



U.S Department
of Transportation

Federal Aviation
Administration

MAR 25 2005

Western-Pacific Region
Airports Division

P.O. Box 92007
Los Angeles, CA 90009

Mr. Henry T. Garcia
City Administrator
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

Dear Mr. Garcia:

On March 15, 2005, the Rialto City Council held a public meeting to discuss the proposed sale of several hundred acres that constitute the Rialto Municipal Airport. Possible closure of the airport was also discussed at the meeting.

The Federal Aviation Administration (FAA) is concerned that the city of Rialto (City) has failed to take into consideration, as part of its deliberations relating to the airport, the fact the Rialto Municipal Airport and all of the property constituting the airport is federally obligated. The City has entered into agreements with the FAA for acceptance of federal funds for airport development projects, under the Airport Improvement Program (AIP), 49 U.S.C. § 47101 et seq. All of the property composing the Rialto Airport is subject to obligations that the City agreed to when it accepted AIP grant funds for the airport. Under federal law and the terms of standard AIP grant agreements, no parcel of property at an obligated airport, large or small, can be disposed of without FAA concurrence and a formal FAA release, regardless of how the property was acquired. The property subject to this requirement is depicted on Exhibit A to each grant application submitted by the City to the FAA.

The airport is included in the National Plan of Integrated Airports Systems (NPIAS), and the FAA considers it a critical reliever airport that plays an important role in serving aviation system needs in the Southern California region. The airport has more than 200 based aircraft and more than 125,000 annual operations. The FAA has recognized the importance of the airport with a substantial investment of federal grant funds for airport construction and improvements. In fact, the Federal Government has provided over \$14.9 million in airport development grants to the City. Of that amount, \$9.1 million was specifically used in land acquisition for airport expansion and operations.

We remain convinced of the importance of the airport in the national and regional aviation systems, and we have seen no information that would support the release of a major portion of the airport property.

In the last three years, the FAA has several times stated its concerns regarding the City's compliance with federal obligations at the airport. These compliance concerns include:

1. Not making the airport available to the public for aeronautical purposes on reasonable terms and without unjust discrimination,
2. Failing to properly repair and maintain the airport and not taking action to mitigate numerous airport safety shortcomings,
3. Not maintaining a fee and rental structure for the facilities at the airport that would make the airport as self-sustaining as possible,

4. Not adhering to the Airport Layout Plan approved by the FAA, and
5. Permitting nonaeronautical activities, such as car racing, without FAA concurrence and in most instances, without receiving fair market compensation for the use of airport property.

Based on these violations and the City's unwillingness to take corrective action, the FAA is not at this time approving further AIP discretionary grants or amounts apportioned for general aviation airports to the City under 49 U.S.C. § 47115 and apportionment under 49 U.S.C. § 47114(d)(3)(A) until this matter is resolved. If the City moves to sell land obligated to be used as a public airport or to take other actions in violation of its agreements with the FAA, the FAA will consider additional remedies, including seeking court enforcement of the agreements and recovery of all federal funds previously invested in the airport.

We trust the City will take our comments and concerns seriously, and take them into account as it makes decisions impacting the future of Rialto Airport. Please call me at (310) 725-3600 if you have any questions regarding the contents of this letter.

Sincerely,

Original signed by:
MARK A. MCCLARDY

Mark A. McClardy
Manager, Airports Division

cc: Bill Withycombe, Regional Administrator, FAA Western-Pacific Region
Monroe Balton, Regional Counsel, FAA Western-Pacific Region
George Aiken, Manager, Safety/Standards Branch, FAA Western-Pacific Region
John Milligan, Supervisor, FAA Western-Pacific Region
Tony Garcia, Compliance Specialist, FAA western-Pacific Region
California Department of Transportation, Division of Aeronautics

File: Rialto Municipal Airport Compliance File