

AOPA's Guide To FAA Airport Compliance

***“FAA enforcement action
is a last resort to be used
only when all local options
for achieving voluntary
compliance have failed.”***

The information contained in this booklet is intended as a guide in understanding the rules, procedures, and policies applicable to the FAA's procedures for airport compliance. It is not intended to replace the necessary research and review of applicable law that may be required in a particular case. It is not intended to give legal advice or take the place of an attorney who can advise with respect to a particular situation. While every care has been exercised in the preparation of this booklet, AOPA cannot and does not accept responsibility for an individual's reliance on its contents.

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Introduction

On a daily basis, AOPA receives questions from members regarding problems at their local airports. These problems range from airport closure and non-aeronautical use of airport property to steep increases in charges, unreasonable lease terms, and restrictions on servicing aircraft at the airport.

Our ability to help with these issues is directly related to the ability to demonstrate that the problem at hand has a “compliance” base. The Airport Compliance Program is the Federal Aviation Administration (FAA) program that administers the rights obtained by airport users and the public at large in exchange for federal assistance to airports in the form of grants or land. Having accepted the federal assistance, the airport owner, also known as the sponsor, agrees to live up to a series of obligations, also called “assurances,” laid out in the contract it signed with the federal government.

When the FAA determines that the airport sponsor has failed to meet its obligations, an airport compliance issue arises. Compliance disputes are resolved through a set of procedure(s) which includes both informal and formal components. AOPA’s Guide to FAA Airport Compliance is intended to acquaint you with the basics of the compliance program.

Section 1, “The Airport Sponsor Assurances,” covers the obligations of airport sponsors who accept federal assistance. It focuses on explaining the types of federal aid to airports and a listing of the 36 assurances typically included in an FAA grant agreement. The section also covers surplus property transfers and non-surplus land conveyances. Section 2, entitled “The FAA Airport Compliance Program,” details the FAA Airport Compliance Program. Section 3 “Informal Investigation, Enforcement, and Resolution Procedures” and Section 4 “Formal Investigation and Enforcement Procedures” cover informal and formal resolution respectively.

The appendices provide the local and regional contacts for the FAA as well as contacts for the state aviation agencies. A full set of assurances is also included in the appendices. These assurances are the starting point for the basic research on determining whether a problem at the airport is, in fact, a compliance problem that can be resolved using established laws and FAA policies.

21. *Compatible Land Use*

***“It will take appropriate action,
including the adoption of zoning laws...”***

Section 1: The Airport Sponsor Assurances



Before they can get federal airport development assistance, airport sponsors must make certain assurances to the Secretary of Transportation. These assurances, laid out under federal law, are part of the contract between the FAA and the airport owner or sponsor. In short, the airport sponsor agrees to accept certain obligations in exchange for federal money or land. These obligations may be based on several types of agreements and federal statutes, including:

- *Grant agreements* under federal grant programs such as the Airport Improvement Program (AIP) and its predecessors such as Federal Airport Aid Program (FAAP) and the Airport Development Aid Program (ADAP) . The money for AIP grants comes from the Aviation Trust Fund, and the amount is determined by the 90/5/5 matching rule. Historically, that has meant that the FAA paid 90 percent of the cost, the state paid 5 percent and the airport sponsor paid 5 percent. Only airports that are part of the National Plan



of Integrated Airports, or NPIAS, are eligible for AIP grants, but limited funding means that not every qualified airport receives federal help. NPIAS is an FAA planning document that identifies all airports considered to be important components of the nation's airport infrastructure.

- *Surplus airport property* instruments of transfer. Former military installations that are no longer needed are typical examples of surplus property. Surplus property instruments of disposal are issued under the Surplus Property Act of 1944.
- *Non-Surplus property* conveyances, also known as Deeds of Conveyance, *Section 16/23/516* conveyances, or *Section 47125* conveyances. An example of a non-surplus property conveyance would be the transfer of Department of Interior land to an airport sponsor for use as an airport site. These types of transfers are particularly common in the Western United States where large tracts of land are controlled by the Bureau of Land Management and the National Park Service.

The specific obligations of airport sponsors vary depending on the type of agreement, so this booklet focuses on the obligations associated with the most common type, AIP grant agreements as set forth in *FAA Order 5100.38A, Airport Improvement Program (AIP) Handbook*.

While AIP grant agreements and related obligations are somewhat standardized, the requirements of surplus property and non-surplus property agreements vary from agreement to agreement. This means that **it is vital to review the specific agreements for your airport before treating an airport problem as an FAA compliance problem.**

As mentioned earlier, the requirements associated with AIP grants are commonly called *assurances*. As of 1998, there were a total of 36 assurances, covering issues ranging from civil rights, economic discrimination, and revenue diversion to compatible land use requirements and exclusive rights at airports.

The important thing to remember about assurances is that **once an airport sponsor accepts an AIP grant, the assurances become binding contractual obligations between the sponsor and the federal government.** Typically, these assurances are binding for 20 years, meaning that after 20 years the FAA has limited enforcement capability. This does not apply to exclusive rights as laid out under Assurance #23. (See Appendix 2.) These rights remain in effect even after other assurances have expired.

The FAA has no authority to enforce assurances or other obligations at airports that have not received federal aid. So before taking action on an airport compliance problem, airport users must find out whether the airport has received AIP funds or federal lands and whether the

grant agreements are still binding.

To find out whether your airport has received AIP money, refer to *FAA order 5190.2R "List of Public Airports Affected By Agreements With The Federal Government"* or contact the FAA regional office for the state where the airport is located for more up to date information. (See Appendix 1 for FAA contacts.)

But the FAA is not the only place to turn for information about assurances affecting your airport. *FAA Form 5010*, kept on file with state aviation agencies as well as the FAA, shows whether a specific airport has received federal aid. That information can be found on Line 25 of *Form 5010*, also known as an airport master record. Because states provide some of the AIP funds under the matching rule or the "State Block Grant Program," your state aviation agency may be able to provide you with more specific grant information as well. (See Appendix 2 for state aviation agency contacts.) In any case, many states have their own compliance requirements, so it is important to check with the state aviation agency before pursuing a compliance action.

Federal AIP Grant Assurances

The following list identifies the topics covered by the 36 standard AIP grant assurances. (See Appendix 3 for a more complete and textual description of the assurances.)

1. General Federal Requirements
2. Responsibility and Authority of the Sponsor
3. Sponsor Fund Availability
4. Good Title
5. Preserving Rights and Powers
6. Consistency with Local Plans
7. Consideration of Local Interests
8. Consultation with Users
9. Public Hearings
10. Air and Water Quality Standards
11. Pavement Preventive Maintenance
12. Terminal Development Prerequisites
13. Accounting Systems, Audit and Record Keeping
14. Minimum Wage Ranges
15. Veteran's Preference
16. Conformity to Plans and Specifications
17. Construction Inspection and Approval
18. Planning Projects
19. Operation and Maintenance
20. Hazard Removal and Mitigation
21. Compatible Land Use

22. Economic Nondiscrimination
23. Exclusive Rights
24. Fee and Rental Structure
25. Airport Revenue
26. Reports and Inspections
27. Use by Government Aircraft
28. Land for Federal Facilities
29. Airport Layout Plan
30. Civil Rights
31. Disposal of Land
32. Engineering and Design Services
33. Foreign Market Restrictions
34. Policies, Standards, and Specifications
35. Relocation and Real Property Acquisition
36. Access by Intercity Buses

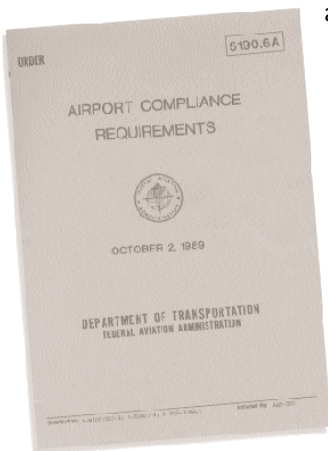
While assurances covering the topics listed above are found on most AIP grant agreements, it is important to remember that there is some flexibility in those agreements. The FAA may alter an assurance, making the resulting agreement different from the standard guidelines. This is particularly common in non-grant agreements such as transfer of surplus property and non-surplus conveyances.

Therefore, when your airport is involved in a possible compliance issue, you must **always review the actual contract between the FAA and the airport sponsor.**

Section 2: The FAA Airport Compliance Program



Most airport owners want FAA help with capital improvement projects such as building runways, taxiways and buying land for expansion. Some airports owners believe they have a right to federal assistance with such expensive projects but see their own responsibilities under the agreement as secondary. When that happens, conflicts can arise between airport owners and users, and both sides expect the FAA to quickly settle the issue.



The FAA's Airport Compliance Program is designed to help the agency do just that. The program has two primary objectives. First it aims to ensure that the nation has a system of safe and properly maintained public-use airports operated according to the airport owners' federal obligations. Second, it is designed to safeguard the public's investment in civil aviation.

Because the airport owner is an intermediary between the federal funds that help

build airports and the public that uses them, the FAA must balance the needs of the airport owners with those of the users. In other words, **the FAA has two sets of customers – airport owners and airport users.**

The FAA Airport Compliance Program is designed to specifically achieve the following:

- Educate the FAA's "customers", i.e. airport owners and users.
- Promote dispute resolution through an informal process using CFR 14 Part 13.1 or/and alternative dispute resolution, also called ADR.
- Eliminate duplication by distinguishing between the functions of local, regional, and national FAA offices.
- Speed decision-making.
- Enforce agreements when necessary.

From an airport user's perspective, it is important to remember that the Airport Compliance Program **does not control or direct the operation of airports.** Instead, it protects the federal investment in them by monitoring the way airport sponsors live up to their agreements with the federal government. In short, **the compliance program is designed to protect the public interest and the federal investment in safe and efficient public-use airports.**

The guidelines for operating the Airport Compliance Program can be found in *FAA Order 5190.6A, Airport Compliance Requirements, also known as the Airport Compliance Handbook*. This document is not regulatory; rather, it establishes the policies and procedures to be followed by the FAA in handling compliance issues. It also provides guidance for FAA personnel in interpreting and administering the various commitments made by airport owners in exchange for federal aid. Finally, the *Airport Compliance Handbook* covers all aspects of the Airport Compliance Program except enforcement procedures, which are covered later in this booklet. (See Section 4.) The following are among the topics covered in detail in the *Airport Compliance Handbook*:

- Scope and Authority of the FAA
- Types of Agreements
- Grants, Surplus Property, Non-Surplus Property Agreements
- Exclusive Rights
- Obligations of Airport Owners
- The Compliance Program
- Analysis and Enforcement
- Release, Modification, Reformation, or Amendment of Agreements
- Reversion of Airport Property
- Appendices - Forms

There are **three steps in the compliance process**. The first step, handled at the FAA Region and Airport District Office (ADO) level, is **FAA notification and initial investigation**. This is based on the guidelines provided in the *Airport Compliance Handbook*, current FAA policies, and precedents in earlier cases.

Also handled at the regional or local FAA level is **informal dispute resolution**, which is accomplished by using *FAA Investigative and Enforcement Procedures (14 CFR § 13.1)* and *Alternative Dispute Resolution (ADR)*. This is the second step in the compliance process.

Formal enforcement procedures mark the third and final step. These procedures, which would be handled primarily at the FAA's headquarters in Washington, DC, are set forth in the *FAA Rules of Practice for Federally-Assisted Airport Proceedings (14 CFR, Part 16)*. Both formal and informal FAA compliance procedures are covered in Section 3 and Section 4 of this booklet.

“Federal agencies are required to use Alternative Dispute Resolution (ADR) when appropriate because it encourages quick dispute resolution at the local level without the time consuming, costly, and often hostile process of more formal complaint procedures.”

Section 3: Informal Investigation, Enforcement, and Resolution Procedures



There are two ways to address an airport compliance problem or dispute when it involves airports that have received federal aid. **They are informal and formal resolution.** This section covers informal resolution.

The FAA will not consider formal airport compliance complaints unless the parties have first tried to resolve the dispute informally. Besides, going straight to civil court with an airport compliance problem can be self-defeating. The civil court may dismiss the case on the grounds that the FAA has primary jurisdiction. And, since the FAA has relevant administrative procedures in place, these must be exhausted before a civil court will take an active role.

To report an airport compliance problem, call or write to the local FAA district office. The FAA will then review the complaint, which it considers to be a *FAR Part 13.1* or informal compliance report, and decide whether the problem is assurance-related, whether the complaint falls under FAA jurisdiction, and whether further action may be required. If the FAA does have jurisdiction, it will evaluate the allegations and tell the parties involved whether or not the complaint merits further FAA action.

Whether or not there appears to be a violation, both the complainant and the airport owner should be sent a letter explaining the FAA's conclu-

sions. The FAA generally begins by using *FAR Part 13.1* and alternative dispute resolution techniques to try to informally resolve reports of violations.

Alternative dispute resolution, also known as ADR, grew out of the *Administrative Dispute Resolution Act of 1996, Public Law 104-320*. Federal agencies are required to use ADR when appropriate because it encourages quick dispute resolution at the local level without the time consuming, costly, and often hostile process of more formal complaint procedures. The alternative dispute resolution process may include arbitration, mediation, negotiation, or a mini-trial.

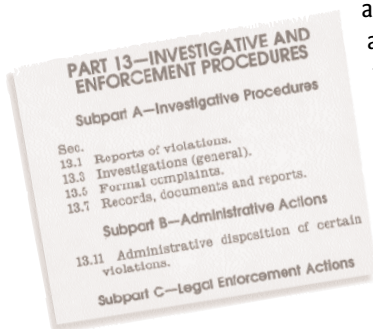
More specifically, the FAA regional or district office investigating a *FAR Part 13.1* report may respond by:

- Acknowledging receipt of allegations of assurance violations by telephone or letter.
- Requesting additional information or clarification.
- Asking the complainant to submit the allegations and supporting information in writing. When the FAA requests such a written report, it then provides a copy to the airport owner, asking for a detailed reply to each allegation.
- Reviewing and evaluating the airport-specific factual situation, contacting the parties and, to the extent possible, assisting them in resolving their differences while ensuring compliance with the grant assurances. Reports of violations may be resolved at any stage if the parties involved agree to the resolution.
- Sending letters to the complainant and the airport owner explaining the FAA's conclusions.

Airport user reports like those from AOPA members are an important part of the system. The FAA uses those reports, filed under *FAR Part 13.1* or as part of alternative dispute resolution procedures, as an “early warning system” for compliance problems. The FAA initially treats these reports as requests for information about the rights and responsibilities of airport owners and users, rather than as complaints.

The FAA insists that airport owners and users be part of the solution to any problems that arise. As far as the FAA is concerned, if the complainant does not get involved in trying to solve the problem, there is no problem.

At the regional or district office level, the FAA should be available to



§ 47107. Project grant application approval conditioned on assurances about airport operations

(a) GENERAL WARRANTY ASSURANCES.—The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that—

(1) the airport will be available for public use on reasonable conditions and without unjust discrimination;

(2) air carriers making similar use of the airport will be subject to substantially comparable and substantially related to (A) for facilities directly and substantially related to providing air transportation; and

(B) regulations and conditions, such as between—

based on reasonable classifications, such as between—

(1) tenants and mountaints; and

airport owners and users alike, helping both sides to resolve airport-specific conflicts. At the same time, however, the FAA cannot get too deeply involved because it must be the objective final arbiter, ensuring that airport owners meet

their obligations to airport users and to the taxpaying public. The FAA may be required to make the final decision if the conflict cannot be resolved informally.

FAA compliance staff at the regional or district office level should be the first point of contact when airport users suspect a compliance problem. Because FAA staff members are both contractual partners with airport owners and putative neighbors of the airport users, they should be able to use their relationships with both sides to effectively provide policy guidance, clarification, explanations of assurance-based rights and responsibilities, and assistance in dispute resolution under *Part 13.1* and ADR.

If the regional or district office concludes that the airport owner appears to be violating its assurance obligations, the FAA will try to obtain **voluntary compliance**. This is the FAA's first choice in addressing apparent airport owner assurance violations. The best resolutions are those that can be worked out at the local level between the parties involved in the complaint. Of course, the resolution must be consistent with the airport owner's assurances and established policies.

When the airport owner cannot be brought into voluntary compliance, the FAA's regional or district office will notify the airport owner in writing of the potential non-compliance situation.

This written notice will identify the violation or violations, specify corrective action needed to bring the airport owner into compliance, and prescribe a deadline for completing the corrective action. If the airport owner refuses to take the prescribed corrective action, the FAA's regional and headquarters offices will coordinate the appropriate enforcement action.

Headquarters compliance staff is able to provide the FAA regional and district offices with grant assurance interpretation, policy guidance, and training in conflict resolution. Following the advice and counsel of the FAA's chief counsel, the headquarters compliance staff will provide compliance staff at the regional level with statutory interpretation, legal guidance, and enforcement guidance.

In summary, the FAA has in place a process to informally assist airport users and airport owners in resolving allegations of airport-related assurance violations. *FAR Part 13.1* and ADR works to everyone's benefit. It provides for:

- Timely and non-judgmental FAA evaluation of conflicts between airport owners and airport users.

- FAA assistance to airport users and owners in resolving their disputes in a way that is consistent with grant assurances.
- Timely FAA identification of potential or actual assurance violations, and the opportunity for airport owners to voluntarily comply with their federal obligations.

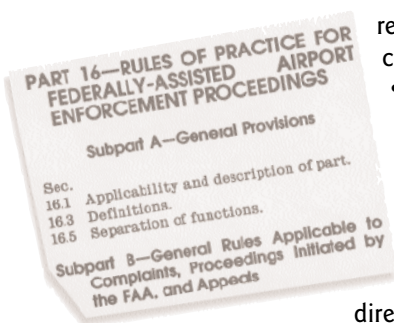
If an airport operator appears to be violating its assurance obligations and no resolution can be reached on the local level, the FAA may withhold approval of grant applications, withhold payment of existing grants, or take other appropriate actions. Such enforcement action is subject to statutory restrictions, requiring an FAA investigation under *FAR Part 16*. As a result, FAA enforcement action is a last resort to be used only when all local options for achieving voluntary compliance have failed.

Section 4: Formal Investigation and Enforcement Procedures



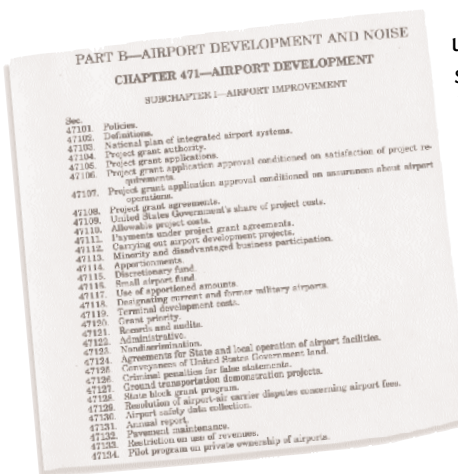
When all attempts to solve the compliance problem informally through *Part 13.1* and ADR fall short, the next step is to use formal complaint procedures. These procedures are prescribed on *CFR 14, Part 16, FAA Rules of Practice for Federally-Assisted Airport Proceedings*. *Part 16* is designed to achieve the following:

- Require parties to make serious efforts to resolve their disputes informally before filing formal complaints.
- Focus FAA resources primarily on resolving and secondarily on adjudicating complaints.
- Promote informal resolution by speeding the initial FAA evaluation.
- Provide for a single complaint procedure to avoid duplicating complaints and overlapping investigations by several FAA offices.
- Require complainants to be directly and substantially affected by the



dispute at issue.

- Set specific time deadlines for the actions of all parties, including the FAA.
- Limit the number and type of pleadings, and require comprehensive supporting documentation to be filed with all pleadings.
- Require all pleadings and supporting documentation to be served on the FAA and all parties as quickly as possible.
- Establish clearly the burden of each party in making its case.
- Provide reasonable procedural flexibility where necessary.
- Provide an effective FAA appeal process.
- Establish FAA enforcement options. Following a *Part 16* complaint, those options are:
 - Withholding new grants, withholding payments on existing grants, or terminating eligibility for future grants and passenger facility charges.
 - Cease and desist orders.
 - Civil penalties.
 - Judicial enforcement.



It is vital that complainants understand that they must try to solve their disputes informally before filing a *Part 16* formal complaint. These informal attempts at dispute resolution must be well documented.

Once a formal complaint under *FAR Part 16* has been filed with the FAA's Chief Counsel Office in Washington, DC, the FAA normally makes an initial compliance determination within approximately six months of the filing date. This is true whether or not

the airport owner is found to be violating federal assurances. This time period allows the complainant and the airport owner to make two rounds of responsive pleadings. It also allows the FAA to make a quick investigation and prepare its decision.

It is important to remember that the six-month timeframe applies to getting an initial FAA determination only. The process could go on another six months if the finding is challenged and the challenge involves hearings.

This process attempts to strike a balance between the FAA's interest in quickly resolving disputes and the need to allow adequate time for investigation and deliberation before issuing final agency decisions. Because of the relatively short time period allowed for investigation, the FAA has put the

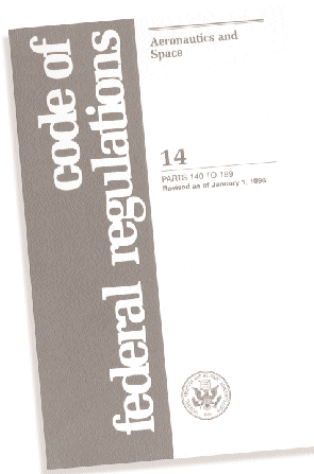
burden of proof on the complainant. That means the complainant is responsible for documenting the problem and the informal efforts to resolve it.

In short, *FAR Part 16* provides procedures that promote quick resolution of disputes between airport owners and airport users, facilitate the final administrative disposition of compliance matters within prescribed time limits, and provide for legally defensible final FAA decisions in such compliance matters.

The headquarters compliance staff, in close coordination with the FAA Chief Counsel Office is exclusively responsible for processing *FAR Part 16* complaints. Those responsibilities include:

- Evaluating complaints.
- Preparing final FAA decisions and a supporting record of decisions (ROD).
- Coordinating draft decisions and supporting RODs from the Associate Administrator for Airports with the FAA Chief Counsel Office for legal sufficiency.
- Issuing final FAA decisions.
- Providing policy support for representatives of the FAA Chief Counsel Office and the Department of Justice during judicial review of FAA compliance decisions.

When an airport-specific compliance matter goes to FAA headquarters for a final decision under *FAR Part 16*, regional compliance personnel should be able to certify the extent of the parties' informal conflict resolution efforts. They should also be able to provide on-site investigation and fact-checking as needed to help FAA headquarters evaluate *FAR Part 16* pleadings.





APPENDIX 1: FAA Airports District Offices (ADO) and Regional Offices

NEW ENGLAND REGIONAL OFFICE

New England Region: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, & Vermont

Regional Airports Division

ANE-600, Federal Aviation Administration,
12 New England Executive Park, Burlington, MA 01803-5299
Phone: (781) 238-7600; Fax: (781) 238-7608

EASTERN REGIONAL OFFICE

Eastern Region: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, & West Virginia

Regional Airports Division

AEA-600, Federal Aviation Administration,
1 Aviation Plaza, Jamaica, NY 11434-4808
Phone: (718) 553-3330; Fax (718) 995-9219

Airports District Offices (ADO)

DE, PA: Airports District Office, HAR-ADO, Federal Aviation
Administration, 3911 Hartsdale Drive, Suite 1100, Camp Hill, PA 17011
Phone: (717) 730-2830; Fax: (717) 730-2838

DC, MD, VA: Airports District Office, WASH-ADO, Federal Aviation
Administration, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166
Phone: (703) 661-1354; Fax: (703) 661-1370

WV: Airports Field Office, BKW-AFO, Federal Aviation Administration,
Main Terminal Building, Room 101, 176 Airport Circle,
Beaver, WV 25813-9759
Phone: (304) 252-6216; Fax: (304) 253-8028

NJ, NY: Airports District Office, NYC-ADO, Federal Aviation
Administration, 600 Old Country Road, Suite 446, Garden City, NY 11530
Phone: (516) 227-3800; Fax: (516) 227-3813

SOUTHERN REGIONAL OFFICE

**Southern Region: Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, Puerto Rico, South Carolina, Tennessee, & Virgin
Islands**

Regional Airports Division

ASO-600, Federal Aviation Administration, 1701 Columbia Avenue
College Park, GA 30337
Mailing Address: Airports Division, ASO-600, Federal Aviation
Administration, P.O. Box 20636, Atlanta, GA 30320
Phone: (404) 305-6700; Fax: (404) 305-6730

Airports District Offices (ADO)

GA, NC, SC: Airports District Office, ATL-ADO, Federal Aviation
Administration, Campus Building, 1701 Columbia Avenue, Suite 2-260,
College Park, GA 30337-2747
Phone: (404) 305-7150; Fax: (404) 305-7150

FL, Puerto Rico, Virgin Islands: Airports District Office, ORL-ADO, Federal Aviation Administration, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822-5024
Phone: (407) 812-6331; Fax: (407) 812-6978

KY, TN: Airports District Office, MEM-ADO, Federal Aviation Administration, 3385 Airways Blvd., Suite 302 Memphis, TN 38131-0301
Phone: (901) 544-3495; Fax: (901) 544-4243

AL, MS: Airports District Office, JAN-ADO, Federal Aviation Administration, 100 West Cross Street, Suite B, Jackson, MS 39208-2307
Phone: (601) 664-9900; Fax: (601) 664-9901

GREAT LAKES REGIONAL OFFICE

Great Lakes Region: Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, South Dakota, & Wisconsin

Regional Airports Division

AGL-600, Federal Aviation Administration, 2500 East Devon Avenue, Des Plaines, IL 60018
Phone: (847) 294-7272; Fax: (847) 294-7036

Airports District Offices (ADO)

IL, IN: Airports District Office, CHI-ADO, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018
Phone: (847) 294-7336; Fax: (847) 294-7046

MI, OH: Airports District Office, DET-ADO, Federal Aviation Administration, 8820 Beck Road, East Willow Run Airport, Belleville, MI 48111-1294
Phone: (734) 487-7300; Fax: (734) 487-7299

MN, WI: Airports District Office, MSP-ADO, Federal Aviation Admin., 6020 28th Avenue, Rm. 102, South Minneapolis, MN 55450-2706
Phone: (612) 713-4350; Fax: (612) 713-4364

ND, SD: Airports District Office, BIS-ADO, Federal Aviation Administration, 2301 University Drive, Bldg. 23B, Bismarck, ND 58504
Phone: (701) 323-7380; Fax: (701) 323-7399

CENTRAL REGIONAL OFFICE

Central Region: Iowa, Kansas, Missouri, & Nebraska

Regional Airports Division

ACE- 600, Federal Aviation Administration, Federal Building,
901 Locust, Kansas City, MO 64106-2325
Phone: (816) 329-2600; Fax: (816) 329-2610
SOUTHWEST REGIONAL OFFICE

**Southwest Region: Arkansas, Louisiana, New Mexico, Oklahoma,
& Texas**

Regional Airports Division

ASW-600, Federal Aviation Administration, 2601 Meacham Boulevard,
Fort Worth, TX 76137-4298
Mailing Address: Department of Transportation, ASW-600,
Federal Aviation Administration, Fort Worth, TX 76193-0600
Phone: (817) 222-5600; Fax: (817) 222-5984

Airports District Offices (ADO)

AR, OK: Airports Development Office, ASW-630,
Department of Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0630
Phone: (817) 222-5630; Fax: (817) 222-5987

TX: Airports Development Office, ASW-650,
Department of Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0650
Phone: (817) 222-5650; Fax: (817) 222-5989

NM, LA: Airports Development Office, ASW-640, Department of
Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0640
Phone: (817) 222-5640; Fax: (817) 222-5988

Oklahoma City Airports District Office, Federal Aviation Administration,
5909 Phillip J. Rhodes Avenue, Wiley Post Airport, Bethany, OK 73008
Phone: (405) 798-2090; Fax: (405) 798-2092

Albuquerque Airports District Office, Federal Aviation Administration,
1601 Randolph SE, Suite 130S, Albuquerque, NM 87106
Phone: (505) 764-1230; Fax: (505) 764-1239

NORTHWEST MOUNTAIN REGIONAL OFFICE

Northwest Mountain Region: Colorado, Idaho, Montana, Oregon, Utah, Washington, & Wyoming

Regional Airports Division

ANM-600, Federal Aviation Administration, 1601 Lind Avenue, S.W.
Suite 315, Renton, WA 98055-4056
Phone: (425) 227-2600; Fax: (425) 227-1600

Airports District Offices (ADO)

ID, OR, WA: Airports District Office, SEA-ADO,
Federal Aviation Administration, 1601 Lind Avenue, S.W.,
Suite 250, Renton, WA 98055-4056
Phone: (425) 227-2650; Fax: (425) 227-1650

CO, UT, WY: Airports District Office, DEN-ADO,
Federal Aviation Administration, 26805 E. 68th Avenue, Suite 224,
Denver, CO 80249-6361
Phone: (303) 342-1252; Fax: (303) 342-1260

MT: Helena Airport District Office, HLN-ADO,
Federal Aviation Administration, FAA Building , Suite 2,
2725 Skyway Drive, Helena, MT 59602-1213
Phone: (406) 449-5271; Fax: (406) 449-5274

WESTERN-PACIFIC REGIONAL OFFICE

Western-Pacific Region: American Samoa, Arizona, California, Commonwealth of Northern Marianas Islands, Guam, Hawaii, & Nevada

Regional Airports Division

AWP-600, Federal Aviation Administration, 15000 Aviation Boulevard,
Lawndale, CA 90261 Mailing Address: P.O. Box 92007,
Los Angeles, CA 90009-2007 Phone: (310) 725-3600;
Fax: (310) 725-6847

Airports District Offices (ADO)

N. CA*, NV: Airports District Office, SFO-600,
Federal Aviation Administration, 831 Mitten Road, Room 210,
Burlingame, CA 94010-1303
Phone: (650) 876-2775; Fax: (650) 876-2733

American Samoa, Commonwealth of N. Marianas Islands, Guam, HI:
Airports District Office, HNL-600, Federal Aviation Administration,
Prince Jonah Kuhio Kalaniana'ole Bldg., 300 Ala Moana Boulevard,
Room 7-128, Honolulu, HI 96813
Mailing Address: Airports District Office, HNL-600, Federal Aviation
Administration, Box 50244, Honolulu, HI 96850-0001
Phone: (808) 541-1232; Fax: (808) 541-3462

*Northern California includes the following counties: San Luis Obispo,
Kings, Tulare, Fresno, Mono and all counties north thereof. Southern
California includes the following counties: Santa Barbara, Kern, Inyo, and
all counties south thereof. Southern California counties are served direct-
ly from the airports division, AWP-600.

ALASKAN REGIONAL OFFICE

Alaskan Region: Alaska

Regional Airports Division

Airports Division, AAL-600, Federal Aviation Administration,
Anchorage Federal Office Building, 222 West 7th Avenue, Box 14,
Anchorage, AK 99513
Phone: (907) 271-5438; Fax: (907) 271-2851



APPENDIX 2: State Aviation Agencies

Alabama Department of Aeronautics, John C. Egerton IV, Director;
770 Washington Avenue, Suite 544, Montgomery 36130; 334-242-4480;
fax 334-240-3274; e-mail jeagerton@aeronautics.state.al.us

Alaska Department of Transportation and Public Facilities– Statewide Aviation, Paul Bowers, Director; 4111 Aviation Avenue, Anchorage 99502;
mailing address: P.O. Box 196900, Anchorage 99519-6900; 907-269-0730;
fax 907-269-0489; e-mail paul_bowers@dot.state.ak.us

Arizona Department of Transportation–Division of Aeronautics,
Gary Adams, Director; 255 East Osborn St., Suite 101, Phoenix 85012-2373;
mailing address: P.O. Box 13588, Mail Drop 426M, Phoenix 85002-3588;
602-294-9144; fax 602-294-9141; e-mail gadams@dot.state.az.us

Arkansas Department of Aeronautics, John Knight, Director;
Regional Airport Terminal, One Airport Drive, 3rd Floor, Little Rock 72202;
501-376-6781; fax 501-378-0820; e-mail deptaero@mac.state.ar.us

California Department of Transportation–Aeronautics Program,

R. Austin Wiswell, Acting Division Chief; 1120 N Street, Sacramento 95814; mailing address: P.O. Box 942874, Sacramento 94274-0001; 916-654-4959; fax 916-653-9531; e-mail robert_a_wiswell@dot.ca.gov

Colorado Department of Transportation–Division of Aeronautics,

Travis L. Vallin, Director; 5200 Front Range Parkway, Watkins, CO 80137; 303-261-4418; fax 303-261-9608; e-mail travis.vallin@dot.state.co.us

Connecticut Department of Transportation–Bureau of

Aviation and Ports, 2800 Berlin Turnpike, Newington 06131-7546; mailing address: P.O. Box 317546, Newington 06131-7546; 860-594-2530; fax 860-594-2574

Delaware Department of Transportation–Office of Aeronautics,

Harry E. Van Den Heuvel, Director; 800 Bay Road, Dover 19901; mailing address: P.O. Box 778, Dover 19903; 302-760-2149; fax 302-739-2251; e-mail hvandenheuvel@smtp.dot.state.de.us

Florida Department of Transportation–Aviation Office, William J.

Ashbaker, Manager; 605 Suwannee Street, MS 46, Tallahassee 32399-0450; 850-414-4500; fax 850-922-4942; e-mail bj.ashbaker@dot.state.fl.us

Georgia Department of Transportation–Office of Intermodal Programs—Aviation, Edward S. Ratigan, Manager;

276 Memorial Drive, S.W., Atlanta 30303-3743; 404-651-9200; fax 404-657-4221; e-mail cousins_1@dot.state.ga.us

Guam Airport Authority, Gerald P. Yingling, Executive Manager;

355 Chalan Pasajero, Tamuning 96911; mailing address: P.O. Box 8770, Tamuning 96931; (011) 671-642-0300; fax (011) 671-646-8823; e-mail jackiem@kuentos.guam.net

Hawaii Department of Transportation–Airports Division,

Jerry Matsuda, Airports Administrator; Honolulu International Airport, 400 Rodgers Boulevard, Suite 700, Honolulu 96819-1898; 808-838-8600, 836-6411; fax 808-838-8750; e-mail hidotair@mail.lava.net; www.hawaii.gov/dot/

Idaho Transportation Department–Division of Aeronautics,

3483 Rickenbacker Street, Boise 83705; mailing address: P.O. Box 7129, Boise 83707-1129; 208-334-8775, 334-8776; fax 208-334-8789; e-mail dedaniel@itd.state.id.us

Illinois Department of Transportation–Division of Aeronautics,
Hugh Van Voorst, Director; Capital Airport, One Langhorne Bond Drive,
Springfield 62707-8415; 217-785-8500; fax 217-524-1022;
e-mail vanvoorsthe@nt.dot.state.il.us

Indiana Department of Transportation–Aeronautics Section,
Maria Muia, Manager; 100 North Senate Avenue, Room N901,
Indianapolis 46204-2217; 317-232-1496; fax 317-232-1499;
e-mail maria_muai@indot.ibmmail.com

Iowa Department of Transportation–Statewide Aviation,
Michelle F. McEnany, Director; 800 Lincoln Way, Ames, IA 50010;
515-239-1659; fax 515-233-7983; e-mail hmiller@iadot.e-mail.com

Kansas Department of Transportation–Division of Aviation,
Michael A. Armour, Director; 915 S.W. Harrison, Topeka 66612-1568;
mailing address: Docking State Office Building, Room 726 North,
Topeka 66612-1568; 785-296-2553; fax 785-296-3833;
e-mail armour@dttdsob3.wpo.state.ks.us

Kentucky Transportation Cabinet–Division of Aeronautics,
Arthur Pace, Director; 125 Holmes Street, Frankfort 40622; 502-564-4480;
fax 502-564-7953; e-mail lhyatt@mail.kytc.state.ky.us

**Louisiana Department of Transportation and Development–Aviation
Division,** Anthony M. Culp, Aviation Director; 8900 Jimmy Wedell Drive,
Baton Rouge 70802; mailing address: P.O. Box 94245,
Baton Rouge 70804-9245; 225-274-4112; fax 225-274-4181;
e-mail tculp@dotdmail.dotd.state.la.us

**Maine Department of Transportation–Office of Passenger
Transportation,** Ronald L. Roy, Director; 16 State House Station,
Augusta 04333-0016; 207-287-3318; fax 207-287-8300;
e-mail ron.roy@state.me.us

Maryland Department of Transportation–Aviation Administration,
Baltimore-Washington International Airport, Terminal Building, 3rd Floor,
Baltimore 21240; mailing address: P.O. Box 8766, Baltimore-Washington
International Airport, Baltimore 21240; 410-859-7100; fax 410-850-4729

Massachusetts Aeronautics Commission, Robert J. Mallard, Executive Director; 10 Park Plaza, Room 6620, Boston 02116-3966; 617-973-8881; fax 617-973-8889; e-mail Bob.Mallard@state.ma.us

Michigan Department of Transportation–Bureau of Aeronautics, William E. Gehman, Deputy Director; 2700 East Airport Service Drive, Lansing 48906-2160; 517-335-9943; fax 517-321-6522; e-mail burriska@mdot.state.mi.us; www.mdot.state.mi.us/aero/

Minnesota Department of Transportation–Aeronautics Office, Raymond J. Rought, Director; 222 East Plato Boulevard, St. Paul 55107-1618; 651-296-8202; fax 651-297-5643; e-mail ray.rought@dot.state.mn.us

Mississippi Department of Transportation–Aeronautics Division, Elton E. Jay, Director; 401 Northwest Street, Jackson 39201; mailing address: P.O. Box 1850, Jackson 39215-1850; 601-359-7850; fax 601-359-7855; e-mail ejay@mdot.state.ms.us

Missouri Department of Transportation–Aviation Section, Brian Weiler, Administrator of Aviation; Department of Transportation Building, 105 West Capitol Street, Jefferson City 65101; mailing address: P.O. Box 270, Jefferson City 65102; 573-526-5570; 573-526-4709; e-mail weileb@mail.modot.state.mo.us

Montana Department of Transportation–Aeronautics Division, Michael D. Ferguson, Administrator; 2630 Airport Road, Helena 59601; mailing address: P.O. Box 5178, Helena 59604; 406-444-2506; fax 406-444-2519; e-mail mferguson@state.mt.us

Nebraska Department of Aeronautics, Kenneth L. Penney, Jr., Director; 3431 Aviation Road, Suite 150, Lincoln 68524; mailing address: P.O. Box 82088, Lincoln 68501; 402-471-2371; fax 402-471-2906; e-mail kpenney@mail.state.ne.us

Nevada Department of Transportation, Thomas Fronapfel, Assistant Director Planning; 1263 South Stewart Street, Carson City 89712; 775-888-7002; fax 775-888-7203

New Hampshire Department of Transportation–Division of Aeronautics, Jack W. Ferns, Director; Municipal Airport, 65 Airport Road, Concord 03301-5298; 603-271-2551; fax 603-271-1689; e-mail jferns@dot.state.nh.us

New Jersey Department of Transportation—Division of Aeronautics, Theodore Matthews, Acting Executive Director; 1035 Parkway Avenue, CN 610, Trenton 08625-0610; 609-530-2900; fax 609-530-4549; e-mail theodoremattthews@dot.state.nj.us

New Mexico State Highway and Transportation Department—Aviation Division, John D. Rice, Director; 1550 Pacheco Street, Santa Fe 87505; mailing address: P.O. Box 1149, Santa Fe 87504-1149; 505-476-0930; fax 505-476-0942; e-mail Mike.Rice@al.nmshtd.state.nm.us

New York State Department of Transportation—Aviation Services Bureau, Richard A. Chimera, Director of Aviation Services; 1220 Washington Avenue, Albany 12232-0414; 518-457-2821; fax 518-457-9779; e-mail rchimera@gw.dot.state.ny.us

North Carolina Department of Transportation—Division of Aviation, Bill Williams, Director; Raleigh-Durham International Airport, 1050 Meridian Drive, Raleigh 27623; mailing address: P.O. Box 25201, Raleigh 27611; 919-840-0112; fax 919-840-9267

North Dakota Aeronautics Commission, Gary R. Ness, Director; Bismarck Municipal Airport, 2301 University Drive, Building 1652-22, Bismarck 58504; mailing address: Box 5020, Bismarck 58502; 701-328-9650; fax 701-328-9656; e-mail gness@pioneer.state.nd.us; www.ndac.org

Ohio Department of Transportation—Office of Aviation, Rudy Rudolph, Aviation Administrator; 2829 West Dublin, Granville Road, Columbus 43235-2786; 614-793-5040; fax 614-793-8972, 793-1233; e-mail rrudolph@odot.dot.ohio.gov

Oklahoma Department of Transportation—Aeronautics and Space Commission, Dr. Bill Miller, Ph.D., Director; 200 N.E. 21st Street, Room B-7 First Floor, Oklahoma City 73105; 405-521-2377; fax 405-521-2379; e-mail wmillier@fd9ns01.okladot.state.ok.us

Oregon Department of Transportation—Aeronautics Section, Ann Crook, Director; 3040 25th Street, S.E., Salem 97310-0100; 503-378-4880, 800-874-0102 (Oregon and Washington); fax 503-373-1688; e-mail ann.b.crook@state.or.us

Pennsylvania Department of Transportation—Bureau of Aviation, William A. Shaffer, Director; Forum Place, 8th Floor, 555 Walnut Street, P.O. Box 3457, Harrisburg 17101-1900; 717-705-1260; fax 717-705-1255; e-mail shaffwi@dot.state.pa.us; www.ppt.psu.edu

Puerto Rico Ports Authority, Miguel Pereira, Esq., Executive Director; Isla Grande Airport, Main Building, Isla Grande 00907; mailing address: P.O. Box 362829, San Juan 00936-2829; 787-729-8804; fax 787-722-7867

Rhode Island Airports Corporation, Michael Cheston, Executive Director; Theodore Francis Green Airport, 2000 Post Road, Warwick 02886-1533; 401-737-4000; fax 401-732-3034; e-mail mcheston@pvd-ri.com; www.pvd-ri.com

South Carolina Department of Commerce–Division of Aeronautics, Ira “Bud” Coward, Director; Columbia Metropolitan Airport, 2553 Airport Boulevard, West Columbia 29170; mailing address: P.O. Box 280068, Columbia 29228; 803-896-6260; fax 803-896-6266; www.state.sc.us/commerce/doahome.htm

South Dakota Department of Transportation–Aviation Office, Bruce Lindholm, Program Manager; 700 East Broadway Avenue, Pierre 57501-2586; 605-773-3574; fax 605-773-3921; e-mail bruce.lindholm@state.sd.us

Tennessee Department of Transportation–Aeronautics Division, Robert “Bob” Woods, Director; 424 Knapp Boulevard, Building 4219, Nashville 37217; mailing address: P.O. Box 17326, Nashville 37217; 615-741-3208; fax 615-741-4959; e-mail bwoods2@mail.state.tn.us

Texas Department of Transportation–Division of Aviation, David Fulton, Director; 150 East Riverside Drive, 5th Floor, South Tower, Austin 78704; mailing address: 125 East 11th Street, Austin 78701-2483; 512-416-4500 or 800-687-4568; fax 512-416-4510; e-mail dfulton@mailgw.dot.state.tx.us

Utah Department of Transportation–Aeronautical Operations Division, M. Patrick Morley, Director; 135 North 2400 West, Salt Lake City 84116; 801-715-2260; fax 801-715-2276; e-mail pmorley@dot.state.ut.us

Vermont Agency of Transportation–Division of Rail, Air, and Public Transportation, Richard Turner, Aviation Program Manager; 133 State Street, Montpelier 05633; 802-828-2833; fax 802-828-2848; e-mail rich.turner@state.vt.us

Virginia Department of Aviation, Kenneth F. Wiegand, Director; Richmond International Airport, 5702 Gulfstream Road, Richmond 23250-2422; 804-236-3624; fax 804-236-3635; e-mail wiegand@doav.state.va.us; www.doav.state.va.us

Washington Department of Transportation–Aviation Division,
8900 East Marginal Way South, Seattle 98108; 206-764-4131,
800-552-0666 (Washington); fax 206-764-4001;

**West Virginia Department of Transportation–Aeronautics
Commission,** Susan V. Chernenko, Director; State Capitol Complex,
Building Five, Room A-512, Charleston 25305; 304-558-0330;
fax 304-558-0333; e-mail schernenko@mail.dot.state.wv.us

Wisconsin Department of Transportation–Bureau of Aeronautics,
David M. Greene, Director; 4802 Sheboygan Avenue, Room 701,
Madison 53705; mailing address: P.O. Box 7914, Madison 53707-7914;
608-266-3351; fax 608-267-6748; e-mail david.greene@dot.state.wi.us

Wyoming Department of Transportation–Aeronautics Division,
Shelly Reams, Administrator; 5300 Bishop Blvd., Cheyenne, WY 82009-
3340; 307-777-3952; fax 307-637-7352; e-mail sreams@state.wy.us

“The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that-”

Section § 47107, Title 49 United States Code

APPENDIX 3 : Grant Assurances



Note: These Assurances are for information only. Refer to actual document (contract) for exact text.

A. General

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of title 49, U.S.C., subtitle VII, as amended. As used herein, the term “public agency sponsor” means a public agency with control of a public-use airport, and the term “sponsor” includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor

The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed **twenty (20) years** from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurance against exclusive rights or the terms, conditions and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor

Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreements shall remain in full force and effect during the life of the project.

C. Sponsor Certification

The sponsor hereby assures and certifies, with respect to this grant that:

I. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policy guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project, including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act—40 U.S.C. 276(a) et seq.\1\

\1\ These laws do not apply to airport planning sponsors.

- c. Federal Fair Labor Standards Act—29 U.S.C. 201, et seq.
- d. Hatch Act—5 U.S.C. 1501, et seq.\2\

\2\ These laws do not apply to private sponsors.

- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 title 42 U.S.C. 5601, et seq.\1\ \2\
- f. National Historic Preservation Act of 1966—Section 106—16 U.S.C. 470(f).\1\
- g. Archaeological and Historic Preservation Act of 1974—16 U.S.C. 469 through 469c.\1\
- h. Native Americans Grave Repatriation Act—25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, Public Law 90-148, as amended.
- j. Coastal Zone Management Act, Public Law 93-205, as amended.
- k. Flood Disaster Protection Act of 1973—Section 102(a)—42 U.S.C. 4012a.\1\
- l. Title 49, U.S.C., Section 303 (formerly known as Section 4 (f)).
- m. Rehabilitation Act of 1973—29 U.S.C. 794.
- n. Civil Rights Act of 1964—title VI—42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975—42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, Public Law 95-341, as amended.
- q. Architectural Barriers Act of 1968—42 U.S.C. 4151, et seq.\1\
- r. Powerplant and Industrial Fuel Use Act of 1978—Section 403-2 U.S.C. 8373.\1\
- s. Contract Work Hours and Safety Standards Act—40 U.S.C. 327, et seq.\1\
- t. Copeland Antikickback Act—18 U.S.C. 874.\1\

- u. National Environmental Policy Act of 1969—42 U.S.C. 4321, et seq.\1\
- v. Wild and Scenic Rivers Act, Public Law 90-542, as amended.
- w. Single Audit Act of 1984—31 U.S.C. 7501, et seq.\2\
- x. Drug-Free Workplace Act of 1988—41 U.S.C. 702 through 706.

Executive Orders

- Executive Order 11246—Equal Employment Opportunity \1\
- Executive Order 11990—Protection of Wetlands
- Executive Order 11998—Flood Plain Management
- Executive Order 12372—Intergovernmental Review of Federal Programs
- Executive Order 12699—Seismic Safety of Federal and Federally Assisted New Building Construction \1\
- Executive Order 12898—Environmental Justice

Federal Regulations

- a. 14 CFR Part 13—Investigative and Enforcement Procedures.
- b. 14 CFR Part 16—Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150—Airport noise compatibility planning.
- d. 29 CFR Part 1—Procedures for predetermination of wage rates.\1\
- e. 29 CFR Part 3—Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.\1\
- f. 29 CFR Part 5—Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act). \1\
- g. 41 CFR Part 60—Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements). \1\
- h. 49 CFR Part 18—Uniform administrative requirements for grants and cooperative agreements to state and local governments.\3\

\3\ 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal Assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors

receiving Federal assistance under Title 49, United States Code.

- i. 49 CFR Part 20—New restrictions on lobbying.
- j. 49 CFR Part 21—Nondiscrimination in federally-assisted programs of the Department of Transportation—effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23—Participation by minority business enterprise in Department of Transportation programs.
- l. 49 CFR Part 24—Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.
- m. 49 CFR Part 27—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.
- n. 49 CFR Part 29—Government wide debarment and suspension (non-procurement) and government wide requirements for drug-free workplace (grants).
- o. 49 CFR Part 30—Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- p. 49 CFR Part 41—Seismic safety of Federal and federally assisted or regulated new building construction.

Office of Management and Budget Circulars

- a. A-87—Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-128—Audits of State and Local Governments.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor

- a. Public Agency Sponsor: It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. Private Sponsor: It has legal authority to apply for the grant and to finance and carry out the proposed project and comply

with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title

- a. It holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expected or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or docu-

- ment transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
 - d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
 - e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and 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 Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.

6. Consistency With Local Plans

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport. For noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration

that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property.

7. Consideration of Local Interest

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation With Users

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Air and Water Quality Standards

In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

11. Pavement Preventive Maintenance

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the

Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference

It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.

17. Construction Inspection and Approval

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to

inspection and approval by the Secretary and such works shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed the scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and

operations. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for—

- (1) Operating the airport's aeronautical facilities whenever required;
- (2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- (3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, 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.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airports hazards.

21. Compatible Land Use

It will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff or aircraft. In addition, if the project is for noise com-

patibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination

- a. It will make its airport available as an airport for public use on reasonable terms and without unjust discrimination, to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport.
- b. 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 to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to—
 - (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - (2) charge reasonable, and not justly discriminatory, prices for each unit or 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.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air

carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates 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, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involving will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, 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.
- i. 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.

23. Exclusive Rights

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.

If further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport 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, parts, and any other activities sale of aircraft 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 Title 49, United States Code.

24. Fee and Rental Structure

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49,

United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - (i) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - (ii) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may

be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that—

- a. Five (5) or more Government aircraft regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities

It will furnish without cost to the Federal Government for use in connection with any air traffic control of air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan

- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) 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 extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as

approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. If a change or alternation in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. Civil Rights

It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer or the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefit, or (b) the period during which the sponsor retains ownership or possession of the property.

31. Disposal of Land

- a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund, or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary.

- b. (1) For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (a) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (b) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.
(2) Land shall be considered to be needed for airport purposes under this assurance if (a) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (b) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- c. Disposition of such land under (a) or (b) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition

- (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access by Intercity Buses

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

Additional References

- *AOPA's Airport Directory*
- FAA Order 5190.2R, "List of Public Airports Affected By Agreement With The Federal Government"
- FAA Order 5190.6A, "Airport Compliance Requirements"
- FAA Order 5100.38A, "Airport Improvement Program (AIP) Handbook"
- Code of Federal Regulations 14 "Aeronautics and Space" (CFR 14), Part 13 "Investigative and Enforcement Procedures"
- Code of Federal Regulations 14 "Aeronautics and Space" (CFR 14), Part 16 "Rules of Practice for Federally-Assisted Airport Enforcement Proceedings"
- United States Code (USC) Title 49, Section 47107 "Project Grant Application Approval Conditioned on Assurances About Airport Operations."

