

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

WASHINGTON, D.C. 20591

DATE: 10 SEP 1982

IN REPLY
REFER TO: APP-510

SUBJECT: Program Guidance Letter No. 7



FROM: Manager, Grants-in-Aid Division, APP-500

TO: All Regions and AAC-960
Attention: Manager, Airports Division

7.1 Addendum to Part V Assurances - (Ed Williams, 426-3857).

Attached are pages 10 and 11 to be added to the Part V Assurances transmitted in PGL #6. These changes may either be inserted as is as pages 10 and 11, or may be incorporated directly in the original text, depending on which is easier in your administrative operation. PGL #7 is being sent via telefax to all regions and also will be mailed direct to all regions and ADO's.

A handwritten signature in cursive script that reads "Lowell H. Johnson".

Lowell H. Johnson

Attachment

Cancelled

ADDENDUM TO PART V ASSURANCES

The following text is added to the assurances as numbered:

Add to Assurance 1. General Federal Requirements, under

Federal Legislation:

"p. Powerplant and Industrial Fuel Use Act of 1978 - Section 403."

Add to Assurance 9. Economic Nondiscrimination:

"Provided, that the Sponsor 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 sponsor 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."

Add to Assurance 10. Exclusive Rights:

"It further agrees that it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, 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 aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under the Airport and Airway Improvement Act."

Add to Assurance 11. Airport Operation and Maintenance:

"It will operate and maintain in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for maintenance and operation, the airport and all facilities which are necessary to serve the aeronautical users of the airport other than facilities owned and 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

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aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance; And Provided Further, That nothing herein shall be construed as requiring the 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 sponsor. In furtherance of this covenant, the sponsor will have in effect at all times arrangements for--

- a. Operating the airport's aeronautical facilities whenever required;
- b. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- c. Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Add to Assurance 30. Preserving Airport Rights and Powers.

"It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer. The obligation to perform all such covenants may be assumed by another public agency found by the Secretary to be eligible under the Act to assume such obligations and having the power, authority, and financial resources to carry out all such obligations. If an arrangement is made for management or operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance with the Act, the regulations and these covenants.

Delete from Assurance 22. Construction Inspection and Approval.

" ... before the project is advertised ... "