear understanding with an applicant that FAA assistance in preparation of the "plan" is not a commitment to subsequently approve it or the application ultimately submitted to GSA.

31. SURPLUS PROPERTY APPLICATION. The FAA should offer to assist an eligible public agency in preparing the application form. GSA instructions included with this form are generally clear and the procedures involved are relatively simple. Basically, the FAA should assure that an applicant clearly understands the meaning of any terms and conditions thereof, especially those which may create public airport compliance obligations if included in the instrument of conveyance. FAA should also check the conditions of disposal included by GSA in the application form to be sure that they are compatible with the terms and conditions that will attach to its subsequent recommendations for conveyance.

- a. An application must state what specific property is wanted for public airport purposes, and how and when it will be used. This, of course, requires an applicant to identify the existing and reasonably forecast aeronautical activity and aviation enterprises expected to be located at the airport.
- b. An application must show a financial need if it involves surplus property to be used as a source of revenue to develop, improve, operate, and maintain the airport proper. This is done by including a summary that clearly shows estimated reasonable costs for planned development, improvement, operation, and maintenance of the airport proper. Next, identify any available additional surplus property that can be used for specific revenue-producing purposes that are compatible with the airport itself. State the type of use planned together with the expected net revenue from that use. The need for revenue-producing property is met when estimated costs for the airport proper are equal to the estimated net income from both the revenue-producing property and the airport proper.

32. - 36. RESERVED.

SECTION 3. DISPOSAL RECOMMENDATIONS BY FAA

37. REQUEST FOR FAA DISPOSAL RECOMMENDATION. Upon receipt of an application by a public agency for surplus real and related personal property for public airport purposes, GSA will request an FAA recommendation. Normally, a disposition by GSA will be consistent with an FAA recommendation. Whether the available property was acquired or used by the United States as or at an airport facility is immaterial to an FAA recommendation on the suitability of its disposal for airport purposes.

38. PROPERTY FAA MAY RECOMMEND FOR DISPOSAL.

- a. Physical Condition. Any conveyance of surplus property by the Government will be without warranty, express or implied. The physical condition of such property at the time that it is conveyed directly influences operational use, the maintenance obligations to be assumed by the applicant, and the associated compliance responsibilities of the FAA. It is, therefore, important that FAA verify the condition of the property and reconcile with GSA and an applicant any variations from that shown on the excess report. An FAA recommendation to convey property for airport purposes should be limited to that which the FAA determines is readily usable, or adaptable, and capable of being used for specific airport purposes, including the development of nonaviation revenues. Any property classified as "scrap" or "no commercial value" is, therefore, excluded by the definition of such property. Ordinarily, any property classified "salvage" must be able to produce materials or parts which are usable to improve, repair, or maintain other recommended property. Otherwise, it may not be recommended. (See appendix 1, exhibit 6, meaning of condition codes.)
- b. Type.
- (1) Land or Water Areas. FAA may recommend a disposal of a property interest in, to, or over, improved or unimproved land or water areas which comprise all or part of a public airport. This includes the operational areas, aviation functional areas, and areas to develop revenues from nonaviation businesses. These types of areas may also be recommended for a heliport, V/STOL port, or seaplane base. (Air rights in, to, or over land or water areas owned or controlled by the Federal Government for elevated heliports and V/STOL ports may be included.) Component areas by type of use are:
- (a) Landing area.
 - (b) Aerial approach area (usually limited to clear zone areas).
 - (c) Operational and functional building areas.
 - (d) Supplementary or complementary surface transportation areas.
 - (e) Drainage or other type of airport protection areas.
 - (f) Utility system areas.

- (g) Off site, right-of-way, easements, permits, or license areas essential to or required in connection with any of the foregoing areas.
 - (h) Areas needed to develop income for the development, improvement, operation, or maintenance of the foregoing areas (a) through (g) as a public airport facility.
- (2) Improvements, Structures, Fixtures, and Related Personal Property. Whenever included in an application for real property and not otherwise excluded by limitations on condition, location, or amount, these types of property may be recommended for conveyance for airport purposes.

c. Location.

- (1) General. The FAA may recommend a disposal of any land or water area which by location is or will be an operating public airport facility. Any component area (identified above) is included provided each is located within a common perimeter boundary line and altogether comprise the whole public airport. Land or water areas underlying the aerial approaches of the airport but outside such a common perimeter boundary line may also be recommended by FAA for disposal. However, such areas--for aeronautical use--may be recommended only to the extent necessary to remove or control encroachments in the navigable airspace or for the location of air navigation aids which are needed to serve the airport. Special guidance on the location of property requested to develop sources of income from nonaviation businesses is set forth below.
- (2) Requirement for an Airport Layout Plan. An airport layout plan is required and shall be the foundation of a comprehensive and coordinated plan of use for every disposal of property for public airport purposes. An airport layout plan shall be developed consistent with appropriate guidance in FAA Advisory Circular 150/5310-2, Airport Planning and Airport Layout Plans. Any FAA disposal recommendation involving surplus real property shall be consistent with the aeronautical needs reflected by a current airport layout plan which has been officially approved by the FAA.
- (3) Requirement for Site Endorsement. If a disposal of surplus real property will create a new, reliever, or replacement civil airport, FAA shall officially endorse the site. This includes property at or which was a part of a military airfield. Site endorsement should, therefore, reflect consistency with the approved airport layout plan and the proposed FAA disposal recommendation to GSA. An FAA site number shall be assigned together with an official airport name as proposed by the applicant. A favorable airspace determination is required to

obtain FAA endorsement of the site. Such determination results from an airspace review and involves considerations relating to the safe and efficient use of airspace and the impact of the airport on the control of air traffic. Also to be considered are the personnel, equipment, and other resources needed to insure adequate control of air traffic at the airport. In some instances, FAA recommendation of a disposal of property for airport purposes may depend on an agreement by the prospective grantee to bear the cost of providing the traffic control facilities and services needed to support a favorable airspace determination.

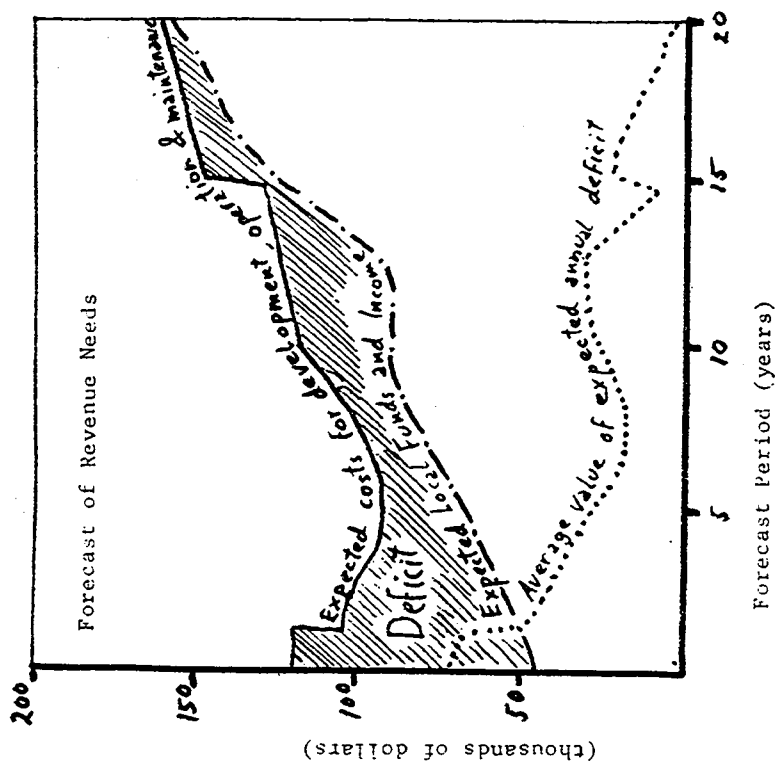
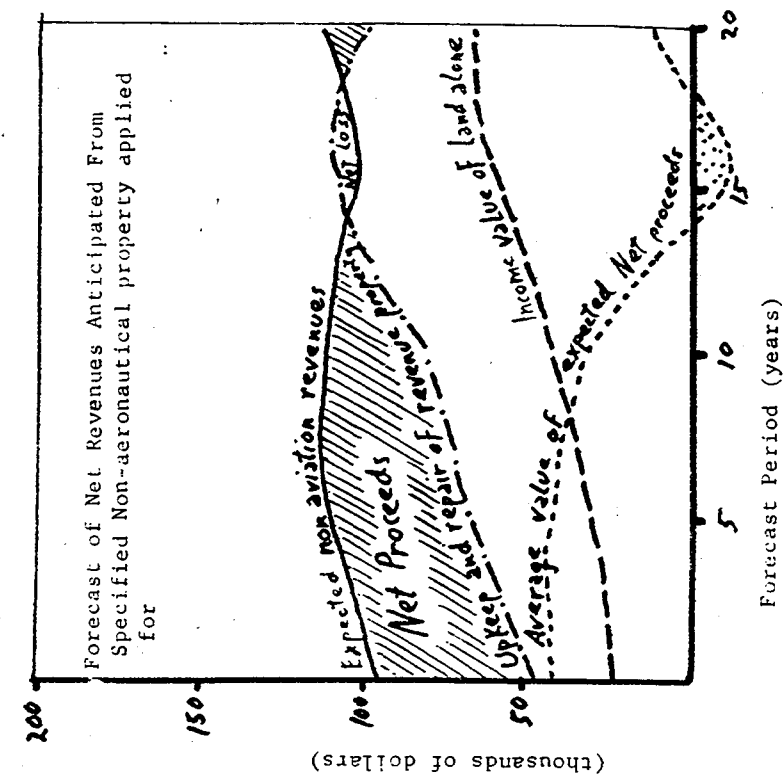
- (4) Revenue Producing Property "At the Airport." Basic guidance for recommending a transfer of surplus property "to develop sources of revenue from nonaviation business at the airport" is provided in the following paragraph. Occasionally, however, questions arise concerning the effect of the location of such property on the transfer. Generally, no recommendation should be made to convey surplus property for this purpose unless such property is within, adjacent to, or has a common boundary with the airport it is intended to support. In some instances property not actually adjacent to the airport may be recommended if, on the basis of proximate geographic location, physical connection, and mutual dependency of proposed usage, it can be considered "at the airport" within the meaning of the language of P.L. 80-289. To be "at the airport," property must be so located as to have a direct physical connection (e.g., a common access or service road system other than public highways or waterways) and must be needed to support and complement specific activities to be located within the boundaries of the airport. An FAA recommendation to GSA to convey such property must include a statement that the property has been determined to be "at the airport" within the meaning of the statute.
- (5) Satellite Terminal Centers. FAA may recommend available land and property for satellite facilities for public airport passenger and cargo terminal centers at locations in urban or suburban districts of the community. Although remotely located, such property must be connected to the airport it serves by a public road for surface transportation. Satellite terminal centers may also include land (or water) areas for a directly related heliport or STOLport for passenger and cargo transportation to the airport. The location of such a satellite center must, therefore, directly complement and supplement the primary public airport it serves by surface or air transportation connection. Only the owners of the airport may be recommended as grantees for satellite terminal centers. The guidance in paragraph 37c(4) above applies to satellite terminal centers.

- (6) Improvements, Structures, Fixtures, and Related Personal Property. FAA may recommend a disposal of such property which GSA has determined to be available in conjunction with the real property. Its location at the Federal facility is immaterial so long as it will, if recommended for disposal, be properly located for use for an airport purpose.

39. PROPERTY TO DEVELOP SOURCES OF REVENUE.

- a. General. The language of P.L. 80-289 which authorizes surplus property conveyances for the "development, improvement, operation or maintenance of a public airport" specifically includes "property needed to develop sources of revenue from nonaviation businesses at a public airport." For this reason the use of property to produce needed revenues for an airport is considered throughout this directive as serving an "airport purpose." If the need for the potential revenues from such property cannot be clearly established, or if the property is requested for any other purpose, the FAA has no authority under the law to recommend a disposal. FAA or GSA may require the applicant to submit additional data supporting a need for revenue-producing property.
- b. Responsibility of Applicant. The burden of proving the need for revenue-producing property and of identifying which items of available surplus property will effectively meet that need rests with the applicant. In developing the comprehensive and coordinated plan of use to support an application for revenue-producing property, the applicant must show what costs for development, improvement, operation, and maintenance of the requested aeronautical facilities may reasonably be expected. In addition, a reasonable forecast of anticipated income must be provided. This involves both a short-range (5 years) and long-range (5 to 25 years) projection of airport income (including but not limited to revenue from bonds, rentals, user charges, etc.) and anticipated expenditures. Furthermore, the applicant must demonstrate just how the planned uses of requested revenue-producing properties can be expected to offset any continuing deficits anticipated in the financial forecast.
- c. Responsibility of FAA. Before recommending any surplus property for revenue production, the FAA must determine that an application contains sufficient data to clearly show the need for the property requested. FAA is required to subsequently monitor the use of such properties and the application of income derived from them. Therefore, since an applicant may rely on various approaches or techniques to justify need, some basic guidelines for evaluating such a request are contained in the following subparagraphs. This guidance may also be helpful when advising the applicant on the development of a comprehensive and coordinated plan of use.

- d. Translating Need for Funds into Need for Revenue-Producing Property. The elements of a forecast of aeronautical revenue and expense as compared to an assessment of the income producing capabilities of specific revenue property are graphically shown in figure 2. In Chart #1 at the left, the expected outlays for development, operation, and maintenance of the "aeronautical areas" are plotted along with the projection of funds expected to become available for such expenses. In Chart #2 on the right, the potential gross income from the additional properties (applied for to produce nonaviation supplemental revenue) is plotted--on the same scale--against the costs of upkeep and repair for such properties. This reveals the NET proceeds to be expected from such property. At the time of a conveyance the existing structures and improvements may be costly to maintain and/or have a very limited remaining useful life. Conceivably, the true net income may be less than the rental value of the land alone and under certain circumstances could be a negative quantity. Since FAA may recommend only such property as will reasonably provide revenues to offset deficits in the aeronautical areas, Chart #2 also compares the net proceeds against the income potential of the land itself (i.e., without improvements).
- e. Measuring Aeronautical Fund Needs. In evaluating an applicant's projection of costs, consider the expenditures reasonably necessary to provide a continuously adequate, operable, and safe airport facility. Do not consider planned expenditures for elaborate or unrealistic expansion or development in the computation. Question estimates based on a sophisticated level of administrative and operational services out of line with normal airport industry practice. Review forecasts of available funds to insure that they reflect all non-Federal sources of income including but not limited to revenue bonds, general obligation bonds, landing fees, rentals, leases, concession income, etc. These forecasts must also reflect some consideration for community growth and increases in airport activity.
- f. Measuring Revenue Property Requirements. The applicant for revenue property must identify the property wanted and describe its proposed use and the income expected. For example, assume that the application reasonably documents an average deficit of \$10,000 per year for operation of the aeronautical areas applied for. This deficit is translated into a need for three buildings each containing 4,200 square feet. These buildings have an expected useful life of ten years and the anticipated rentals (at \$1 per square foot per year) for commercial storage purposes would yield \$12,600 per year. Insurance and upkeep of these buildings is estimated to cost \$2,500 per year. Therefore, the net income (\$10,100) approximates the demonstrated need for supplemental revenues. To the extent that the applicant has demonstrated a continuing average annual deficit of \$10,000 beyond a ten-year



Note: This illustrates the analysis to be made of projected revenues and expenditures in order to determine how much non-aeronautical property may reasonably be recommended for conveyance to produce revenues needed by the airport.

period, these three buildings will not fully offset the deficit. In that case, some consideration can be given to recommending the conveyance of more property for revenue production.

- g. Depreciation Considerations. The income from all revenue-producing property must be accounted for by a grantee. The existing condition of the property at the time of transfer must be considered by the FAA in evaluating how much income it can produce and for how long. Some applicants in justifying a request for revenue property may plan a phased replacement of existing structures and improvements. By including a charge for depreciation in the projected maintenance costs of existing structures, the net proceeds per unit would be reduced and more of such property would be justified. The FAA must exclude depreciation as an element in computing how much revenue property can be recommended. Depreciation is an expense (but not an expenditure) only to the extent that it represents an amount set aside as an accumulating reserve to be applied toward ultimate replacement. A conveyance of surplus Federal property under P.L. 80-289 imposes no obligation to replace structures and improvements or to extend their normal useful life. If structures are replaced or major improvements are made, the fiscal accountability should be limited to the income value of the property as conveyed. For this reason, the application for revenue-producing property should separately identify the continuing estimated rental value of the underlying land to clearly show the continuing financial accountability when the existing improvements have outlived their estimated useful life.
40. QUANTITY OF PROPERTY. The FAA may recommend only that property specifically requested and which it determines is necessary to provide a continuously adequate, operable, and safe public airport.
- a. Explore Airport Potential. The FAA shall take a positive approach to a proposed conversion of Federal surplus property for public airport use. Since the property is available for such a purpose only once, explore every potential for its use in the development, improvement, operation, or maintenance of a public airport. If any application fails to fully identify the potential use of available surplus property for a public airport purpose, the FAA shall encourage a revision or amendment of the application and fully advise GSA. Conversely, the FAA shall not promote a disposal which will create an excessive or "white elephant" airport property.
- b. Aviation Activity Factor. Available property may be readily usable (without construction or major alteration) for aeronautical purposes. Most such property will become available from excess DOD aviation property (from a complete airbase to a few improvements on leased land). But, as stated above, any Federal surplus property may be recommended for a public airport disposal even though it may require

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construction or alteration to create an airport facility. In either event, the quantity that may be recommended for disposal depends upon existing or potential need to accommodate based aircraft, aeronautical facilities, and support activities which will generate aircraft operations.

41. OTHER CONSIDERATION IN RECOMMENDING A DISPOSAL.

- a. Minimum Activity Requirements. A disposal for airport purposes shall not be recommended unless the application includes reliable planning data from which the FAA can determine that the airport will in fact be used and operated as a public airport. Normally there should be some indication that within one year the airport will be the base for at least two operable civil aircraft and will have a minimum of 700 annual operations. In evaluating such data, consider also the arrangements planned by the applicant to provide minimum essential flight line services (i.e., fuel and tiedown) to the public. In the absence of realistic plans for the availability of such services, forecasts of marginal levels of traffic activity may be open to question.
- b. NASP--Inclusion of Site Not Required. A recommendation for disposal of surplus property is not dependent upon inclusion of the location in the current National Airport Systems Plan (NASP). However, if a location is included in the current NASP, any property which is reasonably necessary or useful to accomplish the development shown in the plan may be recommended. This, of course, includes available surplus property which may be used as a replacement or reliever airport or as a satellite terminal for a location which is included in the NASP.
- c. Federal or State Military Tenants or Users. If there is a potential Federal or state military aviation tenant or user, the anticipated military flight activity may be considered in recommending a disposal of property, but only after verification by the DOD. The FAA office responsible for the FAA disposal recommendation shall verify this potential use by directly contacting the Office of the Assistant Secretary of Defense for Installations and Logistics, The Pentagon, Washington, D.C. 20301, or the Commanding Officer of the cognizant State Military Aviation Department.
- d. Future Use. The FAA shall encourage a realistic forecast of property use by the applicant. A forecast period in excess of 20 to 25 years should not be used. A projected use or activity which depends on the availability of an improvement, structure, fixture, or related personal property should not exceed the estimated useful life of that particular property. Therefore, an applicant should always state an estimated useful life for requested property.

A forecast should not overlook a potential conversion of airport revenue production property to airport aeronautical use. This is especially valid at locations where the level of aviation activities will correspond to community growth and development.

- e. Unusable Improvements. If existing improvements to real property have, in fact, no useful life for public airport purposes, the FAA may recommend a conveyance of any needed underlying real property, provided the applicant agrees in the application to salvage, remove, or demolish all unusable property. Improvements to land, such as unneeded but costly to remove pavement areas or underground facilities, may also be excluded from accountability as part of an airport disposal by an FAA recommendation for their abandonment in place by the Federal Government. Appropriate marking may, in such cases, be required of the applicant. In some instances, it may be proper to recommend that GSA arrange for an off-site removal by a sale or other disposal of improvements not needed for airport purposes to expedite and enhance the use of the underlying land for airport purposes.
- f. ADAP Programming Criteria. A disposal of surplus real and related personal property for public airport purposes is not limited to that which meets ADAP programming criteria. However, the potential for subsequent development with Federal assistance should prompt an applicant to avoid any impediment to necessary eligibility.
- g. Default Status. An applicant may be party to an existing airport agreement with the Federal Government which is administered by the FAA. If so, the FAA shall not recommend a disposal to an applicant in an official status of default unless the disposal itself will correct such status (e.g., clear zone acquisition). If otherwise, an applicant should make arrangements satisfactory to the FAA to fully correct the default status before submitting an application for surplus property.
- h. Utility Systems. FAA may recommend all or a part of available utility systems to the extent they are needed for present and projected airport requirements. However, special attention should be given to the condition of the systems. FAA must determine that the **applicant is capable of operating and maintaining systems before recommending to GSA that they be conveyed.** In some instances it will be necessary to recommend to GSA that the utility systems be sold to local utility companies and assurance obtained that necessary services to the airport will be provided at authorized prevailing rates and charges. In such event, FAA must concur in any related utility easements or rights-of-way in any part of the public airport property.

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i. Land or Buildings for Air Traffic Control and Weather Facilities.

- (1) The FAA or the National Weather Service may have a need for either land or space in buildings at an airport for air traffic control and weather programs. Any disposal of surplus real property shall be fully coordinated with the FAA Facilities Division--or the district office counterpart--to assure that these program needs are included in the FAA airport disposal recommendation. Ordinarily title to all airport land and buildings should be recommended for disposal to the grantee. Otherwise, retention of land by the FAA or the National Weather Service would create undesirable "islands" of Federal ownership.
- (2) The FAA and the National Weather Service may define their program needs for land or space in buildings involved in a surplus disposal by the same procedures used for that purpose at ADAP developed airports. Screening Federal excess property, therefore, is unnecessary. Moreover, if FAA or weather service needs subsequently develop, land or space in buildings available at that time may be requested and obtained. Paragraph 7.I. of appendix 3 provides that needed space will be made available without cost.

- j. Capability of Applicant. The financial needs of an applicant for revenue-producing property must be determined in accordance with the guidance given above. Whether or not any nonaviation revenue-producing property is available for disposal, the application should indicate that the prospective grantee will be legally and financially able to meet the obligations and commitments imposed by the instrument of disposal.

42. - 47. RESERVED.

SECTION 4. DISPOSAL ACTIONS AVAILABLE TO THE UNITED STATES

48. AUTHORIZED METHODS OF DISPOSAL. Having considered the factors outlined in section 3, the FAA should be in a position to make a recommendation on an application for surplus Federal property. At this point it is important to recognize that a conveyance of property under P.L. 80-289 may not be the only means by which the applicant can acquire the property. Various methods of disposal are authorized as set forth in U.S. Code, Title 40, "Public Buildings, Property and Works." These include a disposal by sale, lease, donation, abandonment, or otherwise. A disposal may cover easements and leasehold interests as well as Government-owned land, improvements, and related personal property. Monetary consideration, in whole or in part, may be required and some authorized disposal methods recognize a commitment to one of several public purpose uses as a valuable consideration. Knowledge of these methods of disposal should be helpful to the FAA in analyzing just what is being proposed for acquisition and what alternatives are available to an applicant if there is insufficient justification to sustain a recommendation by FAA for a public airport purpose disposal. The

authority of P.L. 80-289 shall not be used merely to enable an applicant to obtain Federal property without just compensation to the Government.

49. WHAT CAN BE DISPOSED OF.

- a. Federal Leasehold Interests. GSA may dispose of surplus real and related personal property under lease or other similar right of occupancy, with or without improvements thereon, in either of two ways:
 - (1) Disposal of the Government's property interests subject to assumption of the terms and conditions of its lease (unless prohibited by the terms of the lease); or
 - (2) Cancellation or termination of the lease either through notice or through a negotiated agreement.
- b. Structures and Improvements on Leased Property. GSA may impose such reservations, restrictions, and conditions as it deems necessary to protect the interests of the Government against any liability under the lease. This is accomplished through any one or combination of the following methods:
 - (1) Disposition of the structures and improvements to the transferee of the leasehold interest for a consideration that is fair and reasonable under the circumstances.
 - (2) Disposition in accordance with contractual commitments
 - (3) Conveyance of the structures and improvements to the lessor or owner of the premises in full or partial satisfaction of any obligations to restore the premises, OR upon a waiver or release by the lessor/owner of any restoration obligation coupled with the payment of a reasonable consideration.
 - (4) Removal of the property from the site.
- c. Disposal of Government-Owned Land and Improvements. In the case of Government-owned land, GSA generally disposes of structures and improvements together with the land but, where circumstances require, may dispose of structures and improvements separately from the land. Consideration, in whole or in part, may or may not be required, depending on the type and authority for the disposal.

- d. Disposal of Easements. GSA may dispose of a surplus easement to the owner of the land which is subject to the easement. If the easement was acquired for a substantial consideration, such disposal shall be made for a fair and reasonable consideration with due regard to the acquisition cost of the easement to the Federal Government.
 - e. Donation, Abandonment, or Destruction. Federal surplus real property which has no commercial value or at which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale may be abandoned, destroyed, or donated to public bodies.
50. INFLUENCE ON FAA RECOMMENDATIONS. The availability of alternate methods of disposal as outlined in this section may affect an FAA recommendation on an application for surplus property for airport purposes in several ways.
- a. Conceivably, the property interests available may be inadequate to achieve the purpose for which its acquisition has been requested.
 - b. Under certain circumstances, the interests of the United States in civil aviation may be better advanced by recommending a property interest less than that requested.
 - c. Where the justification for a conveyance of property under P.L. 80-289 is marginal, the possibility that the applicant may acquire it nominally or for a reasonable consideration through another method of disposal should enter into an evaluation of the request.
51. DISPOSITION OF SURPLUS PROPERTY UNDER P.L. 80-289 VERSUS ACQUISITION UNDER SECTION 23 OF THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970. The FAA shall, in all cases involving a GSA declaration of surplus and availability, foster and promote a disposition under P.L. 80-289 rather than an acquisition under section 23. The latter authorizes an acquisition of Federal lands not otherwise available either by purchase or under P.L. 80-289. It is especially intended to make possible the development or improvement of an airport using public domain lands. Only limited uses may be made of property acquired under section 23, and reversion of it by operation of law is prescribed if it is not developed or ceases to be used for airport purposes. Further, there is no provision for releases as is the case in dispositions under P.L. 80-289. Section 23 makes it possible for a Federal agency owning or controlling real property to support public airport development without derogation of its program requirements when such property by statute, regulation, or classification cannot otherwise be made available to a non-Federal public agency.

52. PROMOTING THE DISPOSITION OF FEDERAL PROPERTIES FOR PUBLIC AIRPORT PURPOSES. FAA should request actual or potential public airport owners to identify in writing any Federal real and related personal property which could readily be used for a public airport purpose if it were made available. Such property may be at an existing public airport or a potential public airport site. If the FAA review and analysis discloses that a public airport use would enhance the growth and development of civil aviation, FAA should contact the owning or controlling Federal agency. This contact is for the sole purpose of exploring the views and plans of the owning agency. The FAA may request that agency to consider the possibility of reporting the property excess to GSA so that it may be made available for a public airport disposal under P.L. 80-289. If its current or proposed program requirements preclude releasing the property, the FAA shall not press the issue but may suggest that the request be filed for possible future consideration. FAA personnel should be alert to any information that a military air base may become excess to military needs or that the military activity on it is to be curtailed. In such cases, the possibilities of joint civil use should be explored promptly. If joint use can be effected before a military base is closed, the ultimate transition to a civil airport will be much easier. The opposition of local special interest groups will be less effective if the airfield is already accommodating civil aviation. The DOD will inform FAA of programmed military base closures and joint use possibilities.

53. - 54. RESERVED.

SECTION 5. FAA DISPOSAL RECOMMENDATION PROCEDURES

55. GENERAL. FAA's formal recommendation for a disposal of surplus real and related personal property shall be made by letter in response to a request from GSA. The GSA request will include two copies of an application with supporting documents prepared by the applicant. The cognizant FAA office shall retain one complete copy of the request from GSA, the application and related documents. The FAA response may:
- a. Recommend that a disposal be made by GSA completely consistent with the entire application.
 - b. Recommend that a disposal of a specific part of the property included in the application be made by GSA.
 - c. Recommend that a disposal of all (or a specific part) of the property included in the application be made by GSA but subject to reservations, restrictions, or conditions different from those set forth by GSA in the application.
 - d. Recommend that no disposal be made by GSA.

56. EXPLANATORY COMMENTS BY FAA. The cognizant FAA office, as it determines necessary and proper, shall explain in the letter to GSA the rationale for the FAA recommendation. Such explanations may subsequently be used by GSA to advise an applicant concerning the ultimate disposal, need for additional documentation, availability of property under other disposal programs, or other related purposes.
57. STATEMENT ABOUT DETERMINATIONS REQUIRED BY STATUTE.
- a. In the letter to GSA, the FAA shall state (regardless of previous statements) the determinations the FAA has made concerning specific property that authorize an airport disposal recommendation under P.L. 80-289.
 - b. The FAA shall state its determination with respect to the eligibility of the applicant under P.L. 80-289.
 - c. The recommendation shall include, as applicable, an evaluation of any determinations made by the applicant regarding the potential impact of the proposed disposal on the environment.
 - d. If a disposal is recommended, the FAA shall state its determination of the applicant's ability to comply fully with the reservations, restrictions, and conditions of the recommended instrument of disposal. The statement shall include an acknowledgement of FAA's sole authority and responsibility for compliance enforcement and that it foresees no legal impediment thereto.
58. CONCLUDING A DISPOSAL FOR PUBLIC AIRPORT PURPOSES. The FAA letter of recommendation to GSA shall request that the FAA be given the opportunity to review the instrument of conveyance that GSA proposes to use to effect the transfer. If GSA has cited a proposed instrument in the application form which conforms to appendix 3 of this order, this request by FAA should be unnecessary provided, of course, that the property to be disposed of by GSA is that which was recommended for disposal by FAA. Concurrent with the foregoing, the FAA should request GSA to provide the cognizant FAA office with one conformed copy of the completely executed instrument which cites the appropriate legal acknowledgement (recording data). Also, request GSA to report in its transmittal of this document the acquired value to the Government and the estimated value at the time of the airport disposal of the associated real property, improvements, structures, etc., and the related personal property.
59. NOTICE OF DISPOSAL TO STATE OFFICIALS. Upon completion of the disposal, the FAA shall, by letter, advise the Governor or, as appropriate, the State Aviation Director of the public airport disposal. The value of property based on the information obtained from GSA shall be included. A copy of this letter shall at the same time be sent to Airports Service, AAS-1, Attention: AAS-600, with a copy of the deed of conveyance.

CHAPTER 3. SURPLUS PERSONAL PROPERTY

SECTION 1. THE DISPOSAL PROCESS60. EXCESS PROPERTY.

- a. When a Federal agency determines that it has no further need for personal property under its jurisdiction, such property is declared "excess." There is a continuing flow of Government-owned property that becomes "excess" to the needs of owning or controlling agencies. Certain items, based on established criteria which take into consideration monetary value, location, condition, etc., must be formally reported to General Services Administration (GSA) to permit screening by other Federal agencies and departments. This is to assure that no agency expends Federal funds to acquire material that is currently available and excess to another agency's needs.
- b. "Reported" personal property remains in the "excess" category for a period of approximately 60 days. If another agency or department determines that it needs such items, the items are transferred upon request. Property which, because of its value, condition, or specialized nature, need not be formally reported to GSA remains in the "excess" category for 21 days during which it will be transferred * upon the request of any Federal agency. To facilitate adequate screening to insure that Federal departments or agencies take full advantage of "excess" property and material, each regional office of the GSA periodically prepares and issues an Excess Property Catalog. This lists the items formally reported as being excess to the owning agencies and contains a coded indicator of the approximate condition of the items.

- 61. SURPLUS PROPERTY. Excess property that is not claimed or requested by another Federal department or agency is determined by the GSA to be "surplus" property and thereafter becomes available for disposal outside the Federal Government. The date on which any item of excess personal property becomes surplus to the overall needs of the Federal Government is referred to as the Surplus Release Date (SRD). For 21 days following * the SRD, Federal surplus personal property is legally available for donation, without monetary consideration (except for cost of care and handling), under those programs authorized by the special legislation described in paragraphs 63 and 64 following. All property that is not * disposed of to eligible donees under these statutes within the 21-day donation screening period will become available for sale to the general public.

- 62. CONVEYANCE OF PROPERTY FOR AIRPORT PURPOSES. Section 13(g) of the Surplus Property Act of 1944, as amended by P.L. 80-289, enacted in 1947 (61 Stat. 678), authorizes the conveyance, without consideration, to a state, political subdivision, or tax-supported institution of any surplus real or personal property determined by FAA to be essential,

suitable, or desirable for the development, improvement, operation or maintenance of a public airport, or to develop sources of revenue from nonaviation business activities at a public airport. Property conveyed under this statute imposes upon the grantee continuing obligations regarding the use of the property for airport purposes. Personal property actually located at or installed on real property recommended by FAA for conveyance under P.L. 80-289 will be conveyed in accordance with the procedures in chapter 2. This may include items of personal property to be conveyed with real property which will be used for revenue production purposes. All other conveyances or donations of Federal property which become surplus will be handled in accordance with this chapter 3. Donations of personal property to develop airport revenue will not be made except in conjunction with the transfer of real property.

- * 63. DONATIONS UNDER PROGRAMS ADMINISTERED BY THE GENERAL SERVICES ADMINISTRATION (GSA). The Federal Property and Administrative Services Act of 1949 repealed certain portions of the original Surplus Property Act although retaining that part authorizing the disposal of surplus airport real and personal property as enacted by P.L. 80-289. In the place of the repealed portions of the old Act, Congress authorized another much broader program for donating surplus Federal property and material to public agencies for public purposes and certain nonprofit educational and public health institutions and organizations. GSA conducts an active program under this statute to allocate a broad range of Federal surplus property to be subsequently donated to state and local public agencies, schools, colleges, libraries, medical institutions, hospitals, clinics, day care centers, public museums, etc. In addition, youth educational activities of special interest to the Department of Defense (DOD) are eligible for the donation of surplus Federal Property, (Boy Scouts, Girl Scouts, American National Red Cross, ROTC affiliated institutions, etc.). This legislation provides that the surplus Federal property will be distributed by state surplus property agencies established for such purposes. In accordance with this, many state agencies stockpile the property and distribute it to public agencies and nonprofit education and public health activities. Although P.L. 80-289 does not authorize * interim stockpiling by state agencies and requires a direct contractual relationship with the grantee, nevertheless, the GSA procedures for disposal under both statutes are similar. In order to facilitate parallel administrative procedures by the designated disposal agency (GSA), the FAA has agreed to accept the certifications on the reverse side of the standard GSA application (SF 123) as the basic contract between the recipient airport owner and the Government.
64. PRIORITY FOR PUBLIC AIRPORTS. The regulations of the GSA provide that * during the first five days (including weekends and holidays) of the 21-day * donation screening period, applications to convey for public airport purposes surplus personal property reported by Federal agencies to GSA must be given preference over applications for other purposes authorized by the Federal Property and Administrative Services Act. Under Public Law 80-289, any public agency responsible for operating

one or more public airports may apply itself or through its representative for surplus personal property. In addition, a state aeronautical agency, when specifically so empowered by state legislation, may apply for the conveyance of surplus personal property under the special conditions outlined in paragraph 65 following.

65. CONVEYANCES TO STATE AERONAUTICAL AGENCIES.

- a. Basis for Transfers. Frequently, owners of small public airports have a one-time requirement for the use of heavy construction equipment to accomplish major repairs, improvements, or further development of their facility. The permanent transfer of costly construction equipment to an airport to fill such a requirement ordinarily cannot be economically justified. Consequently, in the past these airports have been at a disadvantage in obtaining surplus heavy equipment to fill nonrecurrent needs of this kind. Where a state aeronautical agency is authorized to conduct a program assisting local public airports in such projects, the FAA, state laws permitting, will approve the transfer of limited types of such equipment to the state aeronautical agency for use on public airports under these circumstances.
- b. Eligibility of State Programs. Before applying for the equipment, state aeronautical agencies must first file with the FAA the details of its program for using the equipment on public airports. The airports need not be specifically named, but there must be evidence that the equipment will fill a need, that it will be loaned or made available only to publicly-owned airports, that it will be kept in serviceable condition, and that it will not be used for other than airport purposes. Thereafter, application for the equipment pursuant to this plan may be made by the state agency on the Form 123. The state program may include appropriate provisions to recover from benefiting airports the cost of equipment maintenance, operation, where provided, and necessary transportation. No administrative costs, surcharges, or other fees may be imposed.
- c. Program Limited to Airport Purposes. Surplus property will not be transferred to a state aeronautical agency for loan or use for any public purpose other than an airport purpose. Administrative use of such property by the state agency is expressly prohibited. Use of the equipment for nonairport purposes, whether with or without state agency approval, will be considered a breach of the terms under which it was donated to the agency.
- d. Ownership Responsibility of State Agency. When the equipment is transferred to a state aeronautical agency, the agency becomes the donee owner and is solely responsible to FAA for compliance with all terms and conditions of the conveyance. This is true even though the agency, in the operation of its program, may have only recurrent possession of the equipment. This means that the state agency, under the terms of its agreement with the Government, undertakes to assure

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conformity by airport owners to the compliance requirements applicable to actual use of the property.

- e. Equipment Eligible for State Airport Loan or Use Programs. Equipment eligible for transfer for state airport programs will be limited to heavy construction types associated with excavating, hauling, clearing, and building projects commonly carried out on airports. This will include drayage equipment necessary to move donated property about the state pursuant to a loan or use program. The following are examples of the types of construction equipment which may be recommended for transfer for state loan or use programs.

Aggregate Plants	Cranes
Back Hoes	Earth Boring Equipment
Bituminous Equipment	Graders and Attachments
Buckets	Land Clearing Equipment
Concrete Producing Equipment	File Driving Equipment
Rollers	Trenching Machine
Tractors	
Trucks	

The above listing is not necessarily all inclusive. Items which are not on this list may be recommended if definitely required as a part of construction work. Office equipment, vehicles, aircraft, or other items required primarily for the administration of the state program will not be recommended.

66. USE OF GSA CATALOGS. Following declaration by a Federal agency that any items of Federal property have become "excess" to the needs of such agency, the regional offices of GSA prepare listings of those items which are required to be formally reported to it (reported excess). Normally, the regional catalogs of reported excess property will list property at least 30 days before the SRD. Thus, the GSA catalogs are a prime source of information regarding excess material being screened by other Federal agencies prior to becoming available to non-Federal activities as "surplus." It is not a responsibility of the FAA to screen, locate, acquire title to, or deliver surplus property eligible for conveyance to airport owners under P.L. 80-289 and no personnel resources are programmed to the field offices of the FAA for this purpose. However, through arrangements with GSA, each FAA field office will receive current copies of the GSA catalogs and make them available for review and information by owners of public airports. In addition, FAA personnel will assist airport owners by explaining and interpreting the disposal procedures as outlined in this order and will maintain a current stock of the necessary application forms (see section 3).

SECTION 2. THE SCREENING PROCESS

67. SCREENING OF SURPLUS PROPERTY. The opportunity for eligible agencies to acquire valuable property at no cost during the limited 21-day donation screening period results in active competition. *

Under the Federal Property Act of 1949, these state agencies may recover from the ultimate donee fees and charges to cover their own administrative costs as well as screening and transportation expenses in moving the material. Although airport applicants enjoy a priority for the first five days of the donation screening period, there is no authority under P.L. 80-289 for any agency other than the ultimate grantee to acquire such property. Consequently, an airport applicant must be alert and knowledgeable as to the location and surplus release date of suitable property to effectively utilize this program to acquire needed airport equipment.

68. STATE AND LOCAL ASSISTANCE. Cooperative regional and local associations of airport owners as well as the official aeronautical commissions or departments of the several states may undertake to facilitate the prompt screening and location of available surplus property suitable for conveyance to public airports. The FAA field offices will encourage and cooperate with such efforts. They will also endeavor to obtain copies of the Excess Property Catalog and to furnish them to assisting agencies. FAA personnel will make known to all owners of public airports the fact that surplus Federal property may be obtained for airport purposes through this process. This may be done as part of the routine surveillance of compliance by airport owners with obligations to the Government, or in the course of monitoring a project for airport development, in the course of attendance at associational meetings, and otherwise as opportunity may be presented.
69. DELEGATION AS APPLICANT'S AGENT. In some instances, owners of airports may find it advantageous to delegate to a state official, or recognized official of a collective association authorized by its members to screen surplus property, the legal right to actually apply for the conveyance of surplus property. This implies that, while the state official, or representative of the collective screening group may sign the GSA Form of Application (SF 123) as agent for the airport, title to the property must be taken in the name of the airport and not the agent. In preparing
 - * the SF 123, therefore, Block 13a "Transferee" must be prepared in the name* and address of the public airport which will take title to the property. The airport owner, if acting on its own behalf through its own official, will sign his name, in Block 13b of the SF 123 and enter his title below the signature. If a state official or an official of a collective association is executing the application as an agent on behalf of the airport, he will sign in Block 13b but enter below his signature the
 - * words "Transferee Agent, _____ Aeronautical Commission," or similar *
 - * agency representation. In the preparation of applications which are made by a state agency as principal, under a loan or use program, the name and address of the state agency will appear in Block 13a as
 - * "Transferee." GSA will accept applications for conveyance of surplus *
 - * property for airport purposes presented in these several ways. For detailed instructions on the completion of the SF 123, see section 3.

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70. CONDITION OF PROPERTY. Airport owners seeking to acquire surplus property for airport purposes under this program should understand that all property is offered on an "as-is, where-is" basis. No warranties are expressed or implied. Applicants should also be informed that normally the property will be available for inspection during the "excess" period to enable the applicant to determine whether the items are suitable and worth the effort and expense of acquisition. Reportable excess, as listed by the GSA, contains a condition code indicative of the reported status of the property. (App. 1, exhibit 6, for explanation of the condition codes.) It should be explained, however, that the condition code used in the reporting of material to GSA is primarily related to the criteria of the holding agency governing its declaration as excess. For example, DOD activities may be authorized, under their own internal regulations, to declare items as excess when their physical condition can be described in terms of one of the listed codes. The actual condition of the item, its anticipated useful life, and its suitability for use on a civil airport may be inferred but not conclusively determined from the condition codes reported by the owning agency to GSA.
71. ADDITIONAL SCREENING INFORMATION. Prospective applicants for the donation of surplus property should understand that the responsibility of locating available property, determining its condition and suitability, submission of the required application forms, and assumption of the costs of packing, shipping, and delivery, rests with the donee/applicant. It should also be made clear that, although certain material is available only for conveyance under Public Law 289 for airport purposes during the first five days of the donation screening period, prompt action and an alert screening effort is required. Unlike the donations available to public agencies and certain educational and public health institutions and organizations as authorized by the Federal Property and Administrative Services Act of 1949, property authorized for conveyance under P.L. 80-289 may be transferred only to the ultimate owner. There is no * provision for FAA or a designated state agency to acquire or to "freeze" title, to receive and inventory for subsequent distribution, any property intended to be conveyed to airports. Some screeners have developed relationships with Property Disposal Officers (PDO) at installations generating large amounts of surplus items under which the PDO will entertain "want lists" as a matter of accommodation. Frequently, the PDO, pursuant to a reversed charge understanding, will advise the screener of the availability or prospective availability of items of property appearing on the list. The lead time afforded by advance notification that certain property is going to be assigned an excess status is particularly advantageous in view of the short five-day priority period; however, care should be taken that the Form 123 is not delivered to the GSA office before the SRD.

***72. CERTIFICATION AND CONTROL OF SCREENERS.**

- a. All screeners (airport owners, state aeronautical officials or agents) must have a valid GSA Screener's Identification Card, GSA Form 2946 (Rev. 10-77) prior to screening and freezing surplus personal property at holding or military installations. These screener cards will be controlled by the issuing office (FAA regional division office or airport district office). GSA requires that the expired or obsolete cards be returned to their office thereby requiring FAA to maintain a log of the issued cards and the expiration date of each card.
- b. The procedure for issuing the GSA Screener's Identification Card, GSA Form 2946 (Rev. 10-77) should generally follow these steps:
 - (1) Receive a written request for a screener designation.
 - (2) Send a card to screener to be filled out, signed, and have a picture made for the card.
 - (3) When the signed card with a picture is received from the screener, it should be reviewed, signed, and sent to the GSA Region for signature and lamination.
 - (4) GSA will return the card to the requesting FAA office.
 - (5) Enter the card number, screener's name and address and expiration date of the screener's identification card in the control log.
 - (6) Send the card to the requesting screener with instructions to return it upon expiration and to notify FAA if the card is lost.

The procedure for issuing the screener's cards may vary from region to region so you should check with your GSA region to verify the procedures.

GENERAL SERVICES ADMINISTRATION SCREENER'S IDENTIFICATION	
PHOTO	SCREENER'S NAME
	SCREENER'S ORGANIZATION
	SCREENER'S SIGNATURE
	SPONSORING AGENCY
	NOT VALID TO IDENTIFY A FEDERAL EMPLOYEE.

GSA FORM 2946 (REV. 10-77)

Sample
Card Front

Chap 3
Par 72

SIGNATURE OF SPONSORING AGENCY OFFICIAL		
This Card Holder is authorized to screen and select personal property subject to the constraints hereon indicated.	CARD NUMBER	EXPIRATION DATE
	AUTHORIZED SCREENING AREA	AUTHORIZED PROGRAM
SIGNATURE OF GSA OFFICIAL		REGION

IF FOUND, DROP IN ANY P.O. MAILBOX FOR RETURN TO:
GENERAL SERVICES ADMINISTRATION, WASHINGTON, DC 20406
TO BE SURRENDERED TO ISSUING OFFICER UPON EXPIRATION OR TERMINATION OF AUTHORIZATION.
PROPERTY OF U.S. GOVERNMENT

GSA FORM 2946 BACK (REV. 10-77) *

Sample
Card Back

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SECTION 3. APPLICATION PROCEDURES

73. LEGAL BASIS FOR CONVEYANCE. Public Law 289 authorizes property to be conveyed for airport purposes subject to the various terms and conditions more completely identified in chapter 2 of this order. Under the Act, the Administrator, FAA, has broad powers to recommend to the appropriate disposal agency changes, modifications, deletions and amendments to the covenants attached to such conveyances. Under this broad authority and to achieve simplification in the procedures as they relate to personal surplus property, the Administrator of the FAA has agreed to accept the assurances contained in the reverse side of the GSA application Form SF 123 as covenants of promised performance by the grantee. Appendix 4 of the order is a reproduction of the current SF 123,

* Transfer Order Surplus Personal Property. When the applicant for property to be conveyed under the Surplus Property Act, as amended, signs the SF 123, he is making an offer of performance with respect to the requested property which will become a contract in the event the Government sees fit to release the property to the applicant. The terms of this offer are spelled out in paragraph 1.c. on the reverse side of the form. *

74. PREPARATION OF THE APPLICATION.

- a. The Form SF 123 will be available in interleaved carbon sets at the FAA field office. Care should be taken that the form is not permitted to fall into the hands of unauthorized agencies or persons. Instructions for the completion of the form will be available at any of these offices. Whether the applicant is a state aeronautical agency, an airport owner applying for the property personally, or through a designated agent, a properly authorized signature in the appropriate block constitutes a binding and continuing contract with the Government for the useful life of the property.
- b. In the interest of compatibility with GSA processing procedures, reportable items with different surplus release dates should be requested by separate Forms SF 123. Until a revised SF 123 is available, the name of the county should be included in Box 13a.

75. SUGGESTED PROCEDURES WHERE AIRPORT REPRESENTED BY STATE OR ASSOCIATIONAL AGENT. Where the applicant is represented by an agent, screening, preparation, and processing of applications can be expedited by the adoption of certain procedures by the applicant and its agent. The following procedures are suggested where an "agency" relationship exists or is desired and where compatible with state law:

- a. Airport owners desiring to use the cooperative efforts of an agent should furnish such agent, and file with the FAA field office, a formal delegation of authority empowering the named representative to apply for, screen, and request property on its behalf. *

- * b. All public airport owners within the state utilizing such an arrangement should furnish their agent with a "want list" of general categories of surplus property desired for the airport. The owner should forward an information copy of the list to the FAA field office. The state or associational agent should screen the current Excess Property Catalogs and Bulletins and determine the possible availability of items desired by the airport owners.
- c. The agent should visit the site of the surplus property which is to be released, and determine its suitability to fill the airport owner's requirements.
- d. It is strongly recommended that, prior to the execution and filing of a Form 123 on behalf of an airport owner by the agent, he communicate with his principal and ascertain that the property concerned is still wanted and, in the light of its condition and location, will be accepted in the event the application is approved.
- e. Based upon the circumstances, the agent, if appropriate, should prepare a Form 123 on behalf of the airport applicant, obtain the required certification from the FAA field office and forward it to GSA, or deliver it to FAA for certification and forwarding to GSA, whichever procedure has been agreed upon. In some instances, it may prove helpful for the airport owner to furnish the agent with reproduced copies of the agency designation for attachment to the original of each application.

76. CIVIL RIGHTS ASSURANCE.

- * a. Title VI of the Civil Rights Act of 1964 requires assurances by the recipients of any Federal loan, grant, or other assistance that there will be no discrimination in enjoying the benefits of such assistance on the basis of race, color, national origin, or sex. To facilitate the surplus personal property donation program, the Administrator, FAA, has agreed with the Administrator, GSA, that the necessary assurances will be on the reverse side of the application, Form SF 123. Applicants must understand that such assurances also become part of the contract which results upon release of the surplus property to them.
- b. The donee named in the attached application agrees that:
 - (1) The program for or in connection with which any property covered by said application is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide *

* services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the GSA issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended. *

- (2) This agreement shall be subject in all respects to the provisions of said regulations;
- (3) This agreement shall obligate the donee for the period during which it retains ownership or possession of any such property;
- (4) The donee will promptly take, and continue to take, such action as may be necessary to effectuate this agreement;
- (5) The United States shall have the right to seek judicial enforcement of this agreement; and
- (6) This agreement shall be binding upon any successor in interest of the donee and the word "donee," as used herein, includes any such successor in interest. *

77. ACTION ON APPLICATION.

- a. The disposition of the several interleaved copies of the Form SF 123 by the FAA and the GSA is more fully detailed in section 4 of this chapter. However, when an application, fully executed by the donee or his designated agent, has been approved by the FAA, the applicant should be made to understand that, if favorably acted on by the GSA, it is the applicant's responsibility to make arrangement with the Property Disposal Officer (PDO) of the facility or installation at which the property is located for its prompt pickup and shipment. The expense of delivery will be borne by the applicant. Under present disposal procedures the holding agency will not retain the property in excess of 42 days from the SRD after notification by GSA that the transfer has been approved. *
- b. In any instance of a donation assignment of a motor vehicle, the PDO of the facility or installation at which it is located will, upon his own initiative or upon request, execute and deliver a Standard Form 97, Certificate of Release of a Motor Vehicle. This document will be accepted by state motor vehicle regulatory agencies as evidence that previous title was in the Federal Government, for state title registration and license issuance purposes. Should there be any correction made on the face of this document, each such *

- * correction should be initiated by the person executing the certificate. In an exceptional situation where the cognizant PDO is not available to execute the certificate, the Chief of the Utilization and Donation Branch, Personal Property Division, Federal Supply Service of the GSA Regional Office has authority to execute it (Federal Property Management Regulations 101-4924-2).
- *

SECTION 4. FAA REVIEW OF APPLICATION

78. FAA RESPONSIBILITY. Under Public Law 289, the FAA is required to certify whether the surplus property listed on the application has been determined to be essential, suitable or desirable for the development, improvement, operation or maintenance of a public airport, or reasonably necessary to fulfill the immediate or foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport. When the designated FAA representative reviews an application for surplus personal property, he makes a determination as to the need for the requested property and, if appropriate, certifies to it upon the application form. No priority is established between public airports and state aeronautical agencies (whether as an agent for a public airport or on its own behalf as a donee) in applying for available surplus personal property. Requests from state agencies and public airports will be considered and processed by the FAA without preference or discrimination.
79. GUIDELINES FOR CERTIFICATION OF ITEMS BY FAA.
- a. Must be Need for the Property. The FAA must determine that there is an airport need for each requested item. Requests received from a public airport will be checked against the FAA inventory record of surplus property previously conveyed to the same airport. (See section 5.) Requests received from a state aeronautical agency for property which is to be used at public airports within the state will be checked against inventory records of surplus property previously conveyed to the state agency and must be in conformity with an approved state loan or use program on file with the FAA.
 - b. Need Must Be Direct. The need for the item must be one which the item can directly fulfill. Surplus personal property--unlike surplus real property--will not be recommended for donation in order to permit the owner to derive revenue, even for an airport, by renting or using it for a nonairport purpose. In this connection, property required by an aeronautical activity (e.g., engine stands, aircraft starters, wing jacks, etc.) may not be recommended since they are not directly needed to develop or maintain the airport. In fact, an airport manager/fixed base operator who received such property would have an unfair competitive advantage over other fixed base operators.

*

1/31/78

- * c. Typical Eligible Surplus Property. The following are examples of the the types of personal property which may be recommended for public airport purposes:

sweepers	fire trucks	wind direction indicators
rollers	crash trucks	cable
mowers	beacons	arresting barriers
concrete mixers	runway, taxiway, and	blast fences
asphalt kettles	apron lighting	fencing
air compressors	fixtures & equipment	utility systems/components
rakes	approach lights	buildings
blitzers	boundary lights	hangars
dump trucks	wind cones	T-hangars
trucks	wind socks	radio equipment
tractors	tetrahedrons	navigational aids
jeeps	wind tees	
snow plows	segmented circles	

The items listed above are examples of types of equipment required for the development, improvement, operation, or maintenance of a public airport and are not intended to be an all inclusive listing. However, items which are not on this list should require a written statement accompanying the application explaining why they are needed. Such justification should reveal the present inventory of similar airport equipment, the specific use for which the items are requested, the procedures to be relied on to assure their continued availability for airport purposes, and the means by which they will be maintained in serviceable condition.

- d. Surplus Aircraft. Flyable aircraft are specifically excluded from donation. Requests for use by airport owners of cannibalized and demilitarized aircraft for purposes of firefighting and rescue training may be approved by FAA, however.
- e. Factors to Consider in Recommending Unusual Items. Strict and literal conformity to the language of the Surplus Property Act would, in theory, permit a determination that practically any item of property or equipment was in some way "essential, suitable, or desirable" for airport purposes. In keeping with the intent of the Act, however, FAA will, as a matter of policy, limit its recommendations to such items as are listed in paragraph 79c above or to items having a similarly direct and primary application to the airport owner's continuing responsibility to operate, preserve, maintain, develop, and improve airport facilities. Each request must be evaluated on its own merits. However, the FAA, in certifying an airport owner's need for specific items of Federal surplus property, will consider the following factors:

*

- * (1) Relevance to Airport Facilities. Many common items such as office equipment, passenger vehicles, printing and reproduction equipment, etc., may be needed to satisfy a general requirement of the owner of a public airport. However, FAA recommendations will be limited to items which will normally be used directly and primarily in the preservation, maintenance, operation, or development of basic airport facilities. For example, an airport owner requested a printing machine as an item of surplus. It proposed to use the machine for the publication of handbills advertising events at the airport. The benefits to the airport which were expected to be derived from this item are too uncertain and remote to justify approval in the absence of other unusually compelling reasons.
- (2) Susceptibility of Item to Misuse. Public Law 311 clearly imposes on the Administrator, FAA, the responsibility to monitor the stewardship accorded by grantees to Federal surplus property conveyed for airport purposes under the Surplus Property Act. Some items, by their nature, do not lend themselves to identification with the purposes for which conveyed. The periodic inspection and accountability required under the FAA Compliance Program would be difficult, if not impossible. Items which clearly have more applicability to nonairport public functions, to personal use, or to commercial enterprise than to airport operations, should be considered in connection with the practical problems of assuring that they continue to serve airport purposes. In this connection, some consideration should also be given to the administrative environment of the airport for which they have been requested. There is less likelihood that such property will be misused at an airport that is well organized with efficient management controls over assets and inventory.
- (3) Competitiveness with Local Business. Will the item, if placed in use on the airport, be competitive and detrimental to local business? If it will, the item must be viewed critically and should be approved only if otherwise strongly justified. For example, approval of surplus automobiles for employment on an airport in competition with local transportation services would be clearly undesirable.
- (4) Frequency or Continuity of Need. It is not necessary that there be a need for an item of equipment on a daily, weekly, or other continuing basis in order to justify the determination of need by law. For example, at one southern airport, a snow plow was obtained. The need for such equipment in that climate may not *

*

arise more than once or twice a year. However, the importance of the service it performs; i.e., snow removal, and its direct relevance to airport safety, are sufficient to justify approval though it is only occasionally used.

- (5) Capability to Maintain. Grantees of surplus Federal property will be required to maintain such property throughout its useful life. Some items, particularly complex heavy construction equipment, are costly to maintain. In certifying the need for such equipment at a small airport or at one with limited maintenance capabilities, the FAA will inquire as to the applicant's plans for maintaining it. A clear understanding should be reached that the grantee will not be relieved of his accountability for lack of maintenance capability normally required for such equipment. It should be equally well understood that the maintenance obligation does not extend into the indefinite future, but rather only as long as the property can, with proper care, be economically maintained in good working order. If there is any evidence that the grantee plans to request authority to trade in the item rather than maintain and use it, the initial request should not be approved. However, approval may be granted to the transfer of selected items of equipment listed in paragraph 79.c. where reasonably needed to provide replacement components for similar items on hand.
- (6) Status of Current Inventory. Applicants for surplus property, other than the items listed in paragraph 79.c. above, must reveal their inventories of equipment similar to, or which could be substituted for, the item requested. For example, the need for an adequate vehicle to patrol runways and perimeter roads may be obvious. If, however, the request is for a fifth vehicle for the same purpose, the possibility that it may not be used for the purposes authorized by law could outweigh the justification and be a significant factor in denying the request.
80. UNAPPROVED ITEMS. Items not approved should be lined out and initialed. If the FAA representative determines that there is no need for any of the items applied for, he should return the application, utilizing the channels through which it was received.
81. REQUIREMENT FOR PROMPT ACTION. Action upon applications should be taken within one day after being received. Expeditious action will enable completed applications to be filed within five days of the SRD. This will make it possible for the airport applicant to take advantage of the priority which airports are allowed by GSA regulation. *

- *82. APPROVAL AND TRANSMITTAL TO GSA. If one or more of the items applied for are approved, the FAA representative should indicate approval by signing the application in the space provided (block 13), retaining one copy and forwarding the original and three copies to the GSA regional office for the area in which the property is located for non-reportable property. Reportable SF 123's should be sent to the appropriate allocation regions which are: region 3 for property located in regions 1, 2, and 3; region 4; region 7 for property located in regions 5, 6, and 7; and region 9 for property located in regions 8, 9, and 10. If the application is approved by GSA, one copy of the approved application will be returned to the FAA, one will be forwarded to the PDO of the installations where the surplus is located and one will be returned to the applicant. (See Flow Chart, appendix 5.) *

SECTION 5. CLAIMING AND IDENTIFYING SURPLUS

83. PICKUP OR SHIPPING ARRANGEMENTS.

- a. Surplus personal property at the various disposal locations is under the jurisdiction of the PDO at military installations and Utilization Officers at the GSA regional offices.
- b. It is the responsibility of the applicant, or its designated state or associational agent, to make arrangement with the PDO or the Utilization Officer, whichever is appropriate, for pickup or shipment of the property. Instructions for pickup or shipping should be inserted in the appropriate block on SF 123. Generally, the holding agency will not retain the property more than 42 days after the SRD. *
- * c. If the fully approved application is not received within the 42-day period, or if pickup is not accomplished within 15 working days following notification of availability, the PDO may make other disposition of the property. Accordingly, the PDO should be alerted to the arrival of an application in any instance where expiration of the time period is imminent. *
- d. Any arrangement for shipment by common carrier must be made by the applicant airport owner or its representative. A commercial bill of lading will be issued at time of shipment.

84. OBLIGATION UPON TAKING POSSESSION. Under the contract by which an airport owner or state aeronautical agency receives surplus property, it is obligated:

- a. To maintain the identification of each item by marking, painting, labelling, etc., as reasonably appropriate to indicate that it has been conveyed for airport purposes. *

- * b. To keep the property in good repair and to make it available for inspection upon request by the FAA.
- c. Not to use, sell, salvage, or dispose of it without the consent of the FAA.
- d. Not to use it for nonairport purposes except under the following conditions:
 - (1) The use is for a public purpose, and
 - (2) The airport account is fully credited with any revenues accruing to the using agency during its use, and reimbursed for any cost or repairs attributable to the permitted nonairport use.

The exceptions stated in d above do not apply to surplus property donated to a state aeronautical agency for a loan use program (see paragraph 65).

85. IDENTIFICATION AND MARKING OF SURPLUS.

- a. To help the airport owner perform its obligations with respect to the use of donated property and to assist this agency in performing its surveillance function, the airport owner is required to mark it in an appropriate manner. This should be accomplished before it is placed in use. Such marking, in addition to identifying the property as Federal surplus property, should indicate that its use is for airport purposes. The following is an example of marking which is considered appropriate.

FEDERAL SURPLUS PROPERTY To Be Used for Airport Purposes

- b. The FAA has made decals available which can be applied to property to accomplish this marking. FAA representatives should advise airport owners of their obligation to mark surplus property and should provide adequate supplies of decals for this purpose.
- c. Field offices may obtain these decals for distribution to airport owners in two sizes, viz 6 and 12 inches in diameter. The respective sizes have been designated FAA Forms 5150-1 and 5150-2 for requisition purposes. (FAA Form 5150-1: NSN 0052-00-690-7000, U/I:SH, and FAA Form 5150-2: NSN 0052-00-690-8000, U/I:SH.)

- 86. RECORD OF SURPLUS PROPERTY. When an application is filed, the applicant retains a copy of the SF 123 for its records (Copy 7, see Flow Chart, appendix 5.) Upon approving the application and releasing the requested property, GSA returns two completed copies of the form to the FAA. One.*

- * of these is sent to the applicant as notice that the property is available for pickup or shipment. Upon taking custody of the property the donee will notify FAA that it has been received. This will be done by making appropriate notations on the Copy 7 of SF 123 (which was held in the beginning) and sending it to the FAA. Since this is the only way an inventory of property items actually donated to an applicant can be compiled, the FAA must insist that the donee carry out this part of the procedure. The inventory thus developed is the basis for periodic FAA reviews to assure that the terms and conditions of the donations are being met. There is no accountability for property which an applicant has been unable or failed to claim.

SECTION 6. ACCOUNTABILITY FOR PROPERTY

*87. TERMINATION OF ACCOUNTABILITY.

- a. By virtue of P.L. 81-311 the FAA Administrator has sole responsibility for overseeing compliance with the terms of agreements under which surplus property is or has been donated. This responsibility continues during the useful life of the donated property. To enable the Administrator to carry out this responsibility efficiently guidelines have been adopted for the release of donees from accountability.
- b. Section 203(j)(4)(c)(ii) of the Federal Property Administrative Services Act of 1949, 63 Stat. 63 as amended by P.L. 94-519 dated October 17, 1976, provides that the donee use the donated property for one year while it is still usable.
- c. Accordingly, except with regard to nonaccountable items (see paragraph 88) accountability of donees for surplus personal property will automatically cease one year from the date of donation unless the useful life of the property terminates sooner. In the latter circumstances, accountability will be concluded at the earlier date in accordance with instructions contained in Order 5190.6, paragraph 123a. *

88. NONACCOUNTABLE ITEMS. Continuing accountability will not be maintained for the following types of surplus personal property:

- a. Property which is to be disassembled and its component parts used for replacement in the repair of similar units.
- b. Consumable property such as paint, plywood, nails, bolts, screws, wrenches, electrical wire and accessories, pipe and fittings, paper, etc.
- c. Property having a functional value of less than \$100 (micrometer, chain hoist, belt sander, etc.) *

89. - 97. RESERVED.

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Appendix 1APPENDIX 1. SAMPLE FORMS AND INSTRUCTIONS
EXHIBIT 1. REPORT OF EXCESS REAL PROPERTY (SF-118)

STANDARD FORM 118 DECEMBER 1963 PRESCRIBED BY GENERAL SERVICES ADMINISTRATION REGULATION 2-IV-201.00 118-102				REPORT OF EXCESS REAL PROPERTY		1. HOLDING AGENCY NO. 2. DATE OF REPORT		DATE RECEIVED (GSA use only) GSA CONTROL NO. (GSA use only)		
3. TO (Furnish address of GSA regional office) General Services Administration						4. FROM (Name and address of holding agency)				
5. NAME AND ADDRESS OF REPRESENTATIVE TO BE CONTACTED						6. NAME AND ADDRESS OF CUSTODIAN				
7. PROPERTY IDENTIFICATION						8. PROPERTY ADDRESS (Give full location)				
9. SPACE DATA								10. LAND		
USE	NUMBER OF BUILDINGS (1)	FLOOR AREA (Sq. ft.) (2)	NUMBER OF FLOORS (3)	FLOOR LOAD CAPACITY (4)	CLEAR HEADROOM (5)	(From SF 118b)	ACRE OR SQUARE FEET			
A. OFFICE						A. FEE				
B. STORAGE						B. LEASED				
C. OTHER (See 9 F)						C. OTHER				
D. TOTAL (From SF 118a)						D. TOTAL				
E. GOV'T INTEREST:			F. SPECIFY "OTHER" USE ENTERED IN C ABOVE							
(1) OWNER										
(2) TENANT										
11. COST TO GOVERNMENT					12. LEASEHOLD(S) DATA (Use separate sheet if necessary)					
ITEM		SCHEDULE	COST		A. TOTAL ANNUAL RENTAL		\$			
A. BUILDINGS, STRUCTURES, UTILITIES, AND MISCELLANEOUS FACILITIES		A (Col. d)	\$		B. ANNUAL RENT PER SQ. FT. OR ACRE		\$			
B. LAND		B (Col. f)			C. DATE LEASE EXPIRES					
C. RELATED PERSONAL PROPERTY		C (Col. h)			D. NOTICE REQUIRED FOR RENEWAL					
D. TOTAL (Sum of 11A, 11B, and 11C)			\$		E. TERMINAL DATE OF RENEWAL RIGHTS					
E. ANNUAL PROTECTION AND MAINTENANCE COST (Government-owned or leased)					F. ANNUAL RENEWAL RENT PER SQ. FT. OR ACRE					\$
					G. TERMINATION RIGHTS (in days)					
					LESSOR GOVERNMENT					
13. DISPOSITION OF PROCEEDS					14. TYPE OF CONSTRUCTION					
15. HOLDING AGENCY USE					16. RANGE OF POSSIBLE USES					
17. NAMES AND ADDRESSES OF INTERESTED FEDERAL AGENCIES AND OTHER INTERESTED PARTIES										
18. REMARKS										
19. REPORT AUTHORIZED BY										
NAME					SIGNATURE					
TITLE										

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EXHIBIT 2. BUILDINGS, STRUCTURES, UTILITIES, AND
MISCELLANEOUS FACILITIES (SF-118-A)

STANDARD FORM 118-A BUILDINGS, STRUCTURES, UTILITIES, AND MISCELLANEOUS FACILITIES 118-202 SCHEDULE A—SUPPLEMENT TO REPORT OF EXCESS REAL PROPERTY									
1. HOLDING AGENCY NO.		2. PAGE OF PAGES OF THIS SCHEDULE		3. ANNUAL RENTAL					
		GSA CONTROL NO. (GSA use only)							
LINE NO. (a)	HOLDING AGENCY BUILDING NO. (b)	DESCRIPTION (c)	COST (d)	OUTSIDE DIMENSIONS (e)	FLOOR AREA (Sq. Ft.) (f)*	NO. OF FLOORS (g)*	CLEAR HEAD-ROOM (h)*	FLOOR LOAD RANGE (i)*	RESTRICTIONS ON USE OR TRANSFER OF GOVERNMENT INTEREST (j)
1									
2									
3									
4									
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28									
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30									
31									
32									
		TOTAL							

*Prefix figures with symbols to denote type of space, as follows: (a) for office; (b) for storage; (c) for other.

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EXHIBIT 3. LAND (SF-118-B)

STANDARD FORM 118-B DECEMBER 1963 PRESCRIBED BY GENERAL SERVICES ADMINISTRATION FPMR (41 CFR) 101-47.202										1. HOLDING AGENCY NO.		2. PAGE OF PAGES OF THIS SCHEDULE GSA CONTROL NO. (GSA use only)	
LAND										3. GOVERNMENT INTEREST		RESTRICTIONS ON USE OR TRANSFER OF GOVERNMENT INTEREST	
SCHEDULE B—SUPPLEMENT TO REPORT OF EXCESS REAL PROPERTY										LEASE <input type="checkbox"/> LICENSE <input type="checkbox"/>		PERMIT <input type="checkbox"/> EASEMENT <input type="checkbox"/>	
										FEE <input type="checkbox"/> INFORMAL <input type="checkbox"/>		AGREEMENT <input type="checkbox"/>	
LINE NO.	TRACT NO.	NAME OF FORMER OWNER OR LESSOR AND ADDRESS	TRACT ACQUIRED (Acre or sq. ft.)	ACRES OR SQUARE FEET	COST	ANNUAL RENTAL	TYPE OF ACQUISITION	(i)					
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)						
1													
2													
3													
4													
5													
6													
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31													
32													
TOTAL													

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EXHIBIT 4. RELATED PERSONAL PROPERTY (SF-118-C)

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Appendix 1EXHIBIT 5. REQUEST FOR TRANSFER OF EXCESS REAL
PROPERTY AND RELATED PERSONAL PROPERTY (GSA 1334)

PAGE 1 OF PAGES

GENERAL SERVICES ADMINISTRATION UTILIZATION AND DISPOSAL SERVICE REQUEST FOR TRANSFER OF EXCESS REAL PROPERTY AND RELATED PERSONAL PROPERTY			1. GSA CONTROL NO.		THIS BLOCK FOR USE BY AGENCY RECEIVING REQUEST DATE REQUEST RECEIVED HOLDING AGENCY NO. (If any) ACQUISITION COST \$ APPRAISED FAIR MARKET VALUE \$ REIMBURSEMENT \$
			2. DATE OF REQUEST		
3. TO (Name and address of agency being requested to transfer the property) *			4. FROM (Name and address of agency requesting transfer of the property) *		
5. REQUESTING AGENCY'S REPRESENTATIVE TO BE CONTACTED FOR FURTHER INFORMATION (Name and address) *			6. PROPERTY IDENTIFICATION AND ADDRESS *		
7. REAL PROPERTY REQUESTED					
A. STRUCTURES			B. LAND		C. UTILITIES
USE (a)	NUMBER OF BUILDINGS (b)	FLOOR AREA (Sq. Ft.) (c)	GOVERNMENT'S INTEREST (a)	AREA (Acres or Sq. Ft.) (b)	
(1) OFFICE			(1) FEE		
(2) STORAGE			(2) LEASED		
(3) OTHER (Specify)			(3) OTHER (Specify)		
(4) TOTAL			(4) TOTAL		
8. RELATED PERSONAL PROPERTY REQUESTED					9. ARE FUNDS AVAILABLE FOR REIMBURSEMENT FOR THE TRANSFER OF THIS PROPERTY? <input type="checkbox"/> YES <input type="checkbox"/> NO
10. CERTIFICATION Certification is hereby made that this Agency has a need for the property identified above to carry on an approved program; that the transfer thereof to this Agency for the purposes indicated would be in accord with the intent of Congress with respect to such program; and that the intended use thereof would be consistent with the policy guidelines expressed by the Bureau of the Budget Circular No. A-2, dated October 18, 1955 and in GSA Reg. FPMR (41CFR) 101-47.201-1, 201-2. The statement of justification under block 11 below for the transfer of the property requested is complete and accurate. <div style="display: flex; justify-content: space-between;"> (Signature) _____ (Title) _____ (Date) _____ </div>					
11. STATEMENT OF JUSTIFICATION (This statement must include data with respect to all factors covered in item 11 of the Instructions for the Preparation of GSA Form 1334. See GSA Reg. FPMR (41CFR) 101-47.203-7)					

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EXHIBIT 6

BASIC LETTER/NUMBER SURPLUS PROPERTY CONDITION CODES

LETTERS	MEANING	NUMBERS	MEANING
N	New	1	Excellent
E	Used, reconditioned	2	Good
O	Used, usable without repairs	3	Fair
R	Used, repairs required	4	Poor
X	Items of no further value for use as originally intended, but of possible value other than as scrap		

MEANINGS OF CONDITION CODES

<u>CONDITION CODE</u>	<u>BRIEF DEFINITION</u>	<u>EXPANDED DEFINITION</u>
N-1	New - Excellent	New or unused property in excellent condition. Ready for use and identical or interchangeable with new items delivered by a manufacturer or normal source of supply.
N-2	New - Good	New or unused property in good condition. Does not quite qualify for N-1 (because slightly shopworn, soiled, or similar), but condition does not impair utility.
N-3	New - Fair	New or unused property in fair condition. Soiled, shopworn, rusted, deteriorated or damaged to the extent that utility is slightly impaired.
N-4	New - Poor	New or unused property, soiled, rusted, mildewed, deteriorated or damaged, condition is poor still having some utility, but cannot be classed as salvaged.
E-1	Used-Reconditioned Excellent	Used property, but repaired or renovated and in excellent condition.
E-2	Used-Reconditioned Good	Used property which has been repaired or renovated and, while still in good usable condition, has become worn from further use and cannot qualify for excellent condition.

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Appendix 1

EXHIBIT 6

<u>CONDITION CODE</u>	<u>BRIEF DEFINITION</u>	<u>EXPANDED DEFINITION</u>
E-3	Used-Reconditioned Fair	Used property which has been repaired or renovated but has deteriorated since reconditioning and is only in fair condition. Further repairs or renovation required or expected to be needed in near future.
E-4	Used-Reconditioned Poor	Used property which has been repaired or renovated and is in poor condition from serious deterioration such as from major wear and tear, corrosion, exposure to weather or mildew.

O-1	Used-Usable Without Repairs-Excellent	Property which has been slightly or moderately used, no repairs required, and still in excellent condition.
O-2	Used-Usable Without Repairs-Good	Used property, more worn than O-1 but still in good condition with considerable use left before any important repairs would be required.
O-3	Used-Usable Without Repairs-Fair	Used property which is still in fair condition and usable without repairs; however, somewhat deteriorated, with some parts (or portion) worn and should be replaced.
O-4	Used-Usable Without Repairs-Poor	Used property which is still usable without repairs but in poor condition and undependable or uneconomical in use. Parts badly worn and deteriorated.

R-1	Used-Repairs Required-Excellent	Used property, still in excellent condition, but minor repairs required. Estimated repairs would not cost more than 10% of acquisition cost.
R-2	Used-Repairs Required-Good	Used property, in good condition but considerable repairs required. Estimated cost of repairs would be from 11% to 25% of acquisition cost.
R-3	Used-Repairs Required-Fair	Used property, in fair condition but extensive repairs required. Estimated repair cost would be from 26% to 40% of acquisition cost.

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EXHIBIT 6

<u>CONDITION CODE</u>	<u>BRIEF DEFINITION</u>	<u>EXPANDED DEFINITION</u>
R-4	Used-Repairs Required-Poor	Used property, in poor condition and requiring major repairs. Badly worn, and would still be in doubtful condition of dependability and uneconomical in use if repaired. Estimated repair costs between 41% and 65% of acquisition cost.
X	Salvage	Salvage. Personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65% of acquisition cost would be considered "clearly impracticable" for purposes of this definition.
S	Scrap	Material that has no value except for its basic material content.

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Appendix 2

APPENDIX 2. SAMPLE LETTERS & NOTICES
EXHIBIT 1. SAMPLE LETTER FOR TRANSMISSION
OF NOTICE OF SURPLUS DETERMINATION

(Date)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

(Address)

Dear -----:

The former -----, -----, has been determined to be
(Name of Property) (Location)
surplus Government property and available for disposal.

Included in the enclosed notice are a description of the property and procedural instructions to be followed if any public agency desires to develop a comprehensive and coordinated plan of use and procurement for the property. Please note particularly the name and address given for filing written notice if any public agency desires to develop such a plan of use, the time limitation within which written notice must be filed, and the required content of such notice.

In order to insure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places. (Attach as many copies of the notice as may be anticipated will be required for adequate posting.)

Identical letters are being mailed to -----
(Other addresses)

Sincerely,

Enclosures

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Appendix 2

EXHIBIT 2

SAMPLE NOTICE TO PUBLIC AGENCIES OF SURPLUS DETERMINATION

NOTICE OF SURPLUS DETERMINATION GOVERNMENT PROPERTY

--- (Date) ---

--- (Name of Property) ---

--- (Location) ---

Notice is hereby given that the _ (Name of Property) _ _ , _ (Location) _ _ , has been determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 USC 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to develop a comprehensive and coordinated plan of use and procurement for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations.

(List includes only the statutes showing types of disposal applicable to a disposal to public bodies of the property determined to be surplus.)

Statute	Type of Disposal
50 USC App. 1622(h)	Public park, recreational area, or historic monument.
40 USC 484(k)(1)(A)	School, classroom, or other educational purposes.
40 USC 484(k)(1)(B)	Protection of public health, including research.
50 USC App. 1622(g)	Public airport.
23 USC 107 and 317	Federal aid and certain other highways.
40 USC 484(e)(3)(H)	Negotiated sales to public bodies for use for public purposes generally.

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EXHIBIT 2 (CONTINUED)

If any public agency desires to develop a comprehensive and coordinated plan of use and procurement for this property, notice thereof in writing must be filed with (Name of Disposal Agency) (Address), before (Hour and Zone), Standard Time, (Day), (Date). (This date shall be 20 calendar days after the date of the notice.) Such notice shall:

1. Disclose the contemplated use of the property;
2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;
3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;
4. State the length of time required to develop and submit a comprehensive and coordinated plan of use and procurement for the property (where a payment to the Government is required as to whether funds are available and, if not, the period required to obtain funds); and
5. Give the reason for the time required to develop and submit a plan.

Any planning for an education or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare, (Address of Proper Regional Office). An application form to acquire property for an education or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from (Name of Disposal Agency), (Address). (Delete this paragraph whenever property is not available for transfer for an education or public health use.)

Upon receipt of such written notice, the public agency will be promptly informed concerning the period of time that will be allowed to develop a comprehensive and coordinated plan of use and procurement for the property. Such a plan of use will be the basis for subsequent determination by the Government as to whether the property is available for the proposed use and disposal thereof is authorized by applicable statutes and regulations.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

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Appendix 2

EXHIBIT 3

SAMPLE LETTER OF FAA PUBLIC AIRPORT PURPOSE DETERMINATION

To GSA Regional Office.

This concerns the Federal real and related personal property described in your notice dated _____ and located at _____. You have determined this property to be surplus to the needs of the Government and available for public airport purposes under Federal Statute (50 U.S.C. App. 1622(g)). We have determined that this property is (is not) * _____ for such purposes.

The statutory priority for this type of disposal should (should not), therefore, prevail over other public purpose disposals. If an interested non-Federal eligible public agency applies for all or part of this property for a public airport purpose, we will submit our disposal recommendations after receipt of an application from you.

From FAA Field Office

*Insert one or more of the following as appropriate (see paragraph 9 of this Order.

1. Essential
2. Suitable
3. Desirable
4. Reasonably necessary
5. Needed to develop sources of revenue

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Appendix 3

APPENDIX 3. SURPLUS AIRPORT PROPERTY INSTRUMENT OF DISPOSAL

SURPLUS AIRPORT PROPERTY INSTRUMENT OF DISPOSAL
(entitled QUITCLAIM DEED, INDENTURE, or otherwise as
necessary to meet local requirements)

STATE OF)
)
COUNTY OF)

1. THIS INDENTURE, made this the day of , between the UNITED STATES OF AMERICA, also referred to as the Government, acting by and through the Administrator of General Services, under and pursuant to the powers and authority of Article 4, Section 3, Clause 2 of the Constitution of the United States, and the provisions of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (63 Stat. 377), as amended, and the Surplus Property Act of 1944 (58 Stat. 765), as amended, and regulations and orders promulgated thereunder, party of the first part, as grantor, and , a municipality created, operating and existing under and by virtue of the laws of the State of , party of the second part as grantee.
2. WITNESSETH, that the said grantor, for and in consideration of the assumption by the grantee of all the obligations and its taking subject to certain reservations, restrictions and conditions and its covenant to abide by, and its agreement to, certain other reservations, restrictions and conditions, all as set out hereinafter, has remised, released and forever quitclaimed and by these presents does remise, release and forever quitclaim to the grantee, its successors and assigned, without warranty, express or implied, under and subject to the reservations, restrictions, conditions and exceptions, all as hereinafter expressed and set out, all right, title, interest, claim and demand which the grantor has in and to that certain property situate, lying and being in the County of in the State of , formerly known as , and described in detail in Attachment "A" hereof, for the use stated therein.
3. ALSO, there is hereby conveyed by this Quitclaim Deed items of personal property for public airport purposes situate at the property as described in Attachment "A" hereof and such personal property is likewise described in detail in Attachment "B" hereof, and conveyed for the use stated therein.
4. WHEREAS, all the property hereby conveyed has heretofore been declared surplus to the needs of the UNITED STATES OF AMERICA, is presently under the jurisdiction of the General Services Administration, is available for disposal and its disposal has been heretofore authorized by the Administrator of General Services, acting pursuant to the above referred to laws, regulations and orders.
5. TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest or claim whatsoever of the grantor, either in law or in equity and subject to the reservations, restrictions and conditions set forth in this instrument, to the only proper use, benefit and behalf of the grantee, its successors and assigns forever.
6. NOW THEREFORE, by the acceptance of this Deed or any rights hereunder, the grantee, for itself, its successors and assigns, agrees that the transfer of all the property transferred by this instrument, is accepted subject to the following restrictions set forth in subparagraph (a) and (b) of this paragraph, which shall run with the land:
 - (a) That, except as provided in subparagraph (A) of numbered paragraph 7, the property transferred by this instrument shall be used for public airport purposes for the use and benefit of the public, on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the airport within the meaning of the term "exclusive right" as used in subparagraph (C) of the numbered paragraph 7. As used in this instrument, the term "airport" shall be deemed to include all land, buildings, structures, improvements and equipment used for public airport purposes.

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(b) That, except as provided in subparagraph (A) of the numbered paragraph 7, the entire landing area, as defined in Section 101 of the Federal Aviation Act of 1958, as amended, and Federal Aviation Regulations pertaining thereto, and all structures, improvements, facilities and equipment in which this instrument transfers any interest shall be maintained for the use and benefit of the public at all times in safe and serviceable condition, to assure its efficient operation and use, provided, however, that such maintenance shall be required as to structures, improvements, facilities and equipment only during the useful life thereof, as determined by the Administrator of the Federal Aviation Administration (FAA) or his successor in function. In the event materials are required to rehabilitate or repair certain of the aforementioned structures, improvements, facilities or equipment, they may be procured by demolition of other structures, improvements, facilities or equipment transferred hereby and located on the above land which have outlived their use as airport property in the opinion of the Administrator of the FAA or his successor in function.

7. FURTHER, by the acceptance of this Deed or any rights hereunder, the grantee for itself, its successors and assigns, also assumes the obligation of, covenants to abide by and agree to, and this transfer is made subject to, the following reservations and restrictions set forth in subparagraphs (A) to (O), inclusive, of this paragraph, which shall run with the land: Provided, that the property transferred hereby may be successively transferred only with the proviso that any such subsequent transferee assumes all the obligations imposed upon the grantee by the provisions of this instrument.

A. That no property transferred by this instrument shall be used, leased, sold, salvaged, or disposed of by the grantee for other than the airport purposes without the written consent of the Administrator of the FAA. The term "property" as used herein is deemed to include revenues or proceeds derived therefrom.

B. Property transferred for the development, improvement, operation or maintenance of airport shall be used and maintained for the use and benefit of the public on fair and reasonable terms, without unjust discrimination. In furtherance of this covenant (but without limiting its general applicability and effect) the grantee specifically agrees (1) that it will keep the airport open to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds and classes. Provided, that the grantee may establish such fair, equal, and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport; and provided, further, that the grantee may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public. (2) That in its operation and the operation of facilities on the airport, neither it nor any person or organization occupying space or facilities thereupon will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of any of the facilities provided for the public on the airport. (3) That in any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm or corporation to conduct or engage in any aeronautical activity for furnishing services to the public at the airport, the grantee will insert and enforce provisions requiring the contractor: (a) to furnish said service on a fair, equal and not unjustly discriminatory basis to all users thereof, and (b) to charge fair, reasonable, and not unjustly discriminatory prices for each unit for service, provided, that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers. (4) That the grantee will not exercise or grant any right or privilege which would operate to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance and repair) that it may choose to perform. (5) That in the event the grantee itself exercises any of the rights and privileges referred to in subsection (3) above the services involved will be provided on the same conditions as would apply to the furnishing of such services by contractors or concessionaires of the grantee under the provisions of such subsection (3) of this paragraph 7B.

C. The grantee will not grant or permit any exclusive right for the use of the airport at which the property described herein is located which is forbidden by Section 308 of the Federal Aviation Act of 1958, as amended, by any person or persons to the exclusion of others in the same class and will otherwise comply with all applicable laws. In furtherance of this covenant (but without limiting its general applicability and effect), the grantee specifically agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right to conduct any aeronautical activity on the airport including but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales, and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The grantee further agrees that it will terminate as soon as possible and no later than the earliest renewal, cancellation, or expiration date applicable thereto, any exclusive right existing at any airport owned or controlled by the grantee or hereafter acquired and that, thereafter, no such right shall be granted. However, nothing contained herein shall be construed to prohibit the granting or exercise of or exclusive right for the furnishing of nonaviation products and supplies or any services of a nonaeronautical nature or to obligate the grantee to furnish any particular nonaeronautical service at the airport.

D. The grantee shall, insofar as it is within its powers and to the extent reasonable, adequately clear and protect the aerial approach to the airport. The grantee will, either by the acquisition and retention of easements or other interests in or rights for the use of land airspace or by the adoption and enforcement of zoning regulations, prevent the construction, erection, alteration, or growth of any structure, tree, or other object in the approach areas of the runways of the airport which would constitute an obstruction to air navigation according to the criteria or standards prescribed in Part 77 of the Federal Aviation Regulations, as applicable, according to the currently approved airport layout plan. In addition, the grantee will not erect or permit the erection of any permanent structure or facility which would interfere materially with the use, operation, or future development of the Airport, in any portion of a runway approach area in which the grantee has acquired, or may hereafter acquire, property interest permitting it to so control the use made of the surface of the land. Insofar as is within its power and to the extent reasonable the grantee will take action to restrict the use of the land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and takeoff of airport.

E. The grantee will operate and maintain in a safe and serviceable condition, as deemed reasonably necessary by the Administrator of the FAA, the airport and all facilities thereon and connected therewith which are necessary to service the aeronautical users of the airport other than facilities owned or controlled by the United States and will not permit any activity thereon which would interfere with its use for airport purposes: Provided, that nothing contained herein shall be construed to require that the airport be operated for aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance, repair, restoration or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the grantee.

F. That the grantee will make available all facilities of the airport at which the property described herein is located or developed with Federal aid and all those usable for the landing and taking off of aircraft to the United States at all times, without charge, for use by aircraft of any agency of the United States in common with other aircraft, except that if the use by aircraft of any agency of the United States in common with other aircraft, is substantial, a reasonable share, proportional to such use, of the cost of

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operating and maintaining facilities so used, may be charged; and unless otherwise determined by the FAA, or otherwise agreed to by the grantee and the using Federal agency, substantial use of an airport by United States aircraft will be considered to exist when operations of such aircraft are excess of those which, in the opinion of the FAA, would unduly interfere with use of the landing area by other authorized aircraft or during any calendar month that (1) either five (5) or more aircraft of any agency of the United States are regularly based at the airport or on land adjacent thereto, or (2) the total number of movements (counting each landing as a movement and each take-off as a movement) of aircraft of any agency of the United States is 300 or more, or (3) the gross accumulative weight of aircraft of any agency of the United States using the airport (the total movements of such Federal aircraft multiplied by gross certified weights thereof) is in excess of five million pounds.

G. That during any national emergency declared by the President of the UNITED STATES OF AMERICA or the Congress thereof, including any existing national emergency, the Government shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession without charge, of the airport, or of such portion thereof as it may desire, provided, however, that the Government shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession or control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: Provided, further, that the Government shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvement to the airport made without United States aid and never owned by the United States. Airport property hereby conveyed which is specifically excluded from this national emergency use provisions, if any, is described in Attachment "C" hereof.

H. The grantee does hereby release the Government, and will take whatever action may be required by the Administrator of the FAA to assure the complete release of the Government from any and all liability the Government may be under for restoration or other damage under any lease or other agreement covering the use by the Government of the airport, or part thereof, owned, controlled or operated by the grantee, upon which, adjacent to which, or in connection with which, any property transferred by this instrument was located or used.

I. That whenever so requested by the FAA, grantee will furnish without cost to the Federal Government, for construction, operation and maintenance of facilities for air traffic control activities, or weather reporting activities, or communication activities related to air traffic control, such areas of the property described herein or rights in buildings on the airport at which the property described herein is located, as the FAA may consider necessary or desirable for construction at Federal expense of space or facilities for such purposes, and the grantee will make available such areas or any portion thereof for the purposes provided herein within 4 months after receipt of written request from the FAA, if such are or will be available.

J. The grantee will: (1) furnish the FAA with annual or special airport financial and operational reports as may be reasonably requested using either forms furnished by the FAA or in such manner as it elects so long as the essential data are furnished, and (2) upon reasonable request of the FAA; make available for inspection by any duly authorized representative of the FAA the airport, at which the property described herein is located, and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations, and other instruments and will furnish to the FAA a true copy of any such document which may be reasonably requested.

K. And, that the grantee will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform or comply with any or all of the covenants and conditions set forth herein unless by such transaction the obligation to perform or comply with all such covenants and conditions is assumed by another public agency found by the FAA to be eligible as a public agency as defined in the Airport and Airway Development Act of 1970, to assume such obligation and have the power, authority, and financial resources to carry out all such obligations and, if an arrangement is made for management or operation of the airport by any agency or person other than the party of the second part, it will reserve sufficient rights and authority to insure that such airport will be operated and maintained in accordance with these covenants and conditions, any applicable Federal statute, and the Federal Aviation Regulations.

L. And, that the grantee will keep up to date at all times an airport layout map of the airport at which the property described herein is located showing: (a) the boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the grantee for airport purposes and proposed additions thereto: (b) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extension and reductions of existing airport facilities (c) the location of all existing and proposed nonaviation areas and of all existing improvements thereon and uses made thereof and such airport layout map and each amendment, revision, or modification thereof, shall be subject to the approval of the FAA, which approval shall be evidenced by the signature of a duly authorized representative of the FAA on the face of the airport layout map, and the grantee will not make or permit the making of any changes or alterations in the airport or any of its facilities other than in conformity with the airport layout map as so approved by the FAA, if such changes or alterations might adversely affect the safety, utility, or efficiency of the airport.

M. And, that if at any time it is determined by the FAA that there is any outstanding right or claim of right in or to the airport property, described herein, the existence of which creates an undue risk of interference with the operation of the airport or the performance of compliance with covenants and conditions set forth herein, the grantee will acquire, extinguish, or modify such right or claim of right in a manner acceptable to the FAA.

N. That in the event that any of the aforesaid terms, conditions, reservations, or restrictions are not met, observed, or complied with by the grantee or any subsequent transferee, whether caused by the legal inability of said grantee or subsequent transferee to perform any of the obligations herein set out, or otherwise, the title, right of possession and all other rights transferred by this instrument to the grantee, or any portion thereof, shall at the option of the grantor revert to the grantor in its then existing condition sixty (60) days following the date upon which demand to this effect is made in writing by the Administrator of the FAA or his successor in function, unless within said sixty (60) days such default or violation shall have been cured and all such terms, conditions, reservations and restrictions shall have been met, observed, or complied with, in which event said reversion shall not occur and title, right of possession, and all other rights transferred hereby, except such, if any, as shall have previously reverted, shall remain vested in the grantee, its transferees, successors and assigns.

O. That if the construction as covenants of any of the foregoing reservations and restrictions recited herein as covenants or the application of the same as covenants in any particular instance is held invalid, the particular reservation or restrictions in question shall be construed instead merely as conditions upon the breach of which the Government may exercise its option to cause the title, interest, right of possession, and all other rights transferred to the grantee, or any portion thereof, to revert to it, and the application of such reservations or restrictions as covenants in any other instance and the construction of the remainder of such reservations and restrictions as covenants shall not be affected thereby.

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AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto and the grantee, by its acceptance of this Quitclaim Deed, acknowledges its understanding of the agreement, and agrees that, as part of the consideration for this Deed, the grantee covenants and agrees for itself, its successors and assigns, that: (1) the program for or in connection with which this Deed is made will be conducted in compliance with, and the grantee, its successors and assigns, will comply with all requirements imposed by or pursuant to the regulations of the DOT as in effect on the date of this Deed (49 CFR Part 21) issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended; (2) this covenant shall be subject in all respects to the provisions of said regulations; (3) the grantee, its successors and assigns, will promptly take and continue to take such action as may be necessary to effectuate this covenant; (4) the United States shall have the right to seek judicial enforcement of this covenant; (5) the grantee, its successors and assigns, will: (a) obtain from any person (any legal entity) who, through contractual or other arrangements with the grantee, its successors and assigns, is authorized to provide services or benefits under said program, a written agreement pursuant to which such other person shall, with respect to the services or benefits which he is authorized to provide, undertake for himself the same obligations as those imposed upon the grantee, its successors and assigns, by this covenant; (b) furnish the original of such agreement to the Administrator of the FAA, or his successor, upon his request therefore; and that this covenant shall run with the land hereby conveyed, and shall in any event, without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit of, and in favor of the grantor and enforceable by the grantor against the grantee, its successors, and assigns.

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Appendix 3

IN WITNESS WHEREOF, the party of the first part has caused this
_____ to be executed in its name and on its behalf the day and year
first above written.

UNITED STATES OF AMERICA
Acting by and through
Administrator of General Services

WITNESSES:

By /s/

/s/

Title,
Office,
Location,

/s/

STATE OF _____)

COUNTY OF _____)

PERSONALLY APPEARED before me, _____, a Notary Public in and
for said County and State, the within named _____, to me well known
and known to be the person described in and who executed the foregoing _____
on behalf of the UNITED STATES OF AMERICA, and acknowledged that he, with
authority so to do, signed and delivered the foregoing _____ on the
day and year therein mentioned as the free act and deed of the UNITED STATES
OF AMERICA.

GIVEN under my hand and official seal of office, this the day of _____,
_____ 19____.

/s/

ACCEPTANCE

The _____ does hereby accept this _____ and by
such acceptance agrees to all of the terms and condition thereof.

Executed this _____ day of _____, _____.

By _____

Title _____

(OFFICIAL SEAL)

Attest _____

Title _____

CERTIFICATE OF GRANTEE'S ATTORNEY

I, _____, acting as attorney for _____ herein referred
to as the "grantee," do hereby certify: That I have examined the foregoing
_____ and the proceedings taken by the grantee relating thereto, and
find that the acceptance thereof by the grantee has been duly authorized and
that the execution thereof is in all respects due and proper and in accordance
with the laws of the State of _____, and further that, in my opinion, the
grantee in _____ constitutes a legal and binding compliance obligation of the
grantee in accordance with the terms thereof.

Dated at _____ this _____ day of _____, _____

/s/

Title _____

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SURPLUS AIRPORT PROPERTY INSTRUMENT OF DISPOSAL

Attachment "A"

As specified on Page 1, in numbered paragraph 2, of the foregoing _____
dated _____, 19____, this is Attachment "A".

1. The following property is hereby conveyed as aeronautical use property, hereafter identified as Property "A", which property has been determined essential, suitable, desirable or reasonably necessary to fulfill the immediate and foreseeable requirements of the grantee for the development, improvement, operation or maintenance of the airport, to wit:

Property "A" (legal description)

2. The following property is also hereby conveyed as ~~nonaeronautical~~ use property, hereafter identified as Property "B", which property has been determined as needed to develop sources of revenue from nonaviation businesses to be applied to the development, improvement, operation, and maintenance of the airport, to wit:

Property "B" (legal description)

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Appendix 3

SURPLUS AIRPORT PROPERTY INSTRUMENT OF DISPOSAL

Attachment "B"

As specified on Page 1, in numbered paragraph 3, of the foregoing _____
dated _____, 19__, this is Attachment "B".

1. The following items of personal property are hereby conveyed for aeronautical use, in connection with Property "A" as described in Attachment "A", which personalty has been determined essential, suitable, desirable or reasonably necessary to fulfill the immediate and foreseeable requirements of the grantee for the development, improvement, operation or maintenance of the airport, to wit:

(Description)

2. The following items of personal property are hereby conveyed for non-aeronautical use, in connection with Property "B" as described in Attachment "A", which personalty has been determined as needed to develop sources of revenue from nonaviation businesses to be applied to the development, improvement, operation and maintenance of the airport, to wit:

(Description)

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SURPLUS AIRPORT PROPERTY INSTRUMENT OF DISPOSAL

Attachment "C"

As specified on Page 4, in numbered paragraph 7, subparagraph G, of the foregoing _____ dated _____, 19__, this is Attachment "C".

SAMPLE All property conveyed as nonaeronautical use property and described in Attachment "A" (and/or "B") to the above referenced as Property "B" is excluded from the referenced national emergency use provision.

NOTE: In all cases, it is to be assumed that the national emergency use provision will apply to all surplus airport property conveyed. Therefore, the last sentence in the referenced paragraph 7, subparagraph G of the foregoing instrument of disposal should not be used unless warranted by the process of disposal.

1/31/78

5150.2A CHG 1
Appendix 4

TRANSFER ORDER SURPLUS PERSONAL PROPERTY		1. ORDER NO(S) a. _____ b. _____		FORM APPROVED OMB NO. 29-R0167	PAGE 1 OF _____ PAGES
2. TYPE OF ORDER <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> DOD(SEA) <input type="checkbox"/> FAA		3. SURPLUS RELEASE DATE	4. SET ASIDE DATE	5. <input type="checkbox"/> NONREPORTABLE <input type="checkbox"/> REPORTABLE	6. TOTAL ACQUISITION COST
7. TO: GENERAL SERVICES ADMINISTRATION (FSS)*				8. LOCATION OF PROPERTY	
9. HOLDING AGENCY (Name and address)*				10. FOR GSA USE ONLY	
				SOURCE CODE <input type="checkbox"/> STATE <input type="checkbox"/> CITY <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> TYPE OF DONATION <input type="checkbox"/> <input type="checkbox"/> ADJUSTED ALLOCATION CODE <input type="checkbox"/> <input type="checkbox"/>	
11. PICKUP OR SHIPPING INSTRUCTIONS*					

12. SURPLUS PROPERTY LIST						
L/I NO. (a)	IDENTIFICATION NUMBER(S) (b)	DESCRIPTION (c)	COND. CODE (d)	QUANTITY AND UNIT (e)	ACQUISITION COST	
					UNIT (f)	TOTAL (g)
13. TRANSFEREE ACTION Transferee certifies and agrees to the terms, conditions, and assurances as specified on reverse.		a. TRANSFEREE (Name and address of State Agency, SEA, or public airport)*		b. SIGNATURE AND TITLE OF STATE AGENCY OR DONEE REPRESENTATIVE		c. DATE
				d. SIGNATURE OF NATIONAL SEA OFFICER		e. DATE
14. ADMINISTRATIVE ACTION I certify that the administrative actions pertinent to this order, as specified on reverse have been and are being taken.		a. DETERMINING OFFICER (DOD or FAA)*		b. SIGNATURE OF DETERMINING OFFICER		c. DATE
		d. GSA APPROVING OFFICER		e. SIGNATURE OF APPROVING OFFICER		f. DATE

*Please include "ZIP Codes" in all address blocks.

123-106

STANDARD FORM 123 (REV 10-77)
Prescribed by GSA
FPMR (41 CFR) 101-44.110

CERTIFICATIONS, AGREEMENTS, AND ASSURANCES

The transferee specified in block 13a on the obverse of this transfer order, in consideration of and for the purpose of obtaining any or all property for donation covered by such transfer order, recognizes and agrees that any such transfer will be made by the United States in reliance on the following certifications, agreements, and assurances:

1. OFFICIAL SIGNING IN BLOCK 13b AS REPRESENTATIVE OF: a. STATE AGENCY. (1) As a condition of the allocation of property listed in block 12, the State agency, for itself, and, with respect to any such property to be distributed in an adjacent State, pursuant to an approved Inter-State Distribution Agreement as agent for an authorized representative of the adjacent State, hereby certifies:

(a) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203(i) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 386, as amended (hereinafter referred to as the Act), and the regulations of the General Services Administration to receive surplus property for distribution within the State to eligible donees within the meaning of the Act and regulations.

(b) The property listed on this document or attachments hereto is usable and needed by a public agency for one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety, or for educational or public health purposes, including research for any such purpose, by an eligible nonprofit institution or organization which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, in the State.

(c) When the property is picked up by or shipped to a State agency, the State certifies that it has available adequate funds, facilities, and personnel to effect accountability, warehousing, proper maintenance, and distribution of the property.

(d) When the property is distributed by a State agency to a donee, or when delivery is made direct from a holding agency to a donee, that the donee who is acquiring the property is eligible within the meaning of the Act and the regulations of the General Services Administration, and that such property is usable and needed by the donee.

(2) With respect to donable property picked up by or shipped to a State agency, the State agency agrees to the following:

(a) The right to possession only is granted and the State agrees to make prompt State-wide distribution of the same, on a fair and equitable basis, to donees eligible to acquire property under Section 203(i) of the Act and regulations of the General Services Administration, after such eligible donees have properly executed the appropriate certifications and agreements established by the State agency and/or the General Services Administration.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof. Title to the property shall pass to the eligible donee when it executes the certifications and appropriate agreements required by the State agency and has taken possession of the property.

(c) The State agency further agrees that it will pay promptly the cost of care, handling, and shipping incident to taking possession of such property and that during the time the title remains in the United States of America, it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State agency or to the transportation agent designated by the State agency; and that in the event of any loss of or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover for the account of the United States of America the fair value of any such property lost or damaged.

(d) No surplus property hereafter approved for transfer by the General Services Administration shall be retained by the State agency for use in performing its functions unless such property use is authorized by the General Services Administration in accordance with the provisions of a cooperative agreement entered into between the State agency and the General Services Administration.

(3) Where an applicant State agency is acting under an interstate distribution agreement approved by the General Services Administration as an agent and author-

ized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required above shall also be made by the applicant State agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in the adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State agency is acting.

b. SERVICE EDUCATIONAL ACTIVITY. Pursuant to section 203(i) of the Act and regulations promulgated thereunder, and a designation of this organization by the Secretary of Defense as an educational activity of special interest to the armed services, donation of the surplus personal property listed in block 12 is requested. It is hereby certified that (a) the signer is appropriately authorized; (b) the property is usable and necessary to carry out the educational purposes of the transferee, is required for use to fill an existing need, and will be used for such purposes within 1 year after it is obtained; and (c) funds are available and will be paid, when requested, to cover cost of care and handling incident to the donation, including packing, preparation for shipment, loading, and transporting such property.

c. PUBLIC AIRPORT. Pursuant to the Act and section 13(g) of the Surplus Property Act of 1944, 58 Stat. 770, as amended, and regulations promulgated thereunder, request is hereby made for the property listed in block 12. The transferee agrees that (a) funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property; and (b) if such property is donated to the transferee it will (1) not be used, sold, salvaged, or disposed of for other than airport purposes without the consent of the Federal Aviation Administration; (2) be kept in good repair; (3) be used for airport purposes; (4) be appropriately marked as Federal surplus property and will be made available for inspection upon request; and (5) at the option of the United States, revert to the United States, in its then existing condition, if all the aforesaid conditions are not met, observed, or complied with.

d. STATE AGENCY, SERVICE EDUCATIONAL ACTIVITY OR PUBLIC AIRPORT.

Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

The transferee agrees that (1) the program for or in connection with which any property covered by this transfer order is acquired by the transferee will be conducted in compliance with, and the transferee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the transferee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR Subpart 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, to the end that no person in the United States shall, on the ground of race, color, national origin, or sex, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the transferee receives Federal assistance from the General Services Administration; (2) this agreement shall be subject in all respects to the provisions of said regulations; (3) this agreement shall obligate the transferee for the period during which it retains ownership or possession of any such property; (4) the transferee will promptly take, and continue to take such action as may be necessary to effectuate this agreement; (5) the United States shall have the right to seek judicial enforcement of this agreement; and (6) this agreement shall be binding upon any successor in interest of the transferee and the word "transferee" as used herein, includes any such successor in interest.

STATEMENT OF ADMINISTRATIVE ACTIONS

2. OFFICIAL SIGNING IN BLOCK 14b AS REPRESENTATIVE OF:

a. DEPARTMENT OF DEFENSE (PROPERTY DISPOSAL OFFICER). The personal property listed in block 12 is surplus and available for donation to the service educational activity in block 13a (subject to any interim request by a Federal agency).

b. FEDERAL AVIATION ADMINISTRATION. The Administrator of the Federal Aviation Administration has determined that the surplus personal property listed in block 12 is essential, suitable or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and/or

foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport.

3. OFFICIAL SIGNING IN BLOCK 14c AS REPRESENTATIVE OF GENERAL SERVICES ADMINISTRATION: The surplus personal property listed in block 12, except any disapproved items, is approved for transfer for donation purposes. Property listed hereon requested for transfer by a State agency is hereby allocated to that State. Such property will be held by the holding agency for a period not to exceed 42 calendar days from the surplus release date pending receipt of pickup or shipping instructions, whereupon it will be released to the donee.

19 Sept 72

5150.2A
Appendix 5

APPENDIX 5. FLOW CHART FOR PROCESSING SF 123

FLOW CHART FOR PROCESSING STANDARD FORM 123
"APPLICATION FOR DONATION OF SURPLUS PERSONAL PROPERTY"

